

2001 ASSEMBLY BILL 485

August 31, 2001 – Introduced by Representatives AINSWORTH, KRAWCZYK, LADWIG, LIPPERT, MCCORMICK, OTT, OWENS, POWERS, RYBA, STARZYK, SYKORA and TOWNSEND, cosponsored by Senator HARSDORF. Referred to Committee on Highway Safety.

1 **AN ACT to amend** 29.924 (2), 347.06 (1), 347.06 (4), 347.09 (1) (intro.), 347.10 (4),
2 347.12 (1) (intro.), 347.13 (1), 347.16 (1) (intro.) and 347.16 (2) (intro.); and **to**
3 **create** 347.06 (1m) and 347.06 (5) of the statutes; **relating to:** requiring
4 headlights and other required lamps on vehicles to be lighted when visibility
5 is limited by inclement weather and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person may operate a vehicle upon a highway during hours of darkness unless any required headlamps, tail lamps, and clearance lamps of the vehicle are lighted. A person who violates this requirement may be required to pay a forfeiture of not less than \$10 nor more than \$20 for a first offense and not less than \$25 nor more than \$50 for a second or subsequent conviction within a year.

This bill provides that these lamps must also be lighted whenever it is raining, snowing, sleet, or hailing, or at any other time visibility is impaired by inclement weather, except when headlamps that are automatically activated are lighted. A person who violates this provision is subject to the same minimum and maximum forfeiture amounts that may be imposed for failure to use these lamps during hours of darkness, although the bill prohibits a law enforcement officer from stopping or inspecting a vehicle solely to determine whether the required lamps are lit during periods of inclement weather.

The bill also requires certain vehicles to be equipped with rear reflectors whenever it is raining, snowing, sleet, or hailing, or at any other time visibility is limited by inclement weather.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 29.924 (2) of the statutes is amended to read:

2 29.924 (2) DRIVING WITHOUT HEADLIGHTS. In the performance of their law
3 enforcement duties, wardens may operate motor vehicles owned or leased by the
4 department upon a highway, other than an interstate, a state trunk highway or any
5 highway within the limits of any incorporated area, during hours of darkness or
6 whenever it is raining, snowing, sleeting, or hailing, or at any other time visibility
7 is impaired by inclement weather, without lighted headlamps, tail lamps, or
8 clearance lamps, contrary to s. 347.06 (1) or (1m), if the driving will aid in the
9 accomplishment of a lawful arrest for violation of this chapter or in ascertaining
10 whether a violation of this chapter has been or is about to be committed. Any civil
11 action or proceeding brought against any warden operating a motor vehicle under
12 this subsection is subject to ss. 893.82 and 895.46.

13 **SECTION 2.** 347.06 (1) of the statutes is amended to read:

14 347.06 (1) Except as provided in subs. (2) and (4), no person may operate a
15 vehicle upon a highway during hours of darkness unless all headlamps, tail lamps,
16 and clearance lamps ~~with which such~~ that the vehicle is required to be equipped with
17 are lighted. Parking lamps as defined described in s. 347.27 shall may not be used
18 for this purpose.

19 **SECTION 3.** 347.06 (1m) of the statutes is created to read:

20 347.06 (1m) Except as provided in subs. (2) and (4), no person may operate a
21 vehicle upon a highway whenever it is raining, snowing, sleeting, or hailing, or at any

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1 other time visibility is impaired by inclement weather unless all headlamps, tail
2 lamps, and clearance lamps that the vehicle is required to be equipped with are
3 lighted. Parking lamps as described in s. 347.27 may not be used for this purpose.
4 This subsection does not apply if lamps that are automatically activated whenever
5 the vehicle is started are in use, if the headlamps are of sufficient intensity to satisfy
6 the requirements for daytime running lamps under 49 CFR 571.108, S5.5.11 (a).

7 **SECTION 4.** 347.06 (4) of the statutes is amended to read:

8 347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate
9 a vehicle owned or leased by the department of natural resources upon a highway
10 during hours of darkness or whenever it is raining, snowing, sleet, or hailing, or
11 at any other time visibility is impaired by inclement weather, without lighted
12 headlamps, tail lamps, or clearance lamps in the performance of the warden's duties
13 under s. 29.924 (2).

14 **SECTION 5.** 347.06 (5) of the statutes is created to read:

15 347.06 (5) Notwithstanding s. 349.02, a law enforcement officer may not stop
16 or inspect a vehicle solely to determine compliance with sub. (1m) or a local ordinance
17 in conformity with sub. (1m). This subsection does not limit the authority of a law
18 enforcement officer to issue a citation for a violation of sub. (1m) or a local ordinance
19 in conformity with sub. (1m) observed in the course of a stop or inspection made for
20 other purposes, except that a law enforcement officer may not take a person into
21 physical custody solely for a violation of sub. (1m) or a local ordinance in conformity
22 with sub. (1m).

23 **SECTION 6.** 347.09 (1) (intro.) of the statutes is amended to read:

24 347.09 (1) (intro.) No person shall operate a motor vehicle on a highway during
25 hours of darkness or, subject to the exceptions contained in s. 347.06 (1m), whenever

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1 it is raining, snowing, sleeting, or hailing, or at any other time visibility is impaired
2 by inclement weather, unless such the vehicle is equipped as follows:

3 **SECTION 7.** 347.10 (4) of the statutes is amended to read:

4 347.10 (4) Any motor vehicle may be operated during hours of darkness or,
5 subject to the exceptions contained in s. 347.06 (1m), whenever it is raining, snowing,
6 sleeting, or hailing, or at any other time visibility is impaired by inclement weather,
7 when equipped with 2 lighted lamps upon the front thereof of the motor vehicle
8 capable of revealing persons and objects 75 feet ahead in lieu of lamps required by
9 subs. (1) to (3) if such vehicle at no time is operated at a speed in excess of 20 miles
10 per hour. No lighted lamp under this subsection shall have any type of decorative
11 covering that restricts the amount of light emitted when the lighted lamp is in use.
12 This subsection does not apply to any type of decorative covering originally equipped
13 on the vehicle at the time of manufacture and sale.

14 **SECTION 8.** 347.12 (1) (intro.) of the statutes is amended to read:

15 347.12 (1) (intro.) Whenever a motor vehicle is being operated on a highway
16 during hours of darkness or, subject to the exceptions contained in s. 347.06 (1m),
17 whenever it is raining, snowing, sleeting, or hailing, or at any other time visibility
18 is impaired by inclement weather, the operator shall use a distribution of light or
19 composite beam directed high enough and of sufficient intensity to reveal a person
20 or vehicle at a safe distance in advance of the vehicle, subject to the following
21 requirements and limitations:

22 **SECTION 9.** 347.13 (1) of the statutes is amended to read:

23 347.13 (1) No person shall operate a motor vehicle, mobile home, or trailer or
24 semitrailer upon a highway during hours of darkness or, subject to the exceptions
25 contained in s. 347.06 (1m), whenever it is raining, snowing, sleeting, or hailing, or

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1 at any other time visibility is impaired by inclement weather, unless such the motor
2 vehicle, mobile home, or trailer or semitrailer is equipped with at least one tail lamp
3 mounted on the rear which, when lighted during hours of darkness, emits a red light
4 plainly visible from a distance of 500 feet to the rear. No tail lamp shall have any type
5 of decorative covering that restricts the amount of light emitted when the tail lamp
6 is in use. No vehicle originally equipped at the time of manufacture and sale with
7 2 tail lamps shall be operated upon a highway during hours of darkness or, subject
8 to the exceptions contained in s. 347.06 (1m), whenever it is raining, snowing,
9 sleeting, or hailing, or at any other time visibility is impaired by inclement weather,
10 unless both such lamps are in good working order. This subsection does not apply
11 to any type of decorative covering originally equipped on the vehicle at the time of
12 manufacture and sale.

13 **SECTION 10.** 347.16 (1) (intro.) of the statutes is amended to read:

14 347.16 (1) (intro.) No person shall operate on a highway ~~during hours of~~
15 ~~darkness~~ any vehicle, except automobiles, having a width at any part in excess of 80
16 inches during hours of darkness or, subject to the exceptions contained in s. 347.06
17 (1m), whenever it is raining, snowing, sleeting, or hailing, or at any other time
18 visibility is impaired by inclement weather, unless such the vehicle is equipped with:

19 **SECTION 11.** 347.16 (2) (intro.) of the statutes is amended to read:

20 347.16 (2) (intro.) No person shall operate any of the following vehicles on a
21 highway during hours of darkness or, subject to the exceptions contained in s. 347.06
22 (1m), whenever it is raining, snowing, sleeting, or hailing, or at any other time
23 visibility is impaired by inclement weather, unless such the vehicles are equipped as
24 indicated:

25 (END)