

**2001 DRAFTING REQUEST**

**Bill**

Received: 01/05/2001

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: John Ainsworth (608) 266-3097

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **TNF, ARG**

Submit via email: NO

Requester's email:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Requiring headlamps to be lit when visibility is limited

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	phurley 05/04/2001	hhagen 05/07/2001	rschluet 05/08/2001	_____	lrb_docadmin 05/08/2001	lrb_docadminState 05/09/2001	

FE Sent For:

<END>

→ At Intro.

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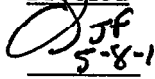
**Topic:**

Requiring headlamps to be lit when visibility is limited

**Instructions:**

See Attached

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1?	phurley	1, hmt 5/7/01	 5-8-1	 5-8-1			

FE Sent For:

<END>



# John Ainsworth

State Representative • 6th Assembly District

Chair: Assembly Committee on Rural Affairs

## MEMORANDUM

To: LRB Attorney Timothy Fast  
From: Representative John Ainsworth  
Date: January 4, 2001  
Re: Legislative draft relating to headlight use

Under current law (s. 347.06), no person may operate a vehicle upon a highway during hours of darkness unless all headlamps, tail lamps and clearance lamps with which such vehicle is required to be equipped are lighted. I would like to draft legislation that further clarifies the definition of darkness to include driving at night and when conditions limit visibility.

While driving during the hours of darkness without proper lighting is considered a primary offense, I would like to suggest that driving during conditions of limited visibility without proper lighting be considered a secondary offense. With some newer cars, lamps are automatically activated whenever the vehicle is started. This lighting would qualify as proper lighting during conditions of limited visibility. Limited visibility lighting requirements would not be required for farm implements.

If you have any questions regarding this topic, please do not hesitate to contact Kristina Boardman in my office. Thank you in advance for your attention to this drafting request.



**District:**  
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**Toll-Free:** (888) 529-0006  
**E-mail:** Rep.Ainsworth@legis.state.wi.us  
♻️ Printed on recycled paper

**Office:**  
P.O. Box 8952, State Capitol  
Madison, Wisconsin 53708-8952  
(608) 266-3097 • Fax: (608) 282-3606

3-26-01

file to Kristina Boardman re:

"limited visibility" She likes the language

I have drafted - list certain weather

conditions, then a catch-all phrase, but

she will discuss w/ Rep. Answorth.



## 2001 BILL

D-note  
5-4-01

① AN ACT <sup>Generate</sup> ...; relating to: <sup>fd</sup> requiring headlights and other required lamps on  
 2 vehicles to be lighted when visibility is limited by inclement weather and  
 3 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.

**BILL**

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:*

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

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

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

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

History: 1977 c. 425; 1979 c. 32; 1981 c. 98 s. 3; 1997 ~~248~~.

SECTION 2. 347.06 (1m) of the statutes is created to read:

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

LPS:  
check spacing

**BILL**

1 other time visibility is impaired by inclement weather unless all headlamps, tail  
2 lamps, and clearance lamps ~~with which such~~ <sup>that the</sup> vehicle is required to be equipped <sup>with</sup> 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 3.** 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 hail, 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 History: 1977 c. 425; 1979 c. 32; 1981 c. 98 s. 3; 1997 a. 248.

15 **SECTION 4.** 347.06 (5) of the statutes is created to read:

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

**SECTION 5.** 347.09 (1) (intro.) of the statutes is amended to read:



**BILL****SECTION 5**

1. 347.09 (1) (intro.) No person shall operate a motor vehicle on a highway during  
2 hours of darkness or, subject to the exceptions contained in s. 347.06 (1m), whenever  
3 it is raining, snowing, sleet, or hailing, or at any other time visibility is impaired  
4 by inclement weather, unless ~~such~~<sup>the</sup> vehicle is equipped as follows:

History: 1983 a. 243; 1985 a. 65.

5 **SECTION 6.** 347.10<sup>x</sup>(4) of the statutes is amended to read:

6 347.10 (4) Any motor vehicle may be operated during hours of darkness or,  
7 subject to the exceptions contained in s. 347.06 (1m), whenever it is raining, snowing,  
8 sleet, or hailing, or at any other time visibility is impaired by inclement weather,

9 when equipped with 2 lighted lamps upon the front thereof <sup>of the motor vehicle</sup> capable of revealing  
10 persons and objects 75 feet ahead in lieu of lamps required by subs. (1) to (3) if such  
11 vehicle at no time is operated at a speed in excess of 20 miles per hour. No lighted  
12 lamp under this subsection shall have any type of decorative covering that restricts  
13 the amount of light emitted when the lighted lamp is in use. This subsection does  
14 not apply to any type of decorative covering originally equipped on the vehicle at the  
15 time of manufacture and sale.

History: 1983 a. 243; 1995 a. 346.

16 **SECTION 7.** 347.12<sup>x</sup>(1) (intro.) of the statutes is amended to read:

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

History: 1989 a. 69; 1991 a. 316; 1999 a. 66.

24 **SECTION 8.** 347.13<sup>x</sup>(1) of the statutes is amended to read:

## BILL

1 347.13 (1) No person shall operate a motor vehicle, mobile home<sup>s</sup> or trailer or  
2 semitrailer upon a highway during hours of darkness or, subject to the exceptions  
3 contained in s. 347.06 (1m), whenever it is raining, snowing, sleet, or hailing, or  
4 at any other time visibility is impaired by inclement weather, unless such<sup>the</sup> motor  
5 vehicle, mobile home<sup>s</sup> or trailer or semitrailer is equipped with at least one tail lamp  
6 mounted on the rear which, when lighted during hours of darkness, emits a red light  
7 plainly visible from a distance of 500 feet to the rear. No tail lamp shall have any type  
8 of decorative covering that restricts the amount of light emitted when the tail lamp  
9 is in use. No vehicle originally equipped at the time of manufacture and sale with  
10 2 tail lamps shall be operated upon a highway during hours of darkness or, subject  
11 to the exceptions contained in s. 347.06 (1m), whenever it is raining, snowing,  
12 sleet, or hailing, or at any other time visibility is impaired by inclement weather,  
13 unless both such lamps are in good working order. This subsection does not apply  
14 to any type of decorative covering originally equipped on the vehicle at the time of  
15 manufacture and sale.

History: 1973 c. 252; 1995 a. 346.

16 SECTION 9. 347.16<sup>x</sup> (1) (intro.) of the statutes is amended to read:

17 347.16 (1) (intro.) No person shall operate on a highway during hours of  
18 darkness any vehicle, except automobiles, having a width at any part in excess of 80  
19 inches during hours of darkness or, subject to the exceptions contained in s. 347.06  
20 (1m), whenever it is raining, snowing, sleet, or hailing, or at any other time  
21 visibility is impaired by inclement weather, unless such<sup>the</sup> vehicle is equipped with:

22 SECTION 10. 347.16<sup>x</sup> (2) (intro.) of the statutes is amended to read:

23 347.16 (2) (intro.) No person shall operate any of the following vehicles on a  
24 highway during hours of darkness or, subject to the exceptions contained in s. 347.06

**BILL**

**SECTION 10**

1. (1m), whenever it is raining, snowing, sleet, or hailing, or at any other time  
2. visibility is impaired by inclement weather, unless such <sup>the</sup> vehicles are equipped as  
3. indicated:

4. (END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1820/1dn  
PJH: *hmk*

*Date*

**Kristina Boardman:**

Please review this draft carefully to ensure that it is consistent with your intent. Please note that the draft allows daytime running lamps to be used in lieu of headlamps if the daytime running lamps meet certain federal standards. However, it is my understanding that some models of vehicles are equipped with front running lamps only, not rear running lamps. Therefore, a vehicle may have its front running lamps on and have no rear lamps on. Please let me know if you wish to address this.

**Peggy Hurley**  
**Legislative Attorney**  
**Phone: (608) 266-8906**  
**E-mail: [peggy.hurley@legis.state.wi.us](mailto:peggy.hurley@legis.state.wi.us)**

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1820/1dn

PJH:hmb:rs

May 8, 2001

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E-mail: [peggy.hurley@legis.state.wi.us](mailto:peggy.hurley@legis.state.wi.us)

**Barman, Mike**

---

**From:** Barman, Mike  
**Sent:** Wednesday, May 09, 2001 8:53 AM  
**To:** Rep.Ainsworth  
**Subject:** LRB-1820/1 (attached) (requested by Kristina)

***Mike Barman***

Mike Barman - Senior Program Asst. (PH. 608-266-3561)  
(E-Mail: [mike.barman@legis.state.wi.us](mailto:mike.barman@legis.state.wi.us)) (FAX: 608-264-6948)

State of Wisconsin  
Legislative Reference Bureau - Legal Section - Front Office  
100 N. Hamilton Street - 5th Floor  
Madison, WI 53703



STEPHEN R. MILLER  
CHIEF

# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

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MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

May 8, 2001

### MEMORANDUM

To: Representative Ainsworth

From: Peggy J. Hurley, Legislative Attorney

Re: LRB-1820/1 Requiring headlamps to be lit when visibility is limited

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-8906 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.