

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 19**

February 20, 2001 – Offered by Senator BAUMGART.

1 **AN ACT** *to amend* 29.924 (2), 347.06 (1), 347.09 (1) (intro.), 347.10 (4), 347.12 (1)
2 (intro.), 347.13 (1), 347.16 (1) (intro.), 347.16 (2) (intro.), 347.30 (1) and 347.42;
3 and *to create* 340.01 (74v), 340.01 (74x), 343.23 (2) (c) and 347.065 of the
4 statutes; **relating to:** requiring headlights and other required lamps on
5 vehicles to be lighted while windshield wipers are being used and providing a
6 penalty.

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

7 **SECTION 1.** 29.924 (2) of the statutes is amended to read:
8 29.924 **(2)** DRIVING WITHOUT HEADLIGHTS. In the performance of their law
9 enforcement duties, wardens may operate motor vehicles owned or leased by the
10 department upon a highway, other than an interstate, a state trunk highway or any
11 highway within the limits of any incorporated area, during hours of darkness or at
12 any time that a windshield wiper is being used on the windshield of the vehicle.

1 without lighted headlamps, tail lamps or clearance lamps, contrary to s. 347.06 or
2 347.065, if the driving will aid in the accomplishment of a lawful arrest for violation
3 of this chapter or in ascertaining whether a violation of this chapter has been or is
4 about to be committed. Any civil action or proceeding brought against any warden
5 operating a motor vehicle under this subsection is subject to ss. 893.82 and 895.46.

6 **SECTION 2.** 340.01 (74v) of the statutes is created to read:

7 340.01 (74v) “Windshield” means the shield of safety glass mounted forward
8 of the passenger compartment of a motor vehicle, other than a motor-driven cycle.

9 **SECTION 3.** 340.01 (74x) of the statutes is created to read:

10 340.01 (74x) “Windshield wiper” means a mechanical device for cleaning rain,
11 snow, or other moisture from the windshield of a vehicle.

12 **SECTION 4.** 343.23 (2) (c) of the statutes is created to read:

13 343.23 (2) (c) The file for a licensee under par. (a) shall not include any
14 conviction under s. 347.065 (1) or a local ordinance in conformity therewith or a law
15 of a federally recognized American Indian tribe or band in this state in conformity
16 with s. 347.065 (1) or the law of another jurisdiction prohibiting operating a vehicle
17 at any time that a windshield wiper is being used without lighted headlamps, tail
18 lamps, or clearance lamps, as those or substantially similar terms are used in that
19 jurisdiction’s laws.

20 **SECTION 5.** 347.06 (1) of the statutes is amended to read:

21 347.06 (1) Except as provided in subs. (2) and (4), no person may operate a
22 vehicle upon a highway during hours of darkness unless all headlamps, tail lamps
23 and clearance lamps with which such vehicle is required to be equipped are lighted.
24 Parking lamps as defined described in s. 347.27 shall not be used for this purpose.

25 **SECTION 6.** 347.065 of the statutes is created to read:

1 **347.065 Lighted headlamps required; windshield wipers. (1)** Except as
2 provided in subs. (2) to (4), no person may operate a vehicle upon a highway at any
3 time that a windshield wiper is being used on the windshield of the vehicle unless
4 all headlamps, tail lamps, and clearance lamps with which such vehicle is required
5 to be equipped are lighted. Parking lamps as described in s. 347.27 shall not be used
6 for this purpose.

7 **(2)** Subsection (1) does not apply to temporary use of a windshield wiper for the
8 sole purpose of cleaning the windshield or if lamps that are automatically activated
9 whenever the vehicle is started are in use, if the headlamps are of sufficient intensity
10 to satisfy the requirements for daytime running lamps under 49 CFR 571.108,
11 S5.5.11 (a).

12 **(3)** Headlamps need not be lighted on a towed vehicle or on a vehicle having
13 at least 2 lighted adverse weather lamps on the front thereof and being operated
14 under the circumstances described in s. 347.26 (3) (b).

15 **(4)** A duly authorized warden, as defined in s. 24.01 (11), may operate a vehicle
16 owned or leased by the department of natural resources upon a highway at any time
17 that a windshield wiper is being used on the windshield of the vehicle without lighted
18 headlamps, tail lamps, or clearance lamps in the performance of the warden's duties
19 under s. 29.924 (2).

20 **(5)** Notwithstanding s. 349.02, a law enforcement officer may not stop or
21 inspect a vehicle solely to determine compliance with this section or a local ordinance
22 in conformity with this section. This subsection does not limit the authority of a law
23 enforcement officer to issue a citation for a violation of this section or a local
24 ordinance in conformity with this section observed in the course of a stop or
25 inspection made for other purposes, except that a law enforcement officer may not

1 take a person into physical custody solely for a violation of this section or a local
2 ordinance in conformity with this section.

3 **SECTION 7.** 347.09 (1) (intro.) of the statutes is amended to read:

4 347.09 (1) (intro.) No person shall operate a motor vehicle on a highway, during
5 hours of darkness or, subject to the exceptions contained in s. 347.065 (2), at any time
6 that a windshield wiper is being used on the windshield of the vehicle, unless such
7 vehicle is equipped as follows:

8 **SECTION 8.** 347.10 (4) of the statutes is amended to read:

9 347.10 (4) Any motor vehicle may be operated during hours of darkness or,
10 subject to the exceptions contained in s. 347.065 (2), at any time that a windshield
11 wiper is being used on the windshield of the vehicle, when equipped with 2 lighted
12 lamps upon the front thereof capable of revealing persons and objects 75 feet ahead
13 in lieu of lamps required by subs. (1) to (3) if such vehicle at no time is operated at
14 a speed in excess of 20 miles per hour. No lighted lamp under this subsection shall
15 have any type of decorative covering that restricts the amount of light emitted when
16 the lighted lamp is in use. This subsection does not apply to any type of decorative
17 covering originally equipped on the vehicle at the time of manufacture and sale.

18 **SECTION 9.** 347.12 (1) (intro.) of the statutes is amended to read:

19 347.12 (1) (intro.) Whenever a motor vehicle is being operated on a highway,
20 during hours of darkness or, subject to the exceptions contained in s. 347.065 (2), at
21 any time that a windshield wiper is being used on the windshield of the vehicle, the
22 operator shall use a distribution of light or composite beam directed high enough and
23 of sufficient intensity to reveal a person or vehicle at a safe distance in advance of
24 the vehicle, subject to the following requirements and limitations:

25 **SECTION 10.** 347.13 (1) of the statutes is amended to read:

1 347.13 (1) No person shall operate a motor vehicle, mobile home or trailer or
2 semitrailer upon a highway, during hours of darkness or, subject to the exceptions
3 contained in s. 347.065 (2), at any time that a windshield wiper is being used on the
4 windshield of the vehicle, unless such motor vehicle, mobile home or trailer or
5 semitrailer is equipped with at least one tail lamp mounted on the rear which, when
6 lighted during hours of darkness or, subject to the exceptions contained in s. 347.065
7 (2), at any time a windshield wiper is being used on the windshield of the vehicle,
8 emits a red light plainly visible from a distance of 500 feet to the rear. No tail lamp
9 shall have any type of decorative covering that restricts the amount of light emitted
10 when the tail lamp is in use. No vehicle originally equipped at the time of
11 manufacture and sale with 2 tail lamps shall be operated upon a highway during
12 hours of darkness unless both such lamps are in good working order. This subsection
13 does not apply to any type of decorative covering originally equipped on the vehicle
14 at the time of manufacture and sale.

15 **SECTION 11.** 347.16 (1) (intro.) of the statutes is amended to read:

16 347.16 (1) (intro.) No person shall operate on a highway ~~during hours of~~
17 ~~darkness~~ any vehicle, except automobiles, having a width at any part in excess of 80
18 inches during hours of darkness or, subject to the exceptions contained in s. 347.065
19 (2), at any time that a windshield wiper is being used on the windshield of the vehicle,
20 unless such vehicle is equipped with:

21 **SECTION 12.** 347.16 (2) (intro.) of the statutes is amended to read:

22 347.16 (2) (intro.) No person shall operate any of the following vehicles on a
23 highway, during hours of darkness or, subject to the exceptions contained in s.
24 347.065 (2), at any time that a windshield wiper is being used on the windshield of
25 the vehicle, unless such vehicles are equipped as indicated:

