

**2001 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB19)**

Received: 02/20/2001

Received By: phurley

Wanted: Today

Identical to LRB:

For: Jim Baumgart (608) 266-2056

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Alt. Drafters:

Subject: Transportation - motor vehicles

Extra Copies: TNF, ARG

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Create new section for headlamp requirements if windshield wipers are used

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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>
/?	phurley 02/20/2001	gilfokm 02/20/2001		_____			
/1			kfollet 02/20/2001	_____	lrb_docadmin 02/20/2001	lrb_docadmin 02/20/2001	

FE Sent For:

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1?	phurley	1-2/KMG 2/20-01	KJ 2/20	KJ/jf 2/20			

FE Sent For:

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→ SSA to

**2001 SENATE BILL 19**

today

January 19, 2001 – Introduced by Senators BAUMGART, BURKE and HUELSMAN, cosponsored by Representatives AINSWORTH, J. LEHMAN, FREESE, HUBER, BERCEAU, LA FAVE, OTT, POWERS and KREUSER. Referred to Committee on Insurance, Tourism, and Transportation.

1 AN ACT <sup>leg</sup> 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.), 347.16 (2) (intro.) and 347.42;  
3 and to create 340.01 (74v), 340.01 (74x), 343.23 (2) (c), 347.06 (1m) and 347.06  
4 (5) of the statutes; relating to: requiring headlights and other required lamps  
5 on vehicles to be lighted while windshield wipers are being used and providing  
6 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 the windshield wipers of the vehicle are being used, except during temporary use to clean the windshield or whenever 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. The bill also prohibits a law enforcement officer from stopping or inspecting a vehicle solely to determine compliance with the above requirement and specifies that convictions for not having any required headlamps, tail lamps, and

**SENATE BILL 19**

clearance lamps of a vehicle lighted may not be recorded on the motorist's driving record.

The bill also requires certain vehicles to be equipped with rear reflectors whenever the windshield wipers of a vehicle are being used.

For further information see the *state and local* 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 at  
6 any time that a windshield wiper is being used on the windshield of the vehicle,  
7 without lighted headlamps, tail lamps or clearance lamps, contrary to s. 347.06 ~~(1M)~~ ✓

347.065

8 ~~or (1M)~~  
9 or 347.065  
10 of this chapter or in ascertaining whether a violation of this chapter has been or is  
11 about to be committed. Any civil action or proceeding brought against any warden  
12 operating a motor vehicle under this subsection is subject to ss. 893.82 and 895.46.

3

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

13 340.01 (74v) "Windshield" means the shield of safety glass mounted forward  
14 of the passenger compartment of a motor vehicle, other than a motor-driven cycle.

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

16 340.01 (74x) "Windshield wiper" means a mechanical device for cleaning rain,  
17 snow, or other moisture from the windshield of a vehicle.

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

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1           343.23 (2) (c) The file for a licensee under par. (a) shall not include any  
 2 conviction under s. ~~347.06 (1m)~~ <sup>347.06 (1)</sup> for a local ordinance in conformity therewith or a law  
 3 of a federally recognized American Indian tribe or band in this state in conformity  
 4 with s. ~~347.06 (1m)~~ <sup>347.06 (1)</sup> or the law of another jurisdiction prohibiting operating a vehicle  
 5 ~~during hours of darkness or~~ at any time that a windshield wiper is being used without  
 6 lighted headlamps, tail lamps, or clearance lamps, as those or substantially similar  
 7 terms are used in that jurisdiction's laws.

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

9           347.06 (1) Except as provided in subs. (2) and (4), no person may operate a  
 10 vehicle upon a highway during hours of darkness unless all headlamps, tail lamps  
 11 and clearance lamps with which such vehicle is required to be equipped are lighted.

12 Parking lamps as defined described in s. 347.27 shall not be used for this purpose.

13           **SECTION 6.** 347.06 (1m) of the statutes is created to read:

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

19           (b) Paragraph (a) does not apply to temporary use of a windshield wiper for the  
 20 sole purpose of cleaning the windshield or if lamps that are automatically activated  
 21 whenever the vehicle is started are in use, if the headlamps are of sufficient intensity  
 22 to satisfy the requirements for daytime running lamps under 49 CFR 571.108, S5.5.

23 11 (a).

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

347.06 (1)

347.06 (1)

Insert A

*[Handwritten signature]*

SENATE BILL 19

SECTION 7

1 347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate  
 2 a vehicle owned or leased by the department of natural resources upon a highway,  
 3 during hours of darkness or at any time that a windshield wiper is being used on the  
 4 windshield of the vehicle, without lighted headlamps, tail lamps or clearance lamps  
 5 in the performance of the warden's duties under s. 29.924 (2).

6 SECTION 8. 347.06 (5) of the statutes is created to read:

7 ~~347.06~~ (5) Notwithstanding s. 349.02, a law enforcement officer may not stop  
 8 or inspect a vehicle solely to determine compliance with ~~sub. (1m)~~ or a local ordinance  
 9 in conformity with ~~sub. (1m)~~. This subsection does not limit the authority of a law  
 10 enforcement officer to issue a citation for a violation of ~~sub. (1m)~~ or a local ordinance  
 11 in conformity with ~~sub. (1m)~~ observed in the course of a stop or inspection made for  
 12 other purposes, except that a law enforcement officer may not take a person into  
 13 physical custody solely for a violation of ~~sub. (1m)~~ or a local ordinance in conformity  
 14 with ~~sub. (1m)~~.

15 SECTION 9. 347.09 (1) (intro.) of the statutes is amended to read:

16 347.09 (1) (intro.) No person shall operate a motor vehicle on a highway, during  
 17 hours of darkness or, subject to the exceptions contained in s. 347.06 (1m) (b) at any  
 18 time that a windshield wiper is being used on the windshield of the vehicle, unless  
 19 such vehicle is equipped as follows:

20 SECTION 10. 347.10 (4) of the statutes is amended to read:

21 347.10 (4) Any motor vehicle may be operated during hours of darkness or,  
 22 subject to the exceptions contained in s. 347.06 (1m) (b), at any time that a windshield  
 23 wiper is being used on the windshield of the vehicle, when equipped with 2 lighted  
 24 lamps upon the front thereof capable of revealing persons and objects 75 feet ahead  
 25 in lieu of lamps required by subs. (1) to (3) if such vehicle at no time is operated at

this section

this section

this section

this section

this section

this section

347.065(a)

347.065(b)

4

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1 a speed in excess of 20 miles per hour. No lighted lamp under this subsection shall  
2 have any type of decorative covering that restricts the amount of light emitted when  
3 the lighted lamp is in use. This subsection does not apply to any type of decorative  
4 covering originally equipped on the vehicle at the time of manufacture and sale.

5 SECTION 11. 347.12 (1) (intro.) of the statutes is amended to read:

6 347.12 (1) (intro.) Whenever a motor vehicle is being operated on a highway,  
7 during hours of darkness or, subject to the exceptions contained in s. 347.06 (1m)(b),  
8 at any time that a windshield wiper is being used on the windshield of the vehicle,  
9 the operator shall use a distribution of light or composite beam directed high enough  
10 and of sufficient intensity to reveal a person or vehicle at a safe distance in advance  
11 of the vehicle, subject to the following requirements and limitations:

12 SECTION 12. 347.13 (1) of the statutes is amended to read:

13 347.13 (1) No person shall operate a motor vehicle, mobile home or trailer or  
14 semitrailer upon a highway, during hours of darkness or, subject to the exceptions  
15 contained in s. 347.06 (1m)(b), at any time that a windshield wiper is being used on  
16 the windshield of the vehicle, unless such motor vehicle, mobile home or trailer or  
17 semitrailer is equipped with at least one tail lamp mounted on the rear which, when  
18 lighted during hours of darkness or, subject to the exceptions contained in s. 347.06  
19 (1m)(b), at any time a windshield wiper is being used on the windshield of the  
20 vehicle, emits a red light plainly visible from a distance of 500 feet to the rear. No  
21 tail lamp shall have any type of decorative covering that restricts the amount of light  
22 emitted when the tail lamp is in use. No vehicle originally equipped at the time of  
23 manufacture and sale with 2 tail lamps shall be operated upon a highway during  
24 hours of darkness unless both such lamps are in good working order. This subsection

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SECTION 12

1 does not apply to any type of decorative covering originally equipped on the vehicle  
2 at the time of manufacture and sale.

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

4 347.16 (1) (intro.) No person shall operate on a highway ~~during hours of~~  
5 ~~darkness~~ any vehicle, except automobiles, having a width at any part in excess of 80  
6 inches during hours of darkness or, subject to the exceptions contained in s. 347.06  
7 (1)(b), at any time that a windshield wiper is being used on the windshield of the  
8 vehicle, unless such vehicle is equipped with:

9 SECTION 14. 347.16 (2) (intro.) of the statutes is amended to read:

10 347.16 (2) (intro.) No person shall operate any of the following vehicles on a  
11 highway, during hours of darkness or, subject to the exceptions contained in s. 347.06  
12 (1)(b), at any time that a windshield wiper is being used on the windshield of the  
13 vehicle, unless such vehicles are equipped as indicated:

14 SECTION 15. 347.42 of the statutes is amended to read:

15 **347.42 Windshield wipers.** No person may operate on a highway any motor  
16 vehicle equipped with a windshield, except a moped or Type 1 motorcycle, unless the  
17 motor vehicle also is equipped with a device for cleaning rain, snow or other moisture  
18 ~~from the windshield. The device~~ windshield wiper. The windshield wiper shall be  
19 so constructed as to be controlled or operated by the operator of the vehicle and shall  
20 at all times be maintained in good working order.

21 SECTION 16. **Initial applicability.**

22 (1) The treatment of section 343.23 (2) (c) of the statutes first applies to offenses  
23 committed on the effective date of this subsection.

24 (END)

347.065(2)

347.065(2)

Insert B



1 Insert A:

2 **SECTION 1.** 347.065 of the statutes is created to read:

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

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

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

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

22 Insert B:

23 **SECTION 2.** 347.30 (1) of the statutes is amended to read:

1           347.30 (1) Any person violating s. 347.06, <sup>✓</sup>~~347.065~~, or 347.13 (2), (3) <sup>S</sup> or (4) may  
2           be required to forfeit not less than \$10 nor more than \$20 for the first offense and not  
3           less than \$25 nor more than \$50 for the 2nd or subsequent conviction within a year.

History: 1971 c. 278.