



2001 SENATE BILL 19

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 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

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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 (1)
8 or (1m), if the driving will aid in the accomplishment of a lawful arrest for violation
9 of this chapter or in ascertaining whether a violation of this chapter has been or is
10 about to be committed. Any civil action or proceeding brought against any warden
11 operating a motor vehicle under this subsection is subject to ss. 893.82 and 895.46.

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) or 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) 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:

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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

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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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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 (1m) (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 (1m) (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)