

2005 ASSEMBLY BILL 98

February 8, 2005 – Introduced by Representatives AINSWORTH, ALBERS, BIES, FREESE, GUNDERSON, HINES, OTT, OWENS, SHERIDAN, SHILLING, TOWNSEND and VAN ROY, cosponsored by Senator A. LASEE. 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.) and 347.13 (1); and *to create* 347.06 (1m) of the statutes;
3 **relating to:** requiring headlights and other required lamps on vehicles to be
4 lighted when visibility 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 climatic conditions limit visibility such that objects on a highway are not clearly discernible at a distance of 500 feet from the front of the vehicle. 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.

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:

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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 climatic conditions limit visibility such that objects on the highway are not
7 clearly discernible at 500 feet from the front of the vehicle, without lighted
8 headlamps, tail lamps, or clearance lamps, contrary to s. 347.06 (1) or (1m), if the
9 driving will aid in the accomplishment of a lawful arrest for violation of this chapter
10 or in ascertaining whether a violation of this chapter has been or is about to be
11 committed. Any civil action or proceeding brought against any warden operating a
12 motor vehicle under 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~~ the vehicle is required to be equipped with are
17 lighted. Parking lamps as ~~defined~~ described in s. 347.27 ~~shall~~ may not be used for
18 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 climatic conditions limit visibility such that
22 objects on the highway are not clearly discernible at 500 feet from the front of the
23 vehicle unless all headlamps, tail lamps, and clearance lamps with which the vehicle
24 is required to be equipped with are lighted. Parking lamps as described in s. 347.27
25 may not be used for this purpose. This subsection does not apply if lamps that are

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1 automatically activated whenever the vehicle is started are in use, if the headlamps
2 are of sufficient intensity to satisfy the requirements for daytime running lamps
3 under 49 CFR 571.108, S5.5.11 (a).

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

5 347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate
6 a vehicle owned or leased by the department of natural resources upon a highway
7 during hours of darkness or whenever climatic conditions limit visibility such that
8 objects on the highway are not clearly discernible at 500 feet from the front of the
9 vehicle. without lighted headlamps, tail lamps, or clearance lamps in the
10 performance of the warden's duties under s. 29.924 (2).

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

12 347.09 (1) (intro.) No person shall operate a motor vehicle on a highway during
13 hours of darkness or, subject to the exceptions contained in s. 347.06 (1m), whenever
14 climatic conditions limit visibility such that objects on the highway are not clearly
15 discernible at 500 feet from the front of the vehicle, unless such the vehicle is
16 equipped as follows:

17 **SECTION 6.** 347.10 (4) of the statutes is amended to read:

18 347.10 (4) Any motor vehicle may be operated during hours of darkness or,
19 subject to the exceptions contained in s. 347.06 (1m), whenever climatic conditions
20 limit visibility such that objects on the highway are not clearly discernible at 500 feet
21 from the front of the vehicle, when equipped with 2 lighted lamps upon the front
22 thereof of the motor vehicle capable of revealing persons and objects 75 feet ahead
23 in lieu of lamps required by subs. (1) to (3) if such vehicle at no time is operated at
24 a speed in excess of 20 miles per hour. No lighted lamp under this subsection shall
25 have any type of decorative covering that restricts the amount of light emitted when

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1 the lighted lamp is in use. This subsection does not apply to any type of decorative
2 covering originally equipped on the vehicle at the time of manufacture and sale.

3 **SECTION 7.** 347.12 (1) (intro.) of the statutes is amended to read:

4 347.12 (1) (intro.) Whenever a motor vehicle is being operated on a highway
5 during hours of darkness or, subject to the exceptions contained in s. 347.06 (1m),
6 whenever climatic conditions limit visibility such that objects on the highway are not
7 clearly discernible at 500 feet from the front of the vehicle, the operator shall use a
8 distribution of light or composite beam directed high enough and of sufficient
9 intensity to reveal a person or vehicle at a safe distance in advance of the vehicle,
10 subject to the following requirements and limitations:

11 **SECTION 8.** 347.13 (1) of the statutes is amended to read:

12 347.13 (1) No person shall operate a motor vehicle, mobile home, or trailer or
13 semitrailer upon a highway during hours of darkness or, subject to the exceptions
14 contained in s. 347.06 (1m), whenever climatic conditions limit visibility such that
15 objects on the highway are not clearly discernible at 500 feet from the front of the
16 vehicle, unless such the motor vehicle, mobile home, or trailer or semitrailer is
17 equipped with at least one tail lamp mounted on the rear which, when lighted during
18 hours of darkness, emits a red light plainly visible from a distance of 500 feet to the
19 rear. No tail lamp shall have any type of decorative covering that restricts the
20 amount of light emitted when the tail lamp is in use. No vehicle originally equipped
21 at the time of manufacture and sale with 2 tail lamps shall be operated upon a
22 highway during hours of darkness or, subject to the exceptions contained in s. 347.06
23 (1m), whenever climatic conditions limit visibility such that objects on the highway
24 are not clearly discernible at 500 feet from the front of the vehicle, unless both such
25 lamps are in good working order. This subsection does not apply to any type of

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1 decorative covering originally equipped on the vehicle at the time of manufacture
2 and sale.

3 (END)