

2005 DRAFTING REQUEST

Bill

Received: 12/16/2004

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  
Transportation - traffic laws

Extra Copies: ARG

Submit via email: YES

Requester's email: Rep.Ainsworth@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Headlamps in inclement weather

Instructions:

See Attached

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 12/22/2004	wjackson 01/15/2005					State
/1			pgreensl 01/18/2005		lemery 01/18/2005	sbasford 01/25/2005	

FE Sent For:

*at intro  
2/8*

<END>

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1/?	phurley	1 Wlj 1/15	1/8 ph	1/8 ph ch			

FE Sent For:

<END>

**Hurley, Peggy**

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**From:** Boardman, Kristina  
**Sent:** Monday, December 20, 2004 2:16 PM  
**To:** Hurley, Peggy  
**Subject:** RE: Headlamps during times of limited visibility

Hi Peggy:

I think we would like to go with an entirely new bill. We would like to stay away from the rear reflector language so that "running lamps" would be adequate. From what I understand, running lamps do not include tail lights. This new language is based on Michigan and Minnesota law. For the time being, we can also stay away from the law enforcement reference. We could always fall back on that if a compromise is needed for passage.

Thanks,  
Kristina

PS - I believe the 3rd draft John was referring to was the Cooperative draft (LRB1555). Our office is still waiting for additional input from John Oemichen at the Wisconsin Federation of Cooperatives on this.

-----Original Message-----

**From:** Hurley, Peggy  
**Sent:** Monday, December 20, 2004 2:01 PM  
**To:** Boardman, Kristina  
**Subject:** Headlamps during times of limited visibility

Hi Kristina,

I am working on Representative Ainsworth's request that would require headlamps during hours of darkness and whenever visibility is limited to 500 feet. 2003 AB 22 was co-sponsored by Representative Ainsworth, and it deals with the same problem, but it does not specify the 500-foot visibility rule and it does contain some additional provisions. Specifically, it requires rear reflectors on certain vehicles and it prevents a law enforcement officer from stopping a vehicle solely to determine whether the required lamps are lit during times of limited visibility.

I have attached a copy of 2003 AB 22 for your review; do you want me to redraft this bill and simply include the 500 feet visibility rule, or do you want an entirely new bill that does not contain the provisions regarding rear reflectors and limits on law enforcement?

Thanks.  
Peggy Hurley

P.S. Representative Ainsworth has indicated that I have been assigned to 3 of his drafting requests. Aside from the LUV draft and this one, I don't have any record of other requests that have been assigned to me. Do you know which other drafts he may have been referring to? Thank you, again.

12/20/2004

Gary, Aaron

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From: Boardman, Kristina  
Sent: Wednesday, December 01, 2004 10:47 AM  
To: Gary, Aaron  
Subject: headlamp legislation

Aaron:

Representative Ainsworth would like to request drafting on legislation regarding the use of headlamps. Basically, he would like to require the use of headlamps (in addition to during the hours of darkness), at any time when rain, snow, sleet, hail, fog, or other atmospheric conditions impair visibility such that person and vehicles on the highway are not clearly discernible at a distance of 500 feet ahead.

I am assuming that this change would be handled via Wis. Statute 347.06 (1).

Possible language (I trust that your version will be much more eloquent than anything I have cobbled together)

347.06

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

- (a) During hours of darkness.
- (b) At any time when rain, snow, sleet, hail, fog, or other atmospheric conditions impair visibility such that persons and vehicles on the highway are not clearly discernible at a distance of 500 feet ahead.

Please let me know if you have any questions! Thanks Aaron.

*Kristina Boardman, Committee Clerk*  
*Wisconsin State Assembly Transportation Committee*  
*Representative Ainsworth's Office*  
608.266.3097- phone  
608.282.3603 - fax  
kristina.boardman@legis.state.wi.us

1/21 cmh

127/1  
LRB-0898/1  
PJH:cmh:pg  
Wlj

# 2003 ASSEMBLY BILL 22

LPS:  
Please PWF

17 12-22-09

February 5, 2003 - Introduced by Representatives AINSWORTH, BIES, HAHN, HINES, JESKEWITZ, J. LEHMAN, OTT, OWENS, SHILLING and TOWNSEND, cosponsored by Senator A. LASEE. Referred to Committee on Highway Safety.

refer

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.) and 347.16 (2) (intro.); and to  
3 create 347.06 (1m) and 347.06 (5) of the statutes; relating to: requiring  
4 headlights and other required lamps on vehicles to be lighted when visibility  
5 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, ~~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 when climatic conditions limit visibility.

The bill also requires certain vehicles to be equipped with rear reflectors whenever climatic conditions limit visibility.

such objects on a highway are not clearly discernible at a distance of 500 feet from the front of the vehicle

**ASSEMBLY BILL 22**

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 climatic conditions limit visibility, 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 2. 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 that the vehicle is required to be equipped with are lighted. Parking lamps as defined described in s. 347.27 shall may not be used for this purpose.

SECTION 3. 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 climatic conditions limit visibility, unless all headlamps, tail lamps, and clearance lamps with which that the vehicle is required to be

such that objects on the highway are not clearly discernible at 500 feet from the front of the vehicle

same added text

same added text

with which

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**ASSEMBLY BILL 22**

1 equipped <sup>2</sup>with are lighted. Parking lamps as described in s. 347.27 may  
2 not be used for this purpose. This subsection does not apply if lamps that are  
3 automatically activated whenever the vehicle is started are in use, if the headlamps  
4 are of sufficient intensity to satisfy the requirements for daytime running lamps  
5 under 49 CFR 571.108, S5.5.11 (a).

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

7 347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate  
8 a vehicle owned or leased by the department of natural resources upon a highway  
9 during hours of darkness or whenever climatic conditions limit visibility, without  
10 lighted headlamps, tail lamps, or clearance lamps in the performance of the warden's  
11 duties under s. 29.924 (2).

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

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

21 **SECTION 6.** 347.09 (1) (intro.) of the statutes is amended to read:

22 347.09 (1) (intro.) No person shall operate a motor vehicle on a highway during  
23 hours of darkness or, subject to the exceptions contained in s. 347.06 (1m), whenever  
24 climatic conditions limit visibility, unless such the vehicle is equipped as follows:

25 **SECTION 7.** 347.10 (4) of the statutes is amended to read:

(score both)  
same insert  
as on p. 2



Score all three  
Insert  
from p 2

1           347.10 (4) Any motor vehicle may be operated during hours of darkness or,  
 2 subject to the exceptions contained in s. 347.06 (1m), whenever climatic conditions  
 3 limit visibility, when equipped with 2 lighted lamps upon the front ~~thereof~~ of the  
 4 motor vehicle capable of revealing persons and objects 75 feet ahead in lieu of lamps  
 5 required by subs. (1) to (3) if such vehicle at no time is operated at a speed in excess  
 6 of 20 miles per hour. No lighted lamp under this subsection shall have any type of  
 7 decorative covering that restricts the amount of light emitted when the lighted lamp  
 8 is in use. This subsection does not apply to any type of decorative covering originally  
 9 equipped on the vehicle at the time of manufacture and sale.

10           **SECTION 8.** 347.12 (1) (intro.) of the statutes is amended to read:

11           347.12 (1) (intro.) Whenever a motor vehicle is being operated on a highway  
 12 during hours of darkness or, subject to the exceptions contained in s. 347.06 (1m),  
 13 whenever climatic conditions limit visibility, the operator shall use a distribution of  
 14 light or composite beam directed high enough and of sufficient intensity to reveal a  
 15 person or vehicle at a safe distance in advance of the vehicle, subject to the following  
 16 requirements and limitations:

17           **SECTION 9.** 347.13 (1) of the statutes is amended to read:

18           347.13 (1) No person shall operate a motor vehicle, mobile home, or trailer or  
 19 semitrailer upon a highway during hours of darkness or, subject to the exceptions  
 20 contained in s. 347.06 (1m), whenever climatic conditions limit visibility, unless such  
 21 the motor vehicle, mobile home, or trailer or semitrailer is equipped with at least one  
 22 tail lamp mounted on the rear which, when lighted during hours of darkness, emits  
 23 a red light plainly visible from a distance of 500 feet to the rear. No tail lamp shall  
 24 have any type of decorative covering that restricts the amount of light emitted when  
 25 the tail lamp is in use. No vehicle originally equipped at the time of manufacture and

**ASSEMBLY BILL 22**

same  
insert  
score

1 sale with 2 tail lamps shall be operated upon a highway during hours of darkness or,  
2 subject to the exceptions contained in s. 347.06 (1m), whenever climatic conditions  
3 limit visibility, unless both ~~such~~ lamps are in good working order. This subsection  
4 does not apply to any type of decorative covering originally equipped on the vehicle  
5 at the time of manufacture and sale.

**SECTION 10.** 347.16 (1) (intro.) of the statutes is amended to read:

~~347.16 (1) (intro.) No person shall operate on a highway ~~during hours of~~  
8 ~~darkness~~ any vehicle, except automobiles, having a width at any part in excess of 80  
9 inches during hours of darkness or, subject to the exceptions contained in s. 347.06  
10 (1m), whenever climatic conditions limit visibility, unless ~~such~~ the vehicle is  
11 equipped with:~~

**SECTION 11.** 347.16 (2) (intro.) of the statutes is amended to read:

~~347.16 (2) (intro.) No person shall operate any of the following vehicles on a  
14 highway during hours of darkness or, subject to the exceptions contained in s. 347.06  
15 (1m), whenever climatic conditions limit visibility, unless ~~such~~ the vehicles are  
16 equipped as indicated:~~

(END)

**Basford, Sarah**

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**From:** Boardman, Kristina  
**Sent:** Tuesday, January 25, 2005 9:52 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-1271/1 Topic: Headlamps in inclement weather

It has been requested by <Boardman, Kristina> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-1271/1 Topic: Headlamps in inclement weather