

2009 DRAFTING REQUEST

Bill

Received: 01/22/2009

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Thomas Lothian (608) 266-1190**

By/Representing: **Jason Rostan**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Lothian@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring headlights and required lamps to be lit when visibility limited by inclement weather.

Instructions:

See attached. Redraft 2007 AB 723 (LRB 07-3767).

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>
/?	emueller 01/30/2009	bkraft 02/18/2009		_____			
/1			phenry 02/18/2009	_____	mbarman 02/18/2009	cduerst 10/26/2009	

FE Sent For:

None

<END>

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1?	emueller	11 bjk 2/18	ph	ph			
1/1	Emu 1/30/09		ph	ph	mo		

FE Sent For:

<END>

Mueller, Eric

From: Gary, Aaron
Sent: Thursday, January 22, 2009 12:46 PM
To: Mueller, Eric
Subject: FW: Email from LRB Website

From: Rostan, Jason
Sent: Thursday, January 22, 2009 10:18 AM
To: Gary, Aaron
Subject: Email from LRB Website

Hi Aaron,

Rep. Lothian would like to redraft AB 723 from last session. The drafter from last year is no longer around. It is a bill dealing with requiring your headlights on in bad weather, so I thought it would fall into the transportation category.

Let me know if you have any questions.

Thank you.

Jason Rostan
Legislative Aide
Rep. Tom Lothian

1 Draft

9 10
2007-2008 LEGISLATURE

1721/1
LRB-3767/1
BAB:wljf
Eum:bjk

Insert

2009
~~2007~~ ASSEMBLY BILL ~~113~~

RMNR

In 1/30

January 24, 2008 - Introduced by Representatives LOTHIAN, PETROWSKI, HAHN, BERCEAU, SHERIDAN, TOWNSEND, MURSAU, JESKEWITZ, STRACHOTA, ALBERS, TURNER, A. OTT, BIES and VAN ROY, cosponsored by Senators A. LASEE, ROESSLER and SCHULTZ. Referred to Committee on Transportation.

SAV
X-refv

- 1 AN ACT ^{reger} 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 340.01 (43d) of the statutes;
- 3 relating to: requiring headlights and other required lamps on vehicles to be
- 4 lighted when visibility is limited by climatic conditions and providing a penalty.

Insert Analysis

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 on 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.

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

- 5 SECTION 1. 29.924 (2) of the statutes is amended to read:

1 29.924 (2) DRIVING WITHOUT HEADLIGHTS. In the performance of their law
 2 enforcement duties, wardens may operate motor vehicles owned or leased by the
 3 department upon a highway, other than an interstate, a state trunk highway or any
 4 highway within the limits of any incorporated area, during hours of darkness or
 5 during a period of limited visibility without lighted headlamps, tail lamps, or
 6 clearance lamps, ~~contrary to s. 347.06,~~ if the driving will aid in the accomplishment
 7 of a lawful arrest for violation of this chapter or in ascertaining whether a violation
 8 of this chapter has been or is about to be committed. Any civil action or proceeding
 9 brought against any warden operating a motor vehicle under this subsection is
 10 subject to ss. 893.82 and 895.46.

11 ^{X✓}
 SECTION 2. 340.01 (43d) of the statutes is created to read:

12 340.01 (43d) "Period of limited visibility" means any time that climatic
 13 conditions limit visibility such that objects on a highway are not clearly discernible
 14 at 500 feet from the front of a vehicle.

15 ^{X✓}
 SECTION 3. 347.06 (1) of the statutes is amended to read:

16 347.06 (1) Except as provided in subs. (2) and (4), no person may operate a
 17 vehicle upon a highway during hours of darkness or during a period of limited
 18 visibility unless all headlamps, tail lamps, and clearance lamps with which the
 19 vehicle is required to be equipped are lighted. Parking lamps as ~~defined~~ described
 20 in s. 347.27 ~~shall~~ may not be used for this purpose. This subsection does not apply
 21 if lamps that are automatically activated whenever the vehicle is started are in use,
 22 if the headlamps are of sufficient intensity to satisfy the requirements for daytime
 23 running lamps under 49 CFR 571.108, S5.5.11 (a).

24 ^{X✓}
 SECTION 4. 347.06 (4) of the statutes is amended to read:

ASSEMBLY BILL 723

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 during a period of limited visibility without lighted
4 headlamps, tail lamps, or clearance lamps in the performance of the warden's duties
5 under s. 29.924 (2).

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

7 347.09 (1) (intro.) No person ~~shall~~^{may} operate a motor vehicle on a highway during
8 hours of darkness or during a period of limited visibility, unless ~~such~~^{the} vehicle is
9 equipped as follows:

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

11 347.10 (4) Any motor vehicle may be operated during hours of darkness or
12 during a period of limited visibility when equipped with 2 lighted lamps upon the
13 front ~~thereof~~ of the motor vehicle capable of revealing persons and objects 75 feet

14 ahead in lieu of lamps required by subs. (1) to (3) if ~~such~~^{the} vehicle at no time is operated

15 at a speed in excess of 20 miles per hour. No lighted lamp under this subsection ~~shall~~^{may}
16 have any type of decorative covering that restricts the amount of light emitted when
17 the lighted lamp is in use. This subsection does not apply to any type of decorative
18 covering originally equipped on the vehicle at the time of manufacture and sale.

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

20 347.12 (1) (intro.) Whenever a motor vehicle is being operated on a highway
21 during hours of darkness or during a period of limited visibility, the operator shall
22 use a distribution of light or composite beam directed high enough and of sufficient
23 intensity to reveal a person or vehicle at a safe distance in advance of the vehicle,
24 subject to the following requirements and limitations:

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

ASSEMBLY BILL 723

SECTION 8

1

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

13

(END)

Do Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1721/0dn

EVM:.....

el
Lbjk

Date

ATTN: Jason Rostan

> The drafter of last year's version of this bill provided a drafter's note explaining that there are other provisions in chs. 346 and 347, ~~Stats.~~, that require the use of lights during hours of darkness that have not been treated in this draft. I will not repeat the list here.

> I do wish to point out, however, that the non-treatment of one section may be somewhat inconsistent. This bill treats s. 347.06 (1), ~~Stats.~~, to require that headlamps, tail lamps, and clearance lamps with which a vehicle is required to be equipped be lighted during periods of limited visibility. The draft also requires vehicles being operated during periods of limited visibility be equipped with headlamps, ss. 347.09 and 347.12, ~~Stats.~~, and tail lamps, s. 347.13, ~~Stats.~~. A vehicle being operated during periods of limited visibility, however, is not required to be equipped with clearance lamps, s. 347.16, ~~Stats.~~

Additionally, I have made a few stylistic changes to the text of the bill. Let me know if you wish to make any further changes.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1721/lins
EVM:.....

ljk

1 INSERT Analysis

Under current law, no person may operate a motor vehicle upon a highway during hours of darkness unless the vehicle is equipped with headlamps and tail lamps. A person who violates this requirement may be required to pay a forfeiture of not less than \$10 nor more than \$200. Also 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 on the vehicle are lighted. A person who violates this requirement may be required to pay a forfeiture of not less than \$10 and not 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 no person may operate a motor vehicle upon a highway when climatic conditions limit visibility such that objects on a highway are not clearly discernable at a distance of 500 feet from the front of a vehicle (a period of limited visibility) unless the motor vehicle is equipped with headlamps and tail lamps. This bill also provides that required headlamps, tail lamps, and clearance lamps be lighted during periods of limited visibility. A person who violates these provisions is subject to the same minimum and maximum forfeiture amounts that may be imposed for improper lighting equipment or improper use of these lamps during hours of darkness.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1721/1dn
EVM:bjk:ph

February 18, 2009

ATTN: Jason Rostan

The drafter of last year's version of this bill provided a drafter's note explaining that there are other provisions in chs. 346 and 347, stats., that require the use of lights during hours of darkness that have not been treated in this draft. I will not repeat the list here.

I do wish to point out, however, that the non-treatment of one section may be somewhat inconsistent. This bill treats s. 347.06 (1), stats., to require that headlamps, tail lamps, and clearance lamps with which a vehicle is required to be equipped be lighted during periods of limited visibility. The draft also requires vehicles being operated during periods of limited visibility be equipped with headlamps, ss. 347.09 and 347.12, stats., and tail lamps, s. 347.13, stats. A vehicle being operated during periods of limited visibility, however, is not required to be equipped with clearance lamps, s. 347.16, stats.

Additionally, I have made a few stylistic changes to the text of the bill. Let me know if you wish to make any further changes.

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Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

Basford, Sarah

From: Rep.Lothian
Sent: Monday, October 26, 2009 1:15 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-1721/1 Topic: Requiring headlights and required lamps to be lit when visibility limited by inclement weather.

Please Jacket LRB 09-1721/1 for the ASSEMBLY.