2015 SENATE BILL 249

September 3, 2015 - Introduced by Senator MARKLEIN, cosponsored by Representatives TRANEL, E. BROOKS, ROHRKASTE, SUBECK, ALLEN, A. OTT and SPREITZER. Referred to Committee on Transportation and Veterans Affairs.

AN ACT to amend 29.924 (2), 347.06 (1), 347.06 (4), 347.09 (1) (intro.), 347.10 (4), 347.12 (1) (intro.) and 347.13 (1); and to create 340.01 (43d) of the statutes; relating to: use of lamps on vehicles when visibility is limited by weather conditions and providing a penalty.

Analysis by the Legislative Reference Bureau

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 weather 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
SENATE BILL 249

may be imposed for improper lighting equipment or improper use of these lamps during hours of darkness.

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 during a period of limited visibility without lighted headlamps, tail lamps, or clearance lamps, contrary to s. 347.06, 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. 340.01 (43d) of the statutes is created to read:

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

SECTION 3. 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 or during a period of limited visibility unless all headlamps, tail lamps, and clearance lamps with which such the vehicle is required to be equipped are lighted. Parking lamps as defined described in s. 347.27 shall may not be used for this purpose. This subsection does not apply
if lamps that are automatically activated whenever the vehicle is started are in use,
if the headlamps are of sufficient intensity to satisfy the requirements for daytime
running lamps under 49 CFR 571.108, S5.5.11 (a).

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

347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate
a vehicle owned or leased by the department of natural resources upon a highway
during hours of darkness or during a period of limited visibility without lighted
headlamps, tail lamps, or clearance lamps in the performance of the warden’s duties
under s. 29.924 (2).

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

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

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

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

**SECTION 7.** 347.12 (1) (intro.) of the statutes is amended to read:
347.12 (1) (intro.) Whenever a motor vehicle is being operated on a highway during hours of darkness or during a period of limited visibility, the operator shall use a distribution of light or composite beam directed high enough and of sufficient intensity to reveal a person or vehicle at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

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

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

(END)