



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2001 Senate Bill 19

**Senate Substitute
Amendment 1, As Amended by
Senate Amendment 1**

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Current law provides that no person may operate a vehicle upon a highway during “hours of darkness”¹ unless required headlamps, tail lamps, and clearance lamps are lighted. Current law does not explicitly require that these lamps be lighted whenever the windshield wipers are being used.

Senate Substitute Amendment 1 to 2001 Senate Bill 19, as amended by Senate Amendment 1 to the substitute amendment, provides that, subject to certain exceptions, a vehicle’s required headlamps, tail lamps, and clearance lamps must be lighted whenever the windshield wipers are being used.² The amended bill provides that a person who violates this requirement is subject to a forfeiture of not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the second or subsequent conviction within a year.

The amended bill makes an exception to the imposition of various assessments and fees which generally apply under current law when a court imposes a forfeiture for a violation of various state laws or municipal or county ordinances enacted in conformity with state law. (The exception is the same as the exception for assessments and fees for a seatbelt use violation under s. 347.48 (2m), Stats.) Under the amended bill, the following fees and assessments would *not* apply for violating the requirement to use lights when windshield wipers are being used: (a) crime laboratories and law enforcement assessment--\$5; (b) jail assessment--1% of the forfeiture or \$10, whichever is greater; (c) penalty assessment--23% of the forfeiture; (d) court fee for forfeiture action in circuit court--\$25; (e) court fee for forfeiture action in circuit court for violation of municipal ordinance--\$5; (f) court support services

¹ “Hours of darkness” means the period of time from 1/2 hour after sunset to 1/2 hour before sunrise and all other times when there is not sufficient natural light to render clearly visible any person or vehicle upon a highway at a distance of 500 feet. [s. 340.01 (23), Stats.]

² Exceptions are made: (a) for temporary use of wipers to clean windshields; (b) if certain lights are automatically activated when the vehicle is in use; (c) on a towed vehicle or on a vehicle with two lighted adverse weather lamps; and (d) for a duly authorized warden under certain circumstances.

fee--\$40; (g) justice information system fee--\$9; (h) in Milwaukee County circuit court, special prosecution clerks fee--\$2; and (i) municipal court costs fee--\$15 to \$23.

The amended bill provides that the driving records kept by the Department of Transportation may not include any record of a conviction for violating the requirement to use lights when windshield wipers are being used.

The amended bill also prohibits a law enforcement officer from stopping or inspecting a vehicle solely to determine compliance with this requirement. However, it does not limit the authority of a law enforcement officer to issue a citation for a violation observed in the course of a stop or inspection made for other purposes. The amended bill further provides that a law enforcement officer may not take a person into physical custody solely for a violation of this requirement.

The Senate adopted Senate Amendment 1 to Senate Substitute Amendment 1, adopted the substitute amendment, and passed the bill, as amended, all by voice vote.

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