



1997 ASSEMBLY BILL 677

December 23, 1997 - Introduced by Representatives REYNOLDS, LADWIG, BAUMGART, F. LASEE, AINSWORTH, BOCK, J. LEHMAN, GRONEMUS, HASENOHRL, R. YOUNG, KREUSER, RYBA, BOYLE, HARSDFORF and POWERS, cosponsored by Senators ROESSLER and A. LASEE. Referred to Committee on Highways and Transportation.

1 **AN ACT to amend** 29.05 (4), 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.) of the
3 statutes; **relating to:** requiring headlights and other required lamps on
4 vehicles to be lighted during periods of rain, snow, sleet, hail or impaired
5 visibility.

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. Failure to comply with this requirement may result in 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 2nd or subsequent conviction within a year.

This bill provides that these required lamps must also be lighted whenever it is raining, snowing, sleeting or hailing, or any other time when visibility is impaired by weather, smoke, fog or other conditions. 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.

ASSEMBLY BILL 677

The bill also requires certain vehicles to be equipped with rear reflectors whenever it is raining, snowing, sleeting or hailing, or at any other time when visibility is impaired by weather, smoke, fog or other conditions.

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

1 **SECTION 1.** 29.05 (4) of the statutes is amended to read:

2 29.05 (4) DRIVING WITHOUT HEADLIGHTS. In the performance of their law
3 enforcement duties under this chapter, duly authorized wardens may operate
4 vehicles owned or leased by the department upon a highway, other than an
5 interstate, a state trunk highway or any highway within the limits of any
6 incorporated area, during hours of darkness or whenever it is raining, snowing,
7 sleeting or hailing, or at any other time when visibility is impaired by weather,
8 smoke, fog or other conditions, without lighted headlamps, tail lamps or clearance
9 lamps, contrary to s. 347.06 (1), if the driving will aid in the accomplishment of a
10 lawful arrest for violation of this chapter or rules promulgated under this chapter or
11 in ascertaining whether a violation of this chapter or rules promulgated under this
12 chapter has been or is about to be committed. Any civil action or proceeding brought
13 against any warden operating a motor vehicle under this subsection is subject to ss.
14 893.82 and 895.46.

15 **SECTION 2.** 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 whenever it is raining, snowing,
18 sleeting or hailing, or at any other time when visibility is impaired by weather,
19 smoke, fog or other conditions, unless all headlamps, tail lamps and clearance lamps
20 with which such vehicle is required to be equipped are lighted. Parking lamps as
21 ~~defined~~ described in s. 347.27 shall not be used for this purpose.

ASSEMBLY BILL 677

1 **SECTION 3.** 347.06 (4) of the statutes is amended to read:

2 347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate
3 a vehicle owned or leased by the department of natural resources upon a highway,
4 during hours of darkness or whenever it is raining, snowing, sleeting or hailing, or
5 at any other time when visibility is impaired by weather, smoke, fog or other
6 conditions, without lighted headlamps, tail lamps or clearance lamps in the
7 performance of the warden's duties under s. 29.05 (4).

8 **SECTION 4.** 347.09 (1) (intro.) of the statutes is amended to read:

9 347.09 (1) (intro.) No person shall operate a motor vehicle on a highway during
10 hours of darkness or whenever it is raining, snowing, sleeting or hailing, or at any
11 other time when visibility is impaired by weather, smoke, fog or other conditions,
12 unless such vehicle is equipped as follows:

13 **SECTION 5.** 347.10 (4) of the statutes is amended to read:

14 347.10 (4) Any motor vehicle may be operated during hours of darkness or
15 whenever it is raining, snowing, sleeting or hailing, or at any other time when
16 visibility is impaired by weather, smoke, fog or other conditions, when equipped with
17 2 lighted lamps upon the front thereof capable of revealing persons and objects 75
18 feet ahead in lieu of lamps required by subs. (1) to (3) if such vehicle at no time is
19 operated at a speed in excess of 20 miles per hour. No lighted lamp under this
20 subsection shall have any type of decorative covering that restricts the amount of
21 light emitted when the lighted lamp is in use. This subsection does not apply to any
22 type of decorative covering originally equipped on the vehicle at the time of
23 manufacture and sale.

24 **SECTION 6.** 347.12 (1) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 677**SECTION 6**

1 347.12 (1) (intro.) Whenever a motor vehicle is being operated on a highway
2 during hours of darkness or whenever it is raining, snowing, sleet or hailing, or
3 at any other time when visibility is impaired by weather, smoke, fog or other
4 conditions, the operator shall use a distribution of light or composite beam directed
5 high enough and of sufficient intensity to reveal a person or vehicle at a safe distance
6 in advance of the vehicle, subject to the following requirements and limitations:

7 **SECTION 7.** 347.13 (1) of the statutes is amended to read:

8 347.13 (1) No person shall operate a motor vehicle, mobile home or trailer or
9 semitrailer upon a highway during hours of darkness or whenever it is raining,
10 snowing, sleet or hailing, or at any other time when visibility is impaired by
11 weather, smoke, fog or other conditions, unless such motor vehicle, mobile home or
12 trailer or semitrailer is equipped with at least one tail lamp mounted on the rear
13 which, when lighted during hours of darkness or whenever it is raining, snowing,
14 sleet or hailing, or at any other time when visibility is impaired by weather,
15 smoke, fog or other conditions, emits a red light plainly visible from a distance of 500
16 feet to the rear. No tail lamp shall have any type of decorative covering that restricts
17 the amount of light emitted when the tail lamp is in use. No vehicle originally
18 equipped at the time of manufacture and sale with 2 tail lamps shall be operated
19 upon a highway during hours of darkness unless both such lamps are in good
20 working order. This subsection does not apply to any type of decorative covering
21 originally equipped on the vehicle at the time of manufacture and sale.

22 **SECTION 8.** 347.16 (1) (intro.) of the statutes is amended to read:

23 347.16 (1) (intro.) No person shall operate on a highway ~~during hours of~~
24 ~~darkness~~ any vehicle, except automobiles, having a width at any part in excess of 80
25 inches during hours of darkness or whenever it is raining, snowing, sleet or

ASSEMBLY BILL 677

1 hailing, or at any other time when visibility is impaired by weather, smoke, fog or
2 other conditions, unless such vehicle is equipped with:

3 **SECTION 9.** 347.16 (2) (intro.) of the statutes is amended to read:

4 347.16 (2) (intro.) No person shall operate any of the following vehicles on a
5 highway during hours of darkness or whenever it is raining, snowing, sleet or
6 hailing, or at any other time when visibility is impaired by weather, smoke, fog or
7 other conditions, unless such vehicles are equipped as indicated:

8 (END)