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2001 ASSEMBLY BILL 363

April 30, 2001 – Introduced by Representatives Hubler, Ryba, Berceau, J. Lehman, Sykora, Ainsworth, Seratti and Boyle, cosponsored by Senators Risser and Schultz, by request of State of Wisconsin Council on Highway Safety. Referred to Committee on Highway Safety.

AN ACT to amend 23.33 (6) (a), 29.924 (2), 347.06 (1), 347.06 (4), 347.09 (1) (intro.), 347.10 (4), 347.12 (1) (intro.) and 347.22 (1) of the statutes; relating to: requiring motor vehicle headlamps to be lighted whenever the vehicle is operated upon a highway.

Analysis by the Legislative Reference Bureau

Current law generally prohibits the operation of motor vehicles upon a highway during hours of darkness unless the vehicle is properly equipped with lighted headlamps.

This bill requires headlamps on motor vehicles to be lighted whenever the motor vehicle is operated upon a highway, regardless of the time of day or atmospheric conditions.

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

Section 1. 23.33 (6) (a) of the statutes is amended to read:

23.33 **(6)** (a) A person who operates an all-terrain vehicle during hours of darkness or during daylight hours on any highway right-of-way is required to display a lighted headlamp and tail lamp at all times on the all-terrain vehicle.

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Section 2. 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 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 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 unless all headlamps with which such vehicle is required to be equipped are lighted. Except as provided in subs. (2) and sub. (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 vehicle is required to be equipped are lighted. Parking lamps, as defined in s. 347.27, shall not be used for this purpose.

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 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 operate a motor vehicle on a highway during hours of darkness unless such vehicle is equipped as follows:

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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 when equipped with 2 lighted lamps upon the front thereof capable of revealing persons and objects 75 feet ahead in lieu of lamps required by subs. (1) to (3) if such vehicle at no time is operated at a speed in excess of 20 miles per hour. No lighted lamp under this subsection shall 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, 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. 347.22 (1) of the statutes is amended to read:

347.22 (1) No person shall operate or park a farm tractor or self-propelled farm implement upon a highway during hours of darkness unless such tractor or implement carries the lighted headlamps and tail lamps which would be required of other motor vehicles under similar circumstances.

21 (END)