



2009 SENATE BILL 382

November 3, 2009 – Introduced by Senators LEHMAN, HOLPERIN, SCHULTZ, TAYLOR, OLSEN and A. LASEE, cosponsored by Representatives LOTHIAN, BROOKS, TOWNSEND, KAUFERT, GUNDERSON, BERCEAU, A. OTT, BIES, TURNER and BENEDICT. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

1 **AN ACT 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:** use of lamps on vehicles when visibility is limited by climatic
4 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 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

SENATE BILL 382

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:

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

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

12 **SECTION 2.** 340.01 (43d) of the statutes is created to read:

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

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

17 347.06 (1) Except as provided in subs. (2) and (4), no person may operate a
18 vehicle upon a highway during hours of darkness or during a period of limited
19 visibility unless all headlamps, tail lamps, and clearance lamps with which ~~such~~ the
20 vehicle is required to be equipped are lighted. Parking lamps as defined described
21 in s. 347.27 ~~shall~~ may not be used for this purpose. This subsection does not apply

SENATE BILL 382

1 if lamps that are automatically activated whenever the vehicle is started are in use,
2 if the headlamps are of sufficient intensity to satisfy the requirements for daytime
3 running lamps under 49 CFR 571.108, S5.5.11 (a).

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

5 347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate
6 a vehicle owned or leased by the department of natural resources upon a highway
7 during hours of darkness or during a period of limited visibility without lighted
8 headlamps, tail lamps, or clearance lamps in the performance of the warden's duties
9 under s. 29.924 (2).

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

11 347.09 (1) (intro.) No person shall may operate a motor vehicle on a highway
12 during hours of darkness or during a period of limited visibility, unless such the
13 vehicle is equipped as follows:

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

15 347.10 (4) Any motor vehicle may be operated during hours of darkness or
16 during a period of limited visibility when equipped with 2 lighted lamps upon the
17 front thereof of the motor vehicle capable of revealing persons and objects 75 feet
18 ahead in lieu of lamps required by subs. (1) to (3) if such the 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 may have any type of decorative covering that restricts the amount
21 of light emitted when the lighted lamp is in use. This subsection does not apply to
22 any type of decorative covering originally equipped on the vehicle at the time of
23 manufacture and sale.

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

