

State of Wisconsin



2015 Senate Bill 249

Date of enactment: **February 29, 2016**

Date of publication*: **March 1, 2016**

2015 WISCONSIN ACT 165

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.

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 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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 ~~such~~ 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.

SECTION 9m. Nonstatutory provisions.

(1) Notwithstanding sections 347.06 (1), 347.09 (1), 347.10 (4), 347.12 (1), and 347.13 (1) of the statutes, as affected by this act, during the period beginning the day after publication of this act and ending on the first day of the 7th month beginning after publication of this act, no traffic officer, as defined in section 340.01 (70) of the statutes, may issue a citation to a person for operating a motor vehicle during a period of limited visibility, as defined in section 340.01 (43d) of the statutes, as created by this act, in violation of any provision of section 347.06 (1), 347.09 (1), 347.10 (4), 347.12 (1), or 347.13 (1) of the statutes, as affected by this act. A traffic officer may issue a warning notice for any violation specified in this subsection.