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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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**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”<sup>1</sup> 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.<sup>2</sup> 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

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<sup>1</sup> “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.]

<sup>2</sup> 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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