

1053 EQUIPMENT AND MAINTENANCE OF VEHICLES: HEADLIGHTS

The Wisconsin statutes provide that:

[Use the appropriate following paragraph(s).]

(a) Every motor vehicle shall be equipped with at least two headlights. The headlights shall be mounted on the front of the vehicle at a height of not more than 54 inches nor less than 24 inches from the ground.

(b) The headlights must be multiple beam lights; the upper beam from both lights, aimed straight ahead, must be of such intensity to reveal persons and vehicles at a distance of at least 350 feet ahead, under normal atmospheric conditions, upon a straight and level unlighted highway, and under all conditions of loading. The lowermost beam from both lights must be of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead under the same conditions.

(c) No person shall drive a vehicle upon a highway during hours of darkness unless all headlights, required by the statute, are lighted. "Hours of darkness" is that period of time from one-half hour after sunset to one-half 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).

(d) The driver of a vehicle shall keep all required headlights reasonably clean and in proper working condition at all times.

(e) Whenever a motor vehicle is being driven on a highway during hours of darkness, the driver shall use a beam directed high enough and of sufficient intensity to reveal a person or vehicle at a safe distance ahead except that the driver, when approaching

an oncoming vehicle within 500 feet, shall dim, depress, or tilt the vehicle's headlights so that the glaring rays are not directed into the eyes of the driver of the other vehicle.

(f) Whenever the driver of a vehicle equipped with multiple beam headlights approaches or follows another vehicle within 500 feet to the rear, the driver shall dim, depress, or tilt headlights on the vehicle so that the glaring rays are not reflected into the eyes of the driver of the other vehicle.

A failure to comply with any of these statutes is negligence.

COMMENT

The instruction and comment were originally published in 1962. The instruction was updated in 2008. The comment was updated in 1980 and reviewed without change in 1997. Editorial changes were made in 1992 to address gender references in the instruction.

This instruction attempts to set forth the statutory requirements as to condition of headlights and the use of them for the ordinary passenger vehicle, under usual conditions. All of the requirements set forth above are not usually at issue in a given case. Therefore, the inappropriate paragraphs or parts of paragraphs should be stricken.

Driver or Operator. This instruction applies to either an operator or a driver of a motor vehicle. If "operator" is more appropriate to the evidence, then substitute "operator" for "driver."

The substance of paragraph (a) is from Wis. Stat. §§ 347.08, 347.09; paragraph (b) from § 347.10; paragraph (c) from §§ 347.06, 340.01(23); paragraph (d) from § 347.06(3); paragraph (e) from § 347.12(1)(a); paragraph (f) from § 347.12(1)(b).

If a vehicle is not operated in excess of 20 miles per hour at any time, headlights need only reveal persons or objects 75 feet ahead. Wis. Stat. § 347.10(4).

Different equipment is required or permissible for vehicles also equipped with adverse weather lamps, § 347.07; motorcycles or motor bicycles, §§ 347.09, 347.11; trucks or vehicles over 80 inches in width, § 347.16; highway maintenance vehicles, § 347.23; nonmotor vehicles, § 347.24; emergency vehicles and school buses, § 347.25. Also see provisions as to optional lighting equipment, § 347.26, and parked vehicles, § 347.27. When such other types of vehicles are in the case, the appropriate statute as to equipment and its use should be substituted or added.

In cases involving specialized commercial vehicles, orders of the Department of Transportation may have application to the issues.

In Zartner v. Scopp, 28 Wis.2d 205, 212, 137 N.W.2d 107 (1965), the court noted that the lighting of headlights has a warning function for approaching cars in addition to affording the driver greater visibility.