347.46 History: 1957 c. 260; Stats. 1957 s. 347.46.

Legislative Council Note, 1957: Subsection (1) restates s. 85.61. While the present law does not expressly so state, it has been held to apply only when a vehicle of the tractor type is operated on a highway. Connell v. Luck, 264 W 282, 58 NW (2d) 633 (1953).

Subsection (2) restates and consolidates s. 85.45 (6) and Rule MVD 7.01 which has been adopted by the department to implement s. 85.45 (6). [Bill 99-S]

85.61, Stats. 1947, construed in the light of its purpose as a highway safety measure, and in the light of the applicable definition of "vehicle" in 85.10 (1) as being every device in, on, or by reason of which any person or property may be transported or drawn "upon a public highway" is broad enough to cover a farm tractor, as defined in 85.10 (8), while being driven or operated on a public highway, but does not apply to a farm tractor while being operated in a field on the owner's farm by a farm hand who was injured during such operation as the alleged result of the absence of fenders on the driving wheels of the tractor. Connell v. Luck, 264 W 282, 58 NW (2d) 633.

347.47 History: 1957 c. 260, 282; Stats. 1957 s. 347.47; 1967 c 292; 1969 c. 500 s. 30 (3) (h).

347.48 History: 1961 c. 521; Stats. 1961 s. 347.48; 1963 c. 448; 1969 c. 500 s. 30 (3) (g), (i).

347.48 does not require that the seat belt be used, but failure to use it may be found to be negligence contributing to the injuries if proper evidence of cause and effect is introduced. Bentzler v. Braun, 34 W (2d) 362, 149 NW (2d) 626.

In a diversity action for personal injuries the federal court must look initially to the substantive law of the forum state (Wisconsin) to determine whether a passenger, suing for personal injuries arising out of an automobile accident in another state (Oklahoma), was contributorily negligent in not using a seat belt. Turner v. Pfluger, 407 F (2d) 648.

347.48 may be violated even though no proof of operating on the highway is offered. 53 Atty. Gen. 132.

Failure to use seat belts as contributory negligence. Rick, 50 MLR 662.

Seat-belt negligence in automobile accidents. Roethe, 1967 WLR 288.

347.485 History: 1967 c. 292; Stats. 1967 s. 347.485; 1969 c. 500 s. 30 (3) (h).

347.486 History: 1967 c. 292; Stats. 1967 s. 347.486.

347.487 History: 1967 c. 292; Stats. 1967 s. 347.487.

347.49 History: 1957 c. 260; Stats. 1957 s. 347.49.

347.50 History: 1957 c. 260; Stats. 1957 s. 347.50.

347.75 History: 1965 c. 237; Stats. 1965 s. 347.75.

347.76 History: 1965 c. 237; Stats. 1965 s. 347.76; 1969 c. 500 s. 30 (3) (f), (g), (h).

CHAPTER 348.

Size, Weight and Load.

On exercises of police power see notes to sec. 1, art. I; on cruel punishments see notes to sec. 6, art. I; and on legislative power generally and delegation of power see notes to sec. 1, art. IV.

348.01 History: 1957 c. 260; Stats. 1957 s. 348.01.

348.02 History: 1957 c. 260, 615; Stats. 1957 s. 348.02; 1959 c. 497; 1961 c. 205.

348.05 History: 1957 c. 250, 260, 471, 672, 674; Stats. 1957 s. 348.05; 1959 c. 430, 542, 630; 1961 c. 108; 1963 c. 449, 548; 1965 c. 233; 1969 c. 480.

Legislative Council Note, 1957: Subsection (2) (h) is from s. 85.445. The last part of sub. (2) (g) is from s. 193.01 (1). The remainder of the section is from s. 85.45 (2) (a). The only change in the law results from the omission of the provision in present s. 85.45 (2) (a) authorizing motors trucks operated prior to July 1, 1929, on solid rubber tires and currently equipped with dual pneumatic tires to operate without permit even though being 8 feet 6 inches in width. This provision was dropped as being obsolete. [Bill 99-S]

Legislative Council Note, 1957: This incorporates into the vehicle code the substance of ch. 250, laws of 1957. The federal law setting up the national system of interstate and defense highways provides for withholding of federal-aid funds for such highways if a state permits such highways to be used by vehicles exceeding 96 inches in width or the corresponding legal width limitation in effect in the state on July 1, 1956, whichever is greater. Hence, the limitation of par. (j) above to vehicles operated on highways other than the national system of interstate and defense highways. 23 USCA S. 158 (j). [Bill 643-S]

Violating the statute prohibiting a trailer exceeding 8 feet in width on a highway without a permit does not abrogate the defense of contributory negligence. Hillside G. & T. Co. v. Pflittner, 200 W 26, 227 NW 282.

An exception contained in 85.45 (2), Stats. 1937, exempts a farmer from 8-foot load width restrictions in hauling loose hay or straw or the like in ordinary farming operations where temporary use is made of a highway. 28 Atty. Gen. 311.

A wagon or trailer temporarily propelled by a farm tractor and engaged exclusively in transporting agricultural commodities over highways is not necessarily an "implement of husbandry" unless its operation is incidental to and part of farming operations. 30 Atty. Gen. 312.

A motor truck or trailer, used by a dealer to transport new farm machinery from his place of business to a farm for delivery to a purchaser, does not thereby become an "implement of husbandry." 44 Atty. Gen. 103.

On the applicability of 348.05 (2) and (3) to "implements of husbandry" being operated temporarily on highways or transported thereon for repairs see 47 Atty. Gen. 112.

348.06 History: 1957 c. 260; Stats. 1957 s. 348.06; 1959 c. 521; 1963 c. 6.

348.07 History: 1957 c. 260; Stats. 1957 s. 348.07; 1963 c. 337, 503; 1965 c. 152, 249.

In a prosecution for violating 85.45 (2) (b) regulating the over-all length of vehicles on highways, a stipulation that a combination of truck and semitrailer actually used was safer than that permitted by the statute was not binding on the court, and, at most, the stipulation and the testimony upon which it was based could be considered only in determining whether the statute has reasonable relation to safety. State v. Wetzel, 208 W 603, 243 NW 768.

348.08 History: 1957 c. 260; Stats. 1957 s. 348.08; 1963 c. 337, 503; 1969 c. 500 s. 30 (2) (e).

Legislative Council Note, 1957: This is a restatement of parts of s. 85.45 (2) (c), (3) and (4). The law pertaining to flagging of intersections has been revised. The present law contains 2 conflicting provisions. Section 85.45 (3) provides that "whenever a trailer train operating under this subsection or under a special permit crosses an intersection of an artery for through traffic or a street railway, such intersection shall be flagged." Section 85.45 (4) provides that when the operator of any such trains is "crossing a public highway" he shall place a flag "along the roadside at points approximately 125 feet in each direction from the place of such crossing." The new section requires only intersections with through highways (called arteries for through traffic in the present law) to be flagged. The new provision is more reasonable than the old and more likely to be observed in practice. [Bill 99-S]

A combination comprising a motor vehicle drawing or having attached thereto more than one other vehicle is prohibited unless a permit be granted. Granting of a permit is to be controlled by considerations of public safety on the highway, rather than convenience to the operator or economy of operation. 34 Atty. Gen. 244.

348.08, Stats. 1963, which prohibits more than one attached vehicle on the highway, is qualified by 348.02 which (under conditions therein prescribed) excepts therefrom an emergency towing operation to remove a stalled or disabled vehicle. Cornwell v. Rohrer, 38 W (2d) 252, 156 NW (2d) 373.

348.09 History: 1957 c. 260; Stats. 1957 s. 348.09.

Legislative Council Note, 1957: Subsection (1) is a restatement of s. 86.65. The definition of "fender line" has been clarified by specifying the "outermost limits of the" rear fenders, flare boards or floor of the body, "whichever projects outward the farthest."

Subsection (2) is a statement of the rule laid down by the court in the case of Whaley v. State, 200 W 267, 227 NW 942 (1929). [Bill 99-S]

The statute limiting the distance at which a load may be carried on the side of a "vehicle" is applicable to a motor truck, notwithstanding a related statute limiting width of vehicles and loads thereon. Whaley v. State, 200 W 267, 227 NW 942.

348.10 History: 1957 c. 260; Stats. 1957 s. 348.10; 1967 c. 292.

Legislative Council Note, 1957: The first part of sub. (1) is a restatement of s. 85.64. The part excepting vehicles carrying other vehicles equipped with cranes or booms extending more than 3 feet beyond the front of the foremost vehicle is new. Such equipment is used extensively in construction work and often must be moved short distances from one job to another. The motor vehicle laws committee is of the opinion that permits should not be required if the total length of the vehicles and load does not exceed statutory length limitations (35 feet for a single vehicle and 50 feet for a combination of vehicles).

Subsection (2) is a restatement of s. 85.38.

Subsection (3) is a restatement of s. 85.665 with the term "motor vehicle" having been substituted for "automobile, truck." [Bill 99-S]

The mere violation of 85.38, Stats. 1939, providing that no vehicle shall be operated or moved on any highway unless such vehicle is so constructed and loaded as to prevent its contents from dropping or otherwise escaping therefrom, and punishable as a misdemeanor, does not constitute "gross negligence." Dach v. General Cas. Co. 241 W 34, 4 NW (2d) 170.

348.10 (3), Stats. 1957, requiring certain safety measures for vehicles carrying logs on highway, applies to vehicles carrying pulpwood. 46 Atty. Gen. 198.

348.11 History: 1957 c. 260, 674; Stats. 1957 s. 348.11.

348.15 History: 1957 c. 260, 590, 603; Stats. 1957 s. 348.15; 1959 c. 535, 542; 1959 c. 610 s. 3 to 10; 1961 c. 452; 1969 c. 340.

In prosecutions for overloads on class "A" highways, a stipulation of the parties stating that the alleged violations occurred on a street in a named village, constituting a part of the marked route of U. S. Highway 41, sufficiently showed, in view of various statutory provisions, that the violations occurred on a class "A" highway. State v. Seraphine, 266 W 118, 62 NW (2d) 403.

The corporate owner of an overloaded truck could be found guilty without a finding of knowledge. State v. Dried Milk Products Co-op. 16 W (2d) 357, 114 NW (2d) 412.

Highways described in 85.46, Stats. 1951, are class "A" highways for purposes of prosecution under 85.47 [348.21] unless classified as "B" pursuant to authority conferred thereby upon local authorities. Classification of such highways as "A" is not dependent upon action by local authorities, but is deemed made by the legislature itself. Any contrary interpretation would be absurd, since it must be presumed that the legislature did not deliberately intend that such highways would be without any weight limitation whatsoever unless and until local authorities acted. The sole purpose of 85.46 is to permit local authorities, under certain circumstances, to reduce or make weight limitations more stringent. 40 Atty. Gen. 394.

Weight limitations are explained in 46 Atty. Gen. 255.

348.16 History: 1957 c. 260, 590; Stats. 1957 s. 348.16; 1959 c. 610 s. 11, 12.

348.17 History: 1957 c. 260; Stats. 1957 s. 348.17.

Where a county highway committee has, under 85.54, Stats. 1951, further restricted the gross weight of vehicles traversing a certain highway, such weight limitation applies uniformly to all users and exceptions may not be made. 41 Atty. Gen. 154.

Where seasonal weight limits are imposed by counties it is immaterial whether the highway is class "A" or "B". 48 Atty. Gen. 152.

348.175 History: 1957 c. 260; Stats. 1957 s. 348.175; 1959 c. 542; 1969 c. 359.

Editor's Note: In connection with the amendatory legislation of 1969 see State v. Fischer, 17 W (2d) 141, 115 NW (2d) 553.

A vehicle hauling overweight loads by virtue of a special permit pursuant to 348.175 is liable for the registration fee set forth in 341.25 for such permitted excess loads. 54 Atty. Gen. 179.

348.18 History: 1957 c. 260; Stats. 1957 s. 348.18; 1959 c. 207; 1969 c. 55.

348.185 History: 1957 c. 260; Stats. 1957 s. 348.185; 1963 c. 188; 1969 c. 500 s. 30 (3) (f).

A combined ambulance and casket wagon must display the weight of the vehicle. 11 Atty. Gen. 372.

The weight must appear on the sides of an automobile which has been remodeled so as to haul 12 cans of milk. 20 Atty. Gen. 340.

348.19 History: 1957 c. 260; Stats. 1957 s. 348.19; 1959 c. 542; 1969 c. 473.

Legislative Council Note, 1957: This is substantially a restatement of s. 85.52 with minor clarifications and modifications to be noted.

The new section makes clear that traffic officers have authority to require a vehicle to be brought to a scale for weighing when it appears that the registered gross weight is exceeded even though the axle weight limitation is not exceeded but restricts the authority of the officer so as to require that the vehicle be taken to the "nearest usable certified" public scale if a public scale is to be used for the weighing. The quoted limitation is not in the present law. Neither does the present law clearly spell out the authority of the officers to weigh a vehicle suspected of exceeding its registered gross weight.

The law has been modified to the extent that the new section will permit a flat penalty to be imposed for failure or refusal to obey the directions of a traffic officer relative to the weighing and unloading or reloading of a vehicle suspected of being overloaded. The old section is so worded that apparently no penalty can be imposed for such failure or refusal independently of the penalties for overloading, for it states that a failure or refusal to stop or submit the vehicle or load to weighing "shall constitute a violation of s. 85.47 (1) (c) or (d), s. 85.48 or s. 85.54" and no penalty can be imposed for violation of those sections unless the vehicle is overweight. The last sentence of present s. 85.52, quoted above, therefore is meaningless. It is believed that this failure to provide an effective penalty for refusal to submit a vehicle and load to weighing was inadvertently a result of certain amendments to Bill 522-S adopted by the 1951 session of the legislature. Under the new section, the penalty stated in s. 348.21 (1) applies. [Bill 99-S]

348.20 History: 1957 c. 260; Stats. 1957 s. 348.20; 1959 c. 156; 1961 c. 589; 1969 c. 340; 1969 c. 500 s. 30 (3) (g).

In a prosecution under 348.15 to 348.17, Stats. 1959, the state need not show actual knowledge on the part of the owner where it is evident that the vehicle was operated on behalf of and in connection with the owner's business. 48 Atty. Gen. 152.

Both the owner and operator may be charged with violating the weight laws and required to post bond. The vehicle and load cannot be held for the purpose of forcing the posting of a bond by the owner but it may be held as evidence of the criminal violation. 54 Atty. Gen. 45.

348.21 History: 1957 c. 260; Stats. 1957 s. 348.21; 1959 c. 610, 611; 1965 c. 522; 1969 c. 340.

348.21 (2) (b), Stats. 1959, applies where a vehicle is overweight on an axle or wheel because of shifting of a load. If the excess is not more than 1,000 pounds over allowed tolerances and can be reloaded on the same vehicle to bring the weight within tolerated limits, a special fine of $10 applies. The defendant has the burden of proving that the load has shifted. 49 Atty. Gen. 186.

348.22 History: 1957 c. 260; Stats. 1957 s. 348.22.

348.25 History: 1957 c. 260; Stats. 1957 s. 348.25; 1963 c. 35; 1969 c. 500 s. 30 (2) (e), (3) (h).

Legislative Council Note, 1957: The law relating to issuance of permits for oversize or overweight vehicles has been divided into 3 sections. This section contains provisions applicable to all permits, except as otherwise stated in the section. Section 348.26 restates the statutory provisions relating to single-trip permits and s. 348.27 restates the statutory provisions relating to annual or multiple-trip permits. The statutory provisions relating to issuance of permits are rather fragmentary and incomplete and are extensively supplemented by the rules of the state highway commission.

Subsections (1) and (2) correlate the sections relating to permits with the sections relating to restrictions on size, weight and load. A person who operates an oversize or overweight vehicle is, of course, subject to the penalties for violating such size and weight limitations unless he has a permit which authorizes the operation. Subsections (1) and (2) merely state that fact expressly and do not result in the imposition of any additional penalty.

Subsection (3) is a restatement of part of s. 85.53 (1) (c) and to some extent incorporates present practice.

Subsection (4) is a clarification of the provision presently found in s. 85.53 (1) (a) and

incorporates the state highway commission's interpretation of the law.

Subsection (5) is a restatement of part of s. 85.53 (1) (c) and (4).

Subsection (6) is new but, at least insofar as the state highway commission is concerned, is a statement of present practice. Highway commission rules require proof of a certain amount of liability insurance as a condition precedent to the granting of a permit. Such requirements presently are imposed pursuant to the authority granted the commission by s. 85.53 (1) (c) to impose "reasonable conditions" on the granting of permits. Subsection (6) would make this authority more specific and would extend it to local officers and agencies authorized to grant permits. The provision requiring such insurance in the case of annual mobile home transportation permits is new. The present practice is to require such insurance, but the motor vehicle laws committee thought it desirable to expressly state this requirement in the law.

Subsection (7) is from s. 85.53 (1) (c). The present law refers only to the authority of the highway commission to revoke permits for good cause. There would seem to be as much reason for giving local officers the same power in regard to permits issued by them, and sub. (7) so provides. [Bill 99-S]

The liability of one moving an excessive load over a bridge is, except for penalties, unaffected by whether or not he had a special permit, or whether a permit was issued without requiring bond. State v. Yellow B. & T. Co. 211 W 391, 247 NW 310.

Other traffic rules are not applicable to the transportation of a single article occupying more than half of the roadway while being transported under a special permit. Hohensee v. Acheson, 213 W 316, 251 NW 234.

The county highway commissioner has authority, whenever it is necessary to transport a single article which cannot reasonably be divided and which exceeds maximum permissible weight or dimensions, to issue a special permit for a single trip. A vehicle operating under such permit may have total outside width in excess of 8 feet. 18 Atty. Gen. 625.

The motor vehicle department can collect registration fees in case of trucks and trailers based upon gross weights in excess of maximum permissible gross weights prescribed by 85.47, 85.48 and 85.49, where such trucks and trailers operate under special permits as provided by 85.53, Stats. 1939. 29 Atty. Gen. 391.

Neither the state nor the state highway commission is liable for damages to property or persons resulting from accidents on highways involving trucks or trailers operating under special permits for excessive loads issued by the state highway commission, and applicants for such permits may not be required to furnish insurance to cover such nonexistent liability. 32 Atty. Gen. 176.

348.26 History: 1957 c. 260, 469, 674; Stats. 1957 s. 348.26; 1969 c. 500 s. 30 (2) (e).

Legislative Council Note, 1957: Subsection (1) is a substantial restatement of parts of s. 85.53 (1) (a) and (c).

Subsection (2) is a substantial restatement of s. 85.53 (2) and (5) and part of s. 85.53 (1) (a). The present law is not entirely clear as to who is to issue the permits but seems to imply that the local officials enumerated in s. 85.53 (2) may issue permits for any highway and the state highway commission only if the route to be used covers state trunk highways in more than one county (s. 85.53 (1) (a)). The practice has not been entirely in conformity with this interpretation of the law. In practice local officials issue permits for use of highways under their jurisdiction and also for use of state trunk highways within the county or municipality which they represent, provided application is made to them. The state highway commission issues permits for use of state trunk highways whenever application is made to the commission rather than to the local authorities, whether or not state trunk highways in more than one county are involved. Thus, there is a certain amount of overlapping jurisdiction in regard to single-trip permits for oversize or overweight vehicles. Present practice has been restated in sub. (2).

Subsection (3) is a restatement of part of s. 85.45 (3).

Subsection (4) is a restatement of part of s. 85.445. [Bill 99-S]

348.27 History: 1957 c. 260, 674; Stats. 1957 s. 348.27; 1959 c. 592, 641; 1961 c. 595; 1965 c. 445; 1967 c. 123; 1969 c. 500 s. 30 (2) (e).

Legislative Council Note, 1957: The present law relating to the issuance of annual or multiple trip permits for oversize or overweight vehicles or loads is very sketchy and disorganized. The new section is an attempt to reorganize and restate this part of the law, with suggested changes to be noted. No attempt has been made to make the statutory law more complete than at present since the state highway commission has published very complete rules as to the manner of applying for permits and the conditions which must be complied with.

Subsection (2) is from s. 85.53 (1) (a). The present law seems to imply that the so-called "annual permits" are to be issued only to persons engaged in the business of transporting oversize or overweight articles. At one time most of the transporting of such articles was done by persons engaged in that business but today many contractors have their own heavy duty hauling equipment and so the practice is to issue annual permits to persons other than those engaged in the business of hauling oversize or overweight articles. The new section therefore omits the reference to persons engaged in the business of heavy duty hauling.

Subsection (3) is a restatement of s. 85.53 (6), except that the present law seems to refer only to vehicles or loads of excessive weight while the new section refers also to excessive size. This conforms to the highway commission's practice of issuing "general permits" both for excessive size and excessive weight.

Subsection (4) is a restatement of s. 85.53 (1) (b).

Subsection (5) is a restatement of s. 85.53 (3) (a).

Subsection (6) is a restatement of part of s. 85.45 (3).

Subsection (7) is a restatement of part of s. 85.445.

Subsection (8) is an attempted restatement of that part of s. 85.54 (1) relating to the transportation of unmanufactured forest products. The present provision is ambiguous and it is difficult to state exactly what it means. [Bill 99-S]

348.28 History: 1959 c. 542; Stats. 1959 s. 348.28.

CHAPTER 349.

Powers of State and Local Authorities.

On legislative power generally and delegation of power see notes to sec. 1, art. IV; on powers of county boards see notes to sec. 22, art. IV; on municipal home rule see notes to sec. 3, art. XI; on kinds of actions see notes to 260.05; and on recovery of municipal forfeitures see notes to 288.10.

349.01 History: 1957 c. 260; Stats. 1957 s. 349.01.

349.02 History: 1957 c. 260; Stats. 1957 s. 349.02.

Although the driver whose car struck a traffic officer entered the intersection on the officer's signal to do so, such driver owed the officer the same duty as that which he owed to anyone whom he might reasonably foresee would be injured in an accident as to which his failure of ordinary care might contribute. McCarthy v. Behnke, 273 W 640, 79 NW (2d) 82.

Traffic officers may hold up, or reroute traffic when highways are blocked by storms, accidents, or other conditions requiring emergency action. The agency employing such personnel is not liable for accidents occurring to vehicles, property, or highways as a result of such halting or rerouting. 86.06 and 349.16 (1), Stats. 1957, extend authority to highway maintenance personnel to hold up or reroute traffic where the highway is unsafe for travel. 47 Atty. Gen. 82.

349.03 History: 1957 c. 260, 262; Stats. 1957 s. 349.03; 1961 c. 336; 1967 c. 252.

Legislative Council Note, 1957: The first sentence of sub. (1) is basically a restatement of s. 85.86. The remainder of sub. (1) is a restatement of parts of s. 85.84 and 85.85. The phrase "ordinance, resolution, rule or regulation" used in the present sections has been changed to "traffic regulation" in the new section. This is intended merely to be a simplification of language, not a change in meaning.

Subsection (1) (a) incorporates the language used in present ss. 85.84 and 85.85 to indicate the general authority of counties and municipalities to enact traffic regulations. Whether or not a particular ordinance is inconsistent with or contrary to the statutory traffic regulations seems to be a question of interpretation in each case. By way of illustration, in City of Oshkosh v. Campbell, 151 W 567, 139 NW 316 (1913) an ordinance requiring vehicles making right turns to make the turn next to the right-hand curb was held to be valid. There was no statute on the subject of right turns at the time. In City of Baraboo v. Dwyer, 166 W 372, 165 NW 297 (1917) an ordinance limiting speed to 10 miles per hour upon a bridge was held to be void because in conflict with the speed limits established by statute. On the basis of the Dwyer case the attorney general ruled that a city ordinance requiring all vehicles to stop before crossing railroad tracks is valid. There is no statute requiring such a stop. 13 Atty. Gen. 246 (1924).

Subsection (2) restates certain express prohibitions contained in present s. 85.84. It enumerates certain situations where local regulation is expressly prohibited and thereby avoids speculation as to whether such regulations would be "contrary" or "inconsistent" within the meaning of sub. (1) (a).

The prohibitions contained in present s. 85.84 do not apply to "corporations organized pursuant to ch. 55, laws of 1899." This exemption has been dropped. The 1899 law authorized the organization of park and pleasure drive associations in cities of the 2nd, 3rd and 4th classes. By virtue of ch. 557, Laws of 1917, no pleasure drive corporations have been permitted to come into existence since June 4, 1917 and the 1917 law further provided that any such corporation in existence at that time could at any time transfer all its parks, boulevards and pleasure drives and gifts and grants therefore to the city park board and that such transfer would operate to dissolve the corporation. It is not likely that any pleasure drive corporations are in existence today and in any event it would seem that they should not have any greater powers than the city itself.

The last 2 sentences of s. 85.84, relative to forfeiture on bail, are restated in s. 345.15. [Bill 99-S]

349.06 History: 1957 c. 260; Stats. 1957 s. 349.06; 1967 c. 292; 1969 c. 383.

Legislative Council Note, 1957: This section is a restatement of part of s. 85.84. It represents one of the express grants of authority mentioned in s. 349.03 (1) (b) and is not a limitation on the authority stated in s. 349.03 (1) (a). The supreme court has held that the words "strict conformity" refer to the offense or substantive law and not to the penalty provision. A local ordinance therefore is not void simply because the penalty differs from that imposed by statute. Dane County v. Bloomfield, 267 W 193, 64 NW (2d) 829 (1954). [Bill 99-S]

Editor's Note: Prior statutes governing the regulation of traffic by municipal governing bodies were considered by the supreme court in State ex rel. Keefe v. Schmiege, 251 W 79, 28 NW (2d) 345, and by the attorney general in an opinion published in 17 Atty. Gen. 281.

The term "in strict conformity", as used in 349.06, is not restricted to the offense or substantive law, but includes the penalty necessitating that the forfeiture provision of a local ordinance shall strictly conform to the statute. The language "the penalty for violation of any of its provisions shall be limited to a forfeiture" does not take the forfeiture out of the strict conformity clause, but merely reflects that the penalty of a local ordinance