



1997 ASSEMBLY BILL 635

December 2, 1997 - Introduced by Representatives BRANDEMUEHL, MUSSER, GOETSCH, DOBYNS, AINSWORTH, ALBERS, HANSON, LA FAVE, URBAN, SERATTI, GROTHMAN and GUNDERSON, cosponsored by Senators DRZEWIECKI, HUELSMAN, COWLES, FARROW, SCHULTZ and ROSENZWEIG. Referred to Committee on Highways and Transportation.

1 **AN ACT to amend** 347.48 (2m) (gm) and 349.06 (2); and **to create** 349.06 (1) (c)
2 of the statutes; **relating to:** enacting traffic regulation ordinances that
3 conform with rules of the department of transportation.

Analysis by the Legislative Reference Bureau

Current law allows any city, village, town or county (local authority) to enact and enforce ordinances that strictly conform to state traffic laws that are punishable by a forfeiture. This bill allows any local authority to enact and enforce ordinances that strictly conform to any rules of the department of transportation establishing motor vehicle equipment standards and motor vehicle size, weight and load limits, except rules pertaining to federal motor carrier safety standards.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 347.48 (2m) (gm) of the statutes is amended to read:
5 347.48 (**2m**) (gm) Notwithstanding s. 349.02, a law enforcement officer may not
6 stop or inspect a vehicle solely to determine compliance with this subsection or sub.

ASSEMBLY BILL 635**SECTION 1**

1 (1) or (2) or a local ordinance in conformity with this subsection or, sub. (1) or (2) or
2 rules of the department. This paragraph does not limit the authority of a law
3 enforcement officer to issue a citation for a violation of this subsection or sub. (1) or
4 (2) or a local ordinance in conformity with this subsection or, sub. (1) or (2) or rules
5 of the department observed in the course of a stop or inspection made for other
6 purposes, except that a law enforcement officer may not take a person into physical
7 custody solely for a violation of this subsection or sub. (1) or (2) or a local ordinance
8 in conformity with this subsection or, sub. (1) or (2) or rules of the department.

9 **SECTION 2.** 349.06 (1) (c) of the statutes is created to read:

10 349.06 (1) (c) Any local authority may enact and enforce any traffic regulation
11 that is in strict conformity with any rule of the department promulgated under s.
12 110.075 and chs. 347 and 348, except rules pertaining to federal motor carrier safety
13 standards, for which the penalty for a violation thereof is a forfeiture.

14 **SECTION 3.** 349.06 (2) of the statutes is amended to read:

15 349.06 (2) Traffic regulations adopted by local authorities which incorporate
16 by reference existing or future amendments to chs. 340 to 348 or rules of the
17 department shall be deemed to be in strict conformity and not contrary to or
18 inconsistent with such chapters or rules. This subsection does not require local traffic
19 regulations to incorporate state traffic laws or rules by reference in order to meet the
20 requirements of s. 349.03 or sub. (1).

21 (END)