2005 DRAFTING REQUEST

Bill

Received: **06/01/2005**

Received By: **agary**

Wanted: **Soon**

Identical to LRB: **2527**

For: **Neal Kedzie (608) 266-2635**

By/Representing: **Matt Phillips (aide)**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kedzie@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Special or seasonal weight limitations for certain vehicles transporting agricultural crops

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Instructions:

Wants companion to LRB-2527

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	agary 06/01/2005	wjackson 06/01/2005		_____ _____			S&L Vehicle
/1			rschluet 06/01/2005	_____ _____	lnorthro 06/01/2005	mbarman 06/02/2005	

FE Sent For:

<END>

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Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	agary	/1 wlj 6/1					

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<END>

Wanted by 6/2 end of day

3131/1
LRB-~~2527~~/2
ARG:wlj:~~pg~~

RMNR

2005 BILL

No changes

Regen

1 AN ACT ***to repeal*** 348.17 (4); ***to amend*** 348.15 (3) (intro.), 348.19 (2), 348.21 (3)
2 (intro.), 348.21 (3) (a) and 348.21 (3) (b) (intro.); and ***to create*** 348.17 (5) of the
3 statutes; **relating to:** special or seasonal weight limitations for certain vehicles
4 transporting agricultural crops.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory weight limits unless the person obtains a permit issued by the Department of Transportation (DOT) or a local authority. Under one exception, if the Department of Agriculture, Trade and Consumer Protection (DATCP) determines that an agricultural emergency exists with respect to the harvest of a particular crop, DOT may authorize a vehicle or vehicle combination that has a registered gross weight of 50,000 pounds or more or is a specified type of commercial motor vehicle and that is transporting these crops from field to storage or processing facilities to exceed statutory weight limits by not more than 15 percent. This exception does not apply on highways designated as part of the national system of interstate and defense highways, except for that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39.

Under this bill, from September 1 to November 30 of each year, a vehicle or combination of vehicles that has a registered gross weight of 50,000 pounds or more or is a specified type of commercial motor vehicle that is transporting certain

agricultural crops from the field to storage on the grower's owned or leased land, from the field to initial storage at a location not owned or leased by the grower, or from the field to initial processing may, without a permit, exceed weight limits by not more than 15 percent. This exception does not apply on Class "B" highways or on highways designated as part of the national system of interstate and defense highways, except for that portion of I 39 between USH 51 and I 90/94. The bill also repeals the provision of current law that authorizes DOT to increase weight limits for certain vehicles transporting agricultural crops upon a declaration by DATCP of an agricultural emergency, but provides the same penalty for violating the new seasonal weight limits under the bill as the penalty that applies under current law for violations of the special or seasonal weight limits imposed following a declaration of agricultural emergency by DATCP. The bill does not affect the authority of DOT to issue certain overweight permits for the transportation of raw forest products, fruits and vegetables, or potatoes, of DATCP to declare an agricultural emergency allowing DOT to issue overwidth permits for the transportation of hay bales or Christmas trees, or of the governor with respect to emergency management.

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., DOT, as required by law, will prepare a report to be printed as an appendix to this bill.

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:

1 **SECTION 1.** 348.15 (3) (intro.) of the statutes is amended to read:

2 348.15 **(3)** (intro.) Subject to any modifications made by a 1st class city under
3 s. 349.15 (3) <u>and except as provided in s. 348.17 (5)</u>, no person, without a permit, may
4 operate on a class "A" highway any vehicle or combination of vehicles unless the
5 vehicle or combination of vehicles complies with the following weight limitations:

6 **SECTION 2.** 348.17 (4) of the statutes is repealed.

7 **SECTION 3.** 348.17 (5) of the statutes is created to read:

8 348.17 **(5)** From September 1 to November 30 of each year, no permit shall be
9 required for the transportation of corn, soybeans, potatoes, vegetables, or
10 cranberries from the field to storage on the grower's owned or leased land, from the
11 field to initial storage at a location not owned or leased by the grower, or from the field

to initial processing in a vehicle or combination of vehicles having a registered gross weight of 50,000 pounds or more or described in s. 340.01 (24) (b) that exceeds the weight limitations under s. 348.15 by not more than 15 percent. This subsection does not apply to the national system of interstate and defense highways, except for that portion of I 39 between USH 51 and I 90/94.

SECTION 4. 348.19 (2) of the statutes is amended to read:

348.19 **(2)** (a) Except as provided in par. (b), whenever after a weighing of a vehicle and load as provided in sub. (1) a traffic officer determines that the weight exceeds the limitations imposed by s. 348.15, 348.16 or 348.17 (3) or ~~(4)~~ (5) or any limitations posted as provided in s. 348.17 (1), the operator of such vehicle shall not proceed (except to drive to such place as directed by the traffic officer for the purpose of reloading or unloading) until such portion of the load has been reloaded or unloaded as may be necessary to reduce the weight of the vehicle and load to comply with the limitations imposed by s. 348.15, 348.16 or 348.17 (3) or ~~(4)~~ (5) and any limitations posted as provided in s. 348.17 (1). All material so reloaded or unloaded shall be reloaded or unloaded and cared for by and at the risk of the owner or operator of the vehicle.

(b) If upon weighing a vehicle transporting livestock a traffic officer determines that the gross weight of the vehicle exceeds the limitations imposed by s. 348.15, 348.16 or 348.17 (3) ~~or (4)~~ or a limitation posted as provided in s. 348.17 (1), and if the point of apprehension is 15 miles or less from the destination of the vehicle, the traffic officer shall permit the operator of the vehicle to proceed to such destination without requiring the vehicle to be reloaded or unloaded as provided in par. (a). This paragraph does not apply to vehicles transporting livestock on the national system of interstate and defense highways, except for that portion of ~~USH 51 between~~

~~Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as~~ I 39 between USH 51 and I 90/94.

SECTION 5. 348.21 (3) (intro.) of the statutes is amended to read:

348.21 **(3)** (intro.) Any person violating s. 348.15 or 348.16 or any weight limitation posted as provided in s. 348.17 (1) or in a declaration issued under s. 348.175 or authorized under s. 348.17 (3) or ~~(4)~~ (5) or in an overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

SECTION 6. 348.21 (3) (a) of the statutes is amended to read:

348.21 **(3)** (a) If the weight exceeds by 1,000 pounds or less the maximum set forth in s. 348.15 (3) or 348.16 or posted as provided in s. 348.17 (1) or in a declaration issued under s. 348.175 or authorized under s. 348.17 (3) or ~~(4)~~ (5) or in an overweight permit issued under s. 348.26 or 348.27, a forfeiture of not less than $50 nor more than $100 upon the first conviction and, upon the 2nd and each subsequent conviction within a 12–month period, a forfeiture of not less than $100 nor more than $200.

SECTION 7. 348.21 (3) (b) (intro.) of the statutes is amended to read:

348.21 **(3)** (b) (intro.) If the weight exceeds by more than 1,000 pounds the maximum set forth in s. 348.15 (3) or 348.16 or posted as provided in s. 348.17 (1) or in a declaration issued under s. 348.175 or authorized under s. 348.17 (3) or ~~(4)~~ (5) or in an overweight permit issued under s. 348.26 or 348.27, the forfeiture shall be computed according to the following schedule and in the case of violation of s. 348.15 (3) (bg) or (br) shall be computed on the basis of the weights stated in s. 348.15 (3) (bg) or (br):

(END)

Barman, Mike

From: Phillips, Matt
Sent: Wednesday, June 01, 2005 5:55 PM
To: LRB.Legal
Subject: Draft review: LRB 05-3131/1 Topic: Special or seasonal weight limitations for certain vehicles transporting agricultural crops

It has been requested by <Phillips, Matt> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-3131/1 Topic: Special or seasonal weight limitations for certain vehicles transporting agricultural crops