



2011 SENATE BILL 223

October 6, 2011 – Introduced by Senators LAZICH, LASEE, GALLOWAY and LASSA, cosponsored by Representatives PETROWSKI, ENDSLEY, SPANBAUER, MURSAU, BERNIER, STONE, VAN ROY, RIPP, FARROW and A. OTT. Referred to Committee on Transportation and Elections.

1 **AN ACT** *to amend* 348.25 (3), 348.25 (4) (intro.), 348.25 (8) (b) 3. (intro.), 348.25
2 (8) (d), 348.27 (1) and 348.28 (1); and *to create* 348.25 (8) (b) 4., 348.27 (18) and
3 348.29 of the statutes; **relating to:** annual or consecutive month permits for
4 certain overweight vehicles or vehicle combinations transporting agricultural
5 products.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate on 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, as applicable. With exceptions, a permit may not be issued for transporting oversize loads if the load can be reasonably divided or reduced to comply with statutory limits.

This bill allows DOT to issue overweight permits for vehicles or vehicle combinations (vehicles) that have six or more axles and that are transporting certain agricultural products to a farm or from a field or farm to a storage or initial processing facility. The agricultural products that may be transported under the permit include fruit, vegetables, grain, and livestock, but exclude milk and raw forest products. The permit does not authorize the operation of any vehicle at a maximum gross weight in excess of 90,000 pounds. If the route over which the agricultural products are transported involves highways that are not state trunk highways, the permit application must be accompanied by a written statement of route approval by the

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officer in charge of maintenance of the local highway. The permit is not valid on an interstate highway unless operation of the vehicle on the interstate highway is allowed under federal law. Permit applications must be made electronically to DOT utilizing an electronic process prescribed by DOT. DOT may issue these permits regardless of whether the load being transported is divisible.

The bill further specifies that, as with all other vehicle size or weight permits, if DOT issues an agricultural emergency permit or farm machinery permit, the permit must be carried on the vehicle during operation.

Under current law, if any bill introduced in either house of the legislature directly or indirectly establishes an exception to vehicle weight limitations, DOT must prepare a report, containing specified information, relating to the bill within six weeks after the bill is introduced and before any vote is taken on the bill. This bill directs DOT not to prepare such a report on this bill because DOT recently completed the Wisconsin Truck Size and Weight Study that contained the same or similar information that would be contained in a report on 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.** 348.25 (3) of the statutes is amended to read:

2 348.25 (3) The department shall prescribe forms for applications for all single
3 trip permits the granting of which is authorized by s. 348.26 and for those annual,
4 consecutive month or multiple trip permits the granting of which is authorized by
5 s. 348.27 (2) and (4) to (15). The department shall prescribe an electronic application
6 process for permits the granting of which is authorized by s. 348.27 (18). The
7 department may impose such reasonable conditions prerequisite to the granting of
8 any permit authorized by s. 348.26 or 348.27 and adopt such reasonable rules for the
9 operation of a permittee thereunder as it deems necessary for the safety of travel and
10 protection of the highways. The department may limit use of the highways under
11 any permit issued to specified hours of the day or days of the week. Local officials
12 granting permits may impose such additional reasonable conditions as they deem
13 necessary in view of local conditions.

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1 **SECTION 2.** 348.25 (4) (intro.) of the statutes is amended to read:

2 348.25 **(4)** (intro.) Except as provided under s. 348.26 (5), (6), or (7) or 348.27
3 (3m), (4m), (9), (9m), (9r), (9t), (10), (12), (13), ~~or (15), or (18)~~, permits shall be issued
4 only for the transporting of a single article or vehicle which exceeds statutory size,
5 weight or load limitations and which cannot reasonably be divided or reduced to
6 comply with statutory size, weight or load limitations, except that:

7 **SECTION 3.** 348.25 (8) (b) 3. (intro.) of the statutes is amended to read:

8 348.25 **(8)** (b) 3. (intro.) ~~For~~ Except as provided in subd. 4., for a vehicle or
9 combination of vehicles, the weight of which exceeds any of the provisions of s. 348.15
10 (3):

11 **SECTION 4.** 348.25 (8) (b) 4. of the statutes is created to read:

12 348.25 **(8)** (b) 4. For a permit issued under s. 348.27 (18), \$300.

13 **SECTION 5.** 348.25 (8) (d) of the statutes is amended to read:

14 348.25 **(8)** (d) For the purpose of computing the fees under this subsection, if
15 the vehicle or combination of vehicles exceeds weight limitations, no fee in addition
16 to the fee under par. (a) 3., (b) 3. or 4., or (bm) shall be charged if the vehicle also
17 exceeds length, width or height limitations or any combination thereof.

18 **SECTION 6.** 348.27 (1) of the statutes is amended to read:

19 348.27 **(1)** APPLICATIONS. All applications for annual, consecutive month or
20 multiple trip permits for the movement of oversize or overweight vehicles or loads
21 shall be made to the officer or agency designated by this section as having authority
22 to issue the particular permit desired for use of the particular highway in question.
23 All applications under subs. (2) and (4) to (15) shall be made upon forms prescribed
24 by the department. All applications under sub. (18) shall be made utilizing an
25 electronic process prescribed by the department.

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1 **SECTION 7.** 348.27 (18) of the statutes is created to read:

2 **348.27 (18)** PERMITS FOR THE TRANSPORTATION OF CERTAIN AGRICULTURAL
3 PRODUCTS. (a) In this subsection:

4 1. “Agricultural product” means any of the following or any combination of the
5 following:

6 a. Fruit.

7 b. Vegetables.

8 c. Grain, including distillers’ grain.

9 d. Live livestock, as defined in s. 95.51 (1), feed for livestock, or nutritional
10 supplements for livestock.

11 2. “Agricultural product” does not include liquid milk or liquid milk
12 by-products, manure or animal waste, or raw forest products.

13 (b) Subject to par. (c), the department may issue annual or consecutive month
14 permits for the transportation of agricultural products in vehicles or vehicle
15 combinations that have 6 or more axles and that exceed the maximum gross weight
16 limitations under s. 348.15 (3) (c) if the vehicle or vehicle combination does not exceed
17 the maximum gross weight limitations under s. 348.29. Notwithstanding s. 348.15
18 (8), any axle of a vehicle or vehicle combination that does not impose on the highway
19 at least 8 percent of the gross weight of the vehicle or vehicle combination may not
20 be counted as an axle for the purposes of this paragraph. A permit issued under this
21 subsection does not authorize the operation of any vehicle or vehicle combination at
22 a maximum gross weight in excess of 90,000 pounds.

23 (c) A permit under this subsection is valid only for the transportation of
24 agricultural products to a farm or from a field or farm to a storage facility on the

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1 grower's owned or leased land, a facility for initial storage that is not on the grower's
2 owned or leased land, or a facility for initial processing.

3 (d) If the roads desired to be used by an applicant for a permit under this
4 subsection involve highways other than those within the state trunk highway
5 system, the application shall be accompanied by a written statement of route
6 approval by the officer in charge of maintenance of the other highway.

7 (e) A permit under this subsection is not valid on any interstate highway
8 designated under s. 84.29 (2) except to the extent allowed by federal law without any
9 loss or reduction of federal aid or other sanction.

10 **SECTION 8.** 348.28 (1) of the statutes is amended to read:

11 348.28 (1) Permits issued under ss. 348.25, 348.26 and 348.27 (1) to (10), (12)
12 to (13), and (15) shall be carried on the vehicle during operations so permitted.

13 **SECTION 9.** 348.29 of the statutes is created to read:

14 **348.29 Weight limitations for certain permits.** Notwithstanding s. 348.15
15 (3) (c), for any vehicle or vehicle combination operating under a permit issued under
16 s. 348.27 (18), the gross weight imposed on the highway by any group of 6 or more
17 consecutive axles of a vehicle or combination of vehicles may not exceed the
18 maximum gross weights in the following table for each of the respective distances
19 between axles and the respective numbers of axles of a group: [See Figure 348.29
20 following]

21

22

Figure 348.29:

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SECTION 9

1

Maximum gross weight in pounds on a group of—

Distances in feet between foremost and rearmost axles of a group	6 consecutive axles of any combination of vehicles having a total of 6 or more axles	7 consecutive axles of a 7-axle vehicle or of any vehicle or combination of vehicles having a total of 7 or more axles	8 consecutive axles of a 8-axle vehicle or of any vehicle or combination of vehicles having a total of 8 or more axles
28			82,000
29			82,500
30			83,000
31			83,500
32			84,500
33			85,000
34			85,500
35		80,500	86,000
36		81,000	86,500
37		81,500	87,000
38		82,000	87,500
39		82,500	88,500
40		83,500	89,000
41		84,000	89,500
42		84,500	90,000
43		85,000	
44	80,500	85,500	
45	81,000	86,000	
46	81,500	87,000	
47	82,000	87,500	
48	83,000	88,000	
49	83,500	88,500	
50	84,000	89,000	
51	84,500	89,500	
52	85,000	90,000	
53	86,000		
54	86,500		
55	87,000		
56	87,500		
57	88,000		
58	89,000		

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59	89,500
60	90,000

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SECTION 10. Nonstatutory provisions.

3

(1) EXCEPTION TO REVIEW BY THE DEPARTMENT OF TRANSPORTATION.

4

Notwithstanding section 13.096 (2) of the statutes, the department of transportation

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shall not prepare a report on this bill under section 13.096 (2) and (3) of the statutes

6

because the department recently completed the Wisconsin Truck Size and Weight

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Study, with a final report dated June 15, 2009, that contained the same or similar

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information that would be contained in a report on this bill under section 13.096 (2)

9

and (3) of the statutes.

10

SECTION 11. Effective date.

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(1) This act takes effect on the first day of the 7th month beginning after

12

publication.

13

(END)