



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 248**

1 **AN ACT** *to amend* 348.25 (3), 348.25 (4) (intro.), 348.27 (1) and 348.28 (1); and
2 **to create** 348.27 (16) of the statutes; **relating to:** annual or consecutive month
3 permits for vehicles transporting overheight loads of hay or straw and other
4 vehicles, providing an exemption from emergency rule procedures, and
5 granting rule-making authority.

Analysis by the Legislative Reference Bureau

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

6 **SECTION 1.** 348.25 (3) of the statutes is amended to read:
7 348.25 (3) The department shall prescribe forms for applications for all single
8 trip permits the granting of which is authorized by s. 348.26 and for those annual,
9 consecutive month or multiple trip permits the granting of which is authorized by

1 s. 348.27 (2) and (4) to (15). The department shall prescribe an electronic application
2 process for permits the granting of which is authorized by s. 348.27 (16). The
3 department may impose such reasonable conditions prerequisite to the granting of
4 any permit authorized by s. 348.26 or 348.27 and adopt such reasonable rules for the
5 operation of a permittee thereunder as it deems necessary for the safety of travel and
6 protection of the highways. The department may limit use of the highways under
7 any permit issued to specified hours of the day or days of the week. Local officials
8 granting permits may impose such additional reasonable conditions as they deem
9 necessary in view of local conditions.

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

11 348.25 (4) (intro.) Except as provided under s. 348.26 (5), (6), or (7) or 348.27
12 (3), (3m), (4m), (9), (9m), (9r), (9t), (10), (12), (13), or (15), or (16), permits shall be
13 issued only for the transporting of a single article or vehicle which exceeds statutory
14 size, weight or load limitations and which cannot reasonably be divided or reduced
15 to comply with statutory size, weight or load limitations, except that:

16 **SECTION 3.** 348.27 (1) of the statutes is amended to read:

17 348.27 (1) APPLICATIONS. All applications for annual, consecutive month or
18 multiple trip permits for the movement of oversize or overweight vehicles or loads
19 shall be made to the officer or agency designated by this section as having authority
20 to issue the particular permit desired for use of the particular highway in question.
21 All applications under subs. (2) and (4) to (15) shall be made upon forms prescribed
22 by the department. All applications under sub. (16) shall be made utilizing an
23 electronic process prescribed by the department.

24 **SECTION 4.** 348.27 (16) of the statutes is created to read:

1 **348.27 (16)** TRANSPORTATION OF HAY OR STRAW. (a) The department may issue
2 annual or consecutive month permits for the transportation of loads of hay or straw
3 on a vehicle or combination of vehicles that exceeds the height limitations under s.
4 348.06.

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

9 (c) A permit under this subsection does not authorize the operation of any
10 vehicle or vehicle combination having an overall height in excess of 14 feet 6 inches
11 if the vehicle or vehicle combination is being operated on a highway in an urban area
12 or 15 feet if the vehicle or vehicle combination is being operated on any other
13 highway. The department shall, by rule, define “urban area” for purposes of this
14 paragraph and shall provide, with each permit issued under this subsection,
15 information to the permit holder as to the meaning of this term.

16 (d) The department may promulgate rules regulating the configuration of the
17 loads carried under permits issued under this subsection and how these loads are to
18 be secured for safe travel.

19 **SECTION 5.** 348.28 (1) of the statutes is amended to read:

20 348.28 (1) Permits issued under ss. 348.25, 348.26 and 348.27 (1) to (10), (12)
21 to (13), ~~and (15), and (16)~~ shall be carried on the vehicle during operations so
22 permitted.

23 **SECTION 6. Nonstatutory provisions.**

24 (1) The department of transportation shall submit in proposed form the rules
25 required under section 348.27 (16) (c) of the statutes, as created by this act, to the

1 legislative council staff under section 227.15 (1) of the statutes no later than the first
2 day of the 3rd month beginning after the effective date of this subsection.

3 (2) Using the procedure under section 227.24 of the statutes, the department
4 of transportation shall promulgate rules required under section 348.27 (16) (c) of the
5 statutes, as created by this act, for the period before the effective date of the
6 permanent rules promulgated under section 348.27 (16) (c) of the statutes, as created
7 by this act, but not to exceed the period authorized under section 227.24 (1) (c) of the
8 statutes, subject to extension under section 227.24 (2) of the statutes.
9 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department
10 is not required to provide evidence that promulgating a rule under this subsection
11 as an emergency rule is necessary for the preservation of public peace, health, safety,
12 or welfare and is not required to provide a finding of an emergency for a rule
13 promulgated under this subsection.

14 **SECTION 7. Effective dates.** This act takes effect on the first day of the 3rd
15 month beginning after publication, except as follows:

16 (1) The treatment of SECTION 6 (1) and (2) of this act take effect on the day after
17 publication.

18 (END)