

**2013 DRAFTING REQUEST**

**Bill**

Received:	<b>9/26/2012</b>	Received By:	<b>emueller</b>
Wanted:	<b>As time permits</b>	Same as LRB:	
For:	<b>Administration-Budget</b>	By/Representing:	<b>Byrnes</b>
May Contact:		Drafter:	<b>emueller</b>
Subject:	<b>Transportation - motor vehicles Transportation - traffic laws</b>	Addl. Drafters:	
		Extra Copies:	<b>ARG</b>

Submit via email: **YES**

Requester's email:

Carbon copy (CC) to:

**Pre Topic:**

DOA:.....Byrnes, BB0253 -

**Topic:**

Increase overweight penalties.

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 11/5/2012			_____			
/P1	emueller 12/3/2012	scalvin 11/6/2012	rschluet 11/6/2012	_____	sbasford 11/6/2012		State
/1		scalvin 12/4/2012	jmurphy 12/4/2012	_____	sbasford 12/4/2012		State S&L

FE Sent For:

**<END>**

**2013 DRAFTING REQUEST**

**Bill**

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Wanted: **As time permits** Same as LRB:  
For: **Administration-Budget** By/Representing: **Byrnes**  
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/?	emueller 11/5/2012			_____			
/P1	emueller	scalvin 11/6/2012	rschluet 11/6/2012	_____	sbasford 11/6/2012		State
/1	<i>EMM</i> 12/3/12	1 sac 12/4/12		<i>Jim</i> 12/4/12			

FE Sent For:

<END>

## 2013 DRAFTING REQUEST

### Bill

Received: 9/26/2012 Received By: emueller  
Wanted: As time permits Same as LRB:  
For: Transportation By/Representing: Anna Richter  
May Contact: Drafter: emueller  
Subject: Transportation - motor vehicles Addl. Drafters:  
Transportation - traffic laws Extra Copies: ARG

Submit via email: YES  
Requester's email: Anna.Richter@dot.wi.gov  
Carbon copy (CC) to:

---

### Pre Topic:

No specific pre topic given

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### Topic:

Increase overweight penalties.

---

### Instructions:

See attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 11/5/2012			_____			
/P1		scalvin 11/6/2012	11/6/2012	_____	sbasford 11/6/2012		State

*jm*  
12/4

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 9/26/2012 Received By: emueller  
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 For: Transportation By/Representing: Anna Richter  
 May Contact: Drafter: emueller  
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 Transportation - traffic laws Extra Copies: ARG

Submit via email: YES  
 Requester's email: Anna.Richter@dot.wi.gov  
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Increase overweight penalties.

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/2	emueller						
1/01	EJM 11/5/12	1/01 SAC 11/06/12	1/01 SAC 4/06/12				
FE Sent For:							
<END>							

## Mueller, Eric

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**From:** Richter, Anna - DOT <Anna.Richter@dot.wi.gov>  
**Sent:** Friday, October 19, 2012 12:58 PM  
**To:** Gary, Aaron; Mueller, Eric  
**Cc:** Merriman Hitchman, Linda H - DOT  
**Subject:** Budget Draft for Oversize/Overweight penalties

Hi Aaron and Eric,

We have another biennial budget drafting request. We'd like to change the "variable" cents per pound portion of oversize/overweight penalties as detailed in the attached table. Please let me know if you need additional guidance or if this is enough information to get started.

Thanks!  
Anna



### Wisconsin Penalty Structure for Over Axle Weight/Over Gross Vehicle Weight

#### Current Law - 1st offense

not less than \$50 or more than \$200 plus cents per lb as shown:

	<2000 lbs	2000 < 3000	3000 <4000	4000 < 5000	>5000
	0.01	0.02	0.03	0.05	0.07
<b>Proposed Change for 1st Offense</b>	No change	0.03	0.05	0.08	0.15

#### Current law - 2nd and subsequent in 12 month period

not less than \$100 or more than \$300 plus

	<2000	2000 < 3000	3000 <4000	4000 < 5000	>5000
	0.02	0.04	0.06	0.08	0.1
<b>Proposed Change for 2nd and Subsequent Offense</b>	No change	0.05	0.08	0.12	0.18

#### Example Penalty Increasing Cents per Pound:

<b>First offense</b>		Wisconsin	Minnesota	Michigan	Illinois	Iowa	Indiana
<b>2001 pounds overweight, first offense</b>							
Current Fee	Current \$50 + 2 cents/lb	90	60	120	100	209.25	500
Proposed Fee	Increase cents/lb from 2 to 3	110	60	120	100	209.25	500
<b>4500 pounds overweight, first offense</b>							
Current Fee	Current \$50 plus 5 cents/lb	275	260	540	850	506.25	500
Proposed Fee	Increase cents/lb from 5 to 8	410	260	540	850	506.25	500
<b>11,000 pounds of overweight first offense</b>							
Current Fee	Current \$50 plus 7 cents/lb	820	1410	2200	2100	1755	500
Proposed Fee	Increase cents/lb from 7 to 15	1700	1410	2200	2100	1755	500
<b>Second and Subsequent offenses</b>		Wisconsin	Minnesota	Michigan	Illinois	Iowa	Indiana
<b>2000 pounds overweight, second and subsequent</b>							
Current Fee	Current \$100 + 4 cents/lb	180	60	120	100	209.25	1000
Proposed Fee	Increase cents/lb from 4 to 5	200	60	120	100	209.25	1000
<b>4500 pounds overweight. Second and subsequent</b>							
Current Fee	Current \$100 + 8 cents/lb	460	260	540	850	506.25	1000
Proposed Fee	Increase cents/lb from 8 to 10	550	260	540	850	506.25	1000
<b>11,000 pounds of overweight second and subsequent</b>							
Current Fee	Current \$100 + 10 cents/lb	1,200	1410	2200	2100	1755	1000
Proposed Fee	Increase cents per pound from 10 to 18	2,080	1410	2200	2100	1755	1000

**(3g)** Any person who, while operating a vehicle combination that is transporting raw forest products, violates 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 in an overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

**(a)** For a first conviction ~~or a 2<sup>nd</sup> conviction~~ within a 12-month period, a forfeiture of not less than \$150 nor more than \$250 plus an amount equal to whichever of the following applies:

1. Six cents for each pound of total excess load when the total excess is less than 2,000 pounds.
2. Eight cents for each pound of total excess load if the excess is 2,000 pounds or more and not over 3,000 pounds.
3. Nine cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds.
4. Ten cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
5. Eleven cents for each pound of total excess load if the excess is over 5,000 pounds.

**(b)** For ~~the 3<sup>rd</sup>~~ the second and each subsequent conviction within a 12-month period, a forfeiture of not less than \$500 nor more than \$550, plus an amount equal to whichever of the following applies:

1. Twenty cents for each pound of total excess load when the total excess is 3,000 pounds or less.
2. Twenty-one cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds.
3. Twenty-two cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
4. Twenty-three cents for each pound of total excess load if the excess is over 5,000 pounds.



*SAC*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*RMR*

*Agency  
Budget  
Draft*

*in 11/5/12*

*do not gen*

1 AN ACT *do not gen*; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION ✓**

**DRIVERS AND MOTOR VEHICLES ✓**

Under current law, with limited exceptions, no person may operate on a highway any vehicle or vehicle combination that exceeds certain statutory weight limits unless the person obtains a permit issued by DOT or a local highway authority. In general, if a person violates weight limit requirements and the weight limitation is exceeded by 1,000 pounds or less, the person may be required to forfeit not less than \$50 nor more than \$100 for a first conviction and not less than \$100 nor more than \$200 for a second or subsequent conviction within a 12-month period. If the person violates a weight limit requirement and the weight limitation is exceeded by more than 1,000 pounds, the following applies: *ed*

*\**

1. For a first conviction, not less than \$50 nor more than \$200, plus an additional amount per pound of excess weight, as follows:
  - a. One cent per pound if the excess is 1,001 - 2,000 pounds.
  - b. Two cents per pound if the excess is 2,001 - 3,000 pounds.
  - c. Three cents per pound if the excess is 3,001 - 4,000 pounds.
  - d. Five cents per pound if the excess is 4,001 - 5,000 pounds.
  - e. Seven cents per pound if the excess is more than 5,000 pounds.
2. For a second or subsequent conviction within a 12-month period, not less than \$100 nor more than \$300, plus an additional amount per pound of excess weight, as follows:

- a. Two cents per pound if the excess is 1,001 – 2,000 pounds.
- b. Four cents per pound if the excess is 2,001 – 3,000 pounds.
- c. Six cents per pound if the excess is 3,001 – 4,000 pounds.
- d. Eight cents per pound if the excess is 4,001 – 5,000 pounds.
- e. Ten cents per pound if the excess is more than 5,000 pounds.

This bill increases the per pound of excess weight forfeiture rates to the following:

- 1. For a first conviction:
  - a. Three cents per pound if the excess is 2,001 – 3,000 pounds.
  - b. Five cents per pound if the excess is 3,001 – 4,000 pounds.
  - c. Eight cents per pound if the excess is 4,001 – 5,000 pounds.
  - d. Fifteen cents per pound if the excess is more than 5,000 pounds.
- 2. For a second or subsequent conviction within a 12-month period:
  - a. Five cents per pound if the excess is 2,001 – 3,000 pounds.
  - b. Eight cents per pound if the excess is 3,001 – 4,000 pounds.
  - c. Twelve cents per pound if the excess is 4,001 – 5,000 pounds.
  - d. Eighteen cents per pound if the excess is more than 5,000 pounds.

This bill does not change the base forfeiture amounts or per pound of excess forfeiture rates for weight violations in which the excess is 1,001 – 2,000 pounds.

Also under current law, in general, if a person violates weight limit requirements while operating a vehicle that is transporting raw forest products, a different penalty applies. For a first or second conviction within a 12-month period, the person may be required to forfeit not less than \$150 nor more than \$250, plus an additional amount based on a related rate schedule and the amount of excess weight. For a third or subsequent conviction within a 12-month period, the person may be required to forfeit not less than \$500 nor more than \$550, plus an additional amount based on a related rate schedule and the amount of excess weight.

Under this bill, the forfeiture of \$150 to \$250 and the related rate schedule applies only to a first conviction within a 12-month period and the forfeiture of \$500 to \$550 and the related rate schedule applies to second and subsequent convictions within a 12-month period.

For further information see the *state* 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.** 348.21 (3) (b) 1. b. of the statutes is amended to read:
- 2           348.21 (3) (b) 1. b. ~~Two~~ Three cents for each pound of total excess load if the
- 3           excess is over 2,000 pounds and not over 3,000 pounds.

History: 1971 c. 164 s. 83; 1971 c. 278, 307; 1975 c. 97; 1977 c. 29 s. 1654 (7) (a); 1981 c. 312; 1985 a. 201, 332; 1995 a. 348; 1997 a. 27; 2005 a. 167, 364; 2007 a. 20, 97; 2009 a. 28, 180, 222, 241; 2011 a. 279.

- 4           **SECTION 2.** 348.21 (3) (b) 1. c. of the statutes is amended to read:

1           348.21 (3) (b) 1. c. ~~Three~~ Five cents for each pound of total excess load if the  
2           excess is over 3,000 pounds and not over 4,000 pounds.

History: 1971 c. 164 s. 83; 1971 c. 278, 307; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a); 1981 c. 312; 1985 a. 201, 332; 1995 a. 348; 1997 a. 27; 2005 a. 167, 364; 2007 a. 20, 97; 2009 a. 28, 180, 222, 241; 2011 a. 279.

3           **SECTION 3.** 348.21 (3) (b) 1. d. of the statutes is amended to read:

4           348.21 (3) (b) 1. d. ~~Five~~ Eight cents for each pound of total excess load if the  
5           excess is over 4,000 pounds and not over 5,000 pounds.

History: 1971 c. 164 s. 83; 1971 c. 278, 307; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a); 1981 c. 312; 1985 a. 201, 332; 1995 a. 348; 1997 a. 27; 2005 a. 167, 364; 2007 a. 20, 97; 2009 a. 28, 180, 222, 241; 2011 a. 279.

6           **SECTION 4.** 348.21 (3) (b) 1. e. of the statutes is amended to read:

7           348.21 (3) (b) 1. e. ~~Seven~~ Fifteen cents for each pound of total excess load if the  
8           excess is over 5,000 pounds.

History: 1971 c. 164 s. 83; 1971 c. 278, 307; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a); 1981 c. 312; 1985 a. 201, 332; 1995 a. 348; 1997 a. 27; 2005 a. 167, 364; 2007 a. 20, 97; 2009 a. 28, 180, 222, 241; 2011 a. 279.

9           **SECTION 5.** 348.21 (3) (b) 2. b. of the statutes is amended to read:

10          348.21 (3) (b) 2. b. ~~Four~~ Five cents for each pound of total excess load if the  
11          excess is over 2,000 pounds and not over 3,000 pounds.

History: 1971 c. 164 s. 83; 1971 c. 278, 307; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a); 1981 c. 312; 1985 a. 201, 332; 1995 a. 348; 1997 a. 27; 2005 a. 167, 364; 2007 a. 20, 97; 2009 a. 28, 180, 222, 241; 2011 a. 279.

12          **SECTION 6.** 348.21 (3) (b) 2. c. of the statutes is amended to read:

13          348.21 (3) (b) 2. c. ~~Six~~ Eight cents for each pound of total excess load if the excess  
14          is over 3,000 and not over 4,000 pounds.

History: 1971 c. 164 s. 83; 1971 c. 278, 307; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a); 1981 c. 312; 1985 a. 201, 332; 1995 a. 348; 1997 a. 27; 2005 a. 167, 364; 2007 a. 20, 97; 2009 a. 28, 180, 222, 241; 2011 a. 279.

15          **SECTION 7.** 348.21 (3) (b) 2. d. of the statutes is amended to read:

16          348.21 (3) (b) 2. d. ~~Eight~~ Twelve cents for each pound of total excess load if the  
17          excess is over 4,000 pounds and not over 5,000 pounds.

History: 1971 c. 164 s. 83; 1971 c. 278, 307; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a); 1981 c. 312; 1985 a. 201, 332; 1995 a. 348; 1997 a. 27; 2005 a. 167, 364; 2007 a. 20, 97; 2009 a. 28, 180, 222, 241; 2011 a. 279.

18          **SECTION 8.** 348.21 (3) (b) 2. e. of the statutes is amended to read:

19          348.21 (3) (b) 2. e. ~~Ten~~ Eighteen cents for each pound of total excess load if the  
20          excess is over 5,000 pounds.

History: 1971 c. 164 s. 83; 1971 c. 278, 307; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a); 1981 c. 312; 1985 a. 201, 332; 1995 a. 348; 1997 a. 27; 2005 a. 167, 364; 2007 a. 20, 97; 2009 a. 28, 180, 222, 241; 2011 a. 279.

21          **SECTION 9.** 348.21 (3g) (a) (intro.) of the statutes is amended to read:

1

348.21 (3g) (a) (intro.) For <sup>A</sup>~~a~~ the first conviction ~~or a 2nd conviction within a~~

2 ~~12-month period~~, a forfeiture of not less than \$150 nor more than \$250 plus an  
3 amount equal to whichever of the following applies:

History: 1971 c. 164 s. 83; 1971 c. 278, 307; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a); 1981 c. 312; 1985 a. 201, 332; 1995 a. 348; 1997 a. 27; 2005 a. 167, 364; 2007 a. 20, 97; 2009 a. 28, 180, 222, 241; 2011 a. 279.

4 SECTION 10. 348.21 (3g) (b) (intro.) of the statutes is amended to read:

5 348.21 (3g) (b) (intro.) For the ~~3rd~~ 2nd and each subsequent conviction within  
6 a 12-month period, a forfeiture of not less than \$500 nor more than \$550, plus an  
7 amount equal to whichever of the following applies:

History: 1971 c. 164 s. 83; 1971 c. 278, 307; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a); 1981 c. 312; 1985 a. 201, 332; 1995 a. 348; 1997 a. 27; 2005 a. 167, 364; 2007 a. 20, 97; 2009 a. 28, 180, 222, 241; 2011 a. 279.

8 SECTION 9345. Initial applicability; Transportation.

10

(1) PENALTIES FOR VIOLATING WEIGHT LIMITATIONS. The treatment of sections  
348.21 (3) (b) 1. b., c., d., and e. and 2. b., <sup>e</sup>c., d., and e. and (3g) (a) (intro.) and (b)  
(intro.) of the statutes first applies to violations committed on the effective date of  
this subsection, but does not preclude the counting of other violations as prior  
violations for purposes of sentencing a person.

(END)

14



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

RMR

Converted Agency Draft

In 12/3/12

Byrnes, BB0253

Note: change to analysis only

do not gen

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

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FE-SL

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1           348.21 (3) (b) 1. c. ~~Three~~ Five cents for each pound of total excess load if the  
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23 ~~12-month period~~, a forfeiture of not less than \$150 nor more than \$250 plus an  
24 amount equal to whichever of the following applies:

25          **SECTION 10.** 348.21 (3g) (b) (intro.) of the statutes is amended to read:



**Mueller, Eric**

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**From:** Hanaman, Cathlene  
**Sent:** Monday, November 26, 2012 8:18 AM  
**To:** Gary, Aaron; Mueller, Eric  
**Subject:** FW: Statutory Language Drafting Request - BB0253  
**Attachments:** Intrastate Compliance Reviews.pdf

**From:** [Tyler.Byrnes@Wisconsin.gov](mailto:Tyler.Byrnes@Wisconsin.gov) [<mailto:Tyler.Byrnes@Wisconsin.gov>]  
**Sent:** Friday, November 23, 2012 1:16 PM  
**To:** Hanaman, Cathlene  
**Cc:** Thornton, Scott - DOA; Frederick, Caitlin - DOA; Byrnes, Tyler - DOA  
**Subject:** Statutory Language Drafting Request - BB0253

**Biennial Budget:** 2013-15

**Topic:** Modify the Penalties for Over Weight Vehicles

**Tracking Code:** BB0253

**SBO Team:** TLGED

**SBO Analyst:** Byrnes, Tyler - DOA  
**Phone:** (608) 266-1039  
**E-mail:** [Tyler.Byrnes@Wisconsin.gov](mailto:Tyler.Byrnes@Wisconsin.gov)

**Agency Acronym:** WisDOT

**Agency Number:** 395

**Priority:** Low

**Intent:**

Please prepare a draft, consistent with LRB 13-0157, that increases penalties on overweight motor carrier vehicles. Please see pages 2 and 3 of the attached drafting instructions.

**Attachments:** True

*Please send completed drafts to [statlanguage@wisapps.wi.gov](mailto:statlanguage@wisapps.wi.gov)*

**Department of Transportation  
2013-2015 Biennial Budget Request  
STATUTORY MODIFICATIONS**

**DIN:** 5502

**TOPIC:** Modify the Penalties for Over Axle Weight/Over Gross Vehicle Weight Violations

**DESCRIPTION OF CHANGE:**

The Department requests that the penalties for violations of over axle weight/over gross vehicle weight in s. 348.21(3), Wis. Stats., be increased as follows:

**Table 1  
Penalties for Over Axle Weight/Over Gross Vehicle Weight Violations**

**Current Law**

1st offense in 12 month period - Not less than \$50 or more than \$100 plus cents per pound of overweight as shown:

	<2000 lbs	2000 < 3000 lbs	3000 < 4000 lbs	4000 < 5000 lbs	>5000 lbs
	0.01	0.02	0.03	0.05	0.07
<b>Proposed Change for 1st Offense:</b>	No change	0.03	0.05	0.08	0.15

**Current law**

2nd and subsequent offense in 12 month period - Not less than \$100 or more than \$300 plus cents per pound of overweight as shown:

	<2000 lbs	2000 < 3000 lbs	3000 < 4000 lbs	4000 < 5000 lbs	>5000 lbs
	0.02	0.04	0.06	0.08	0.10
<b>Proposed Change for 2nd and Subsequent Offenses:</b>	No change	0.05	0.08	0.12	0.18

In addition, the Department requests a modification to s. 348.21(3g), Wis. Stats., pertaining to transportation of forest products so that the lower penalties that, in current law, apply to first and second offenses in a twelve month period, apply only to the first offense. Apply the higher penalties that exist in current law for third and subsequent offenses to second and subsequent offenses during the same time period. The proposed penalty structure will be consistent with the penalty structure for other over axle weight/over gross vehicle weight provisions.

**JUSTIFICATION:**

To preserve its roadways, Wisconsin limits the weight that trucks can haul per axle and limits total gross vehicle weight. Pavement damage is caused by many repeated loadings and the heavier the loads the fewer the number of repetitions required to reach the same condition of pavement deterioration. The number of axles, the spacing between axles, and how the gross vehicle weight is distributed over those axles determine the amount of stress a vehicle applies to the pavement. The State does authorize vehicles through a permitting process to exceed general weight limitations but prescribes the circumstances to limit impact on highways and roads.

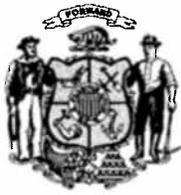
Section 348.21, Wis. Stats., establishes penalties for general violation of weight limits and for exceeding permitted overweight. They range from \$50 to \$550, and penalties for certain violations also add variable

cents/pound based on the amount of the overweight, whether it is a first or subsequent offense and other criteria. Most penalties have not been changed for more than thirty years.

The 2009 Wisconsin Truck Size and Weight Study conducted by the Wisconsin Traffic Operations and Safety Laboratory indicated that Wisconsin's over axle weight/over gross weight penalty structure is among the lowest of its Great Lake State peers and that the State may want to adjust fines to discourage the "incentive for noncompliance." Of particular concern are large overweight and repeat violations. Therefore the Department's request includes higher penalty increases for these offenses. Given the cost of highway infrastructure rehabilitation and repair, this request may help to limit untimely deterioration.

#### MAPSS Measure

In January 2012, the Department committed to report regularly on a set of performance measures to support five strategic core goals: Mobility, Accountability, Preservation, Safety and Service (MAPSS). The MAPSS initiative is part of the Department's effort to improve transparency and inform data-driven decision-making. Two of the Preservation measures are percent of state highway pavement rated fair or above and percent of state bridge deck area rated fair or above. To the extent that increased penalties provide an incentive for compliance with required weight limits, these measures could be expected to benefit.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0157/1  
EVM:sac:jm

DOA:.....Byrnes, BB0253 - Increase overweight penalties.

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**DRIVERS AND MOTOR VEHICLES**

Under current law, with limited exceptions, no person may operate on a highway any vehicle or vehicle combination that exceeds certain statutory weight limits unless the person obtains a permit issued by DOT or a local highway authority. In general, if a person violates weight limit requirements and the weight limitation is exceeded by 1,000 pounds or less, the person may be required to forfeit not less than \$50 nor more than \$100 for a first conviction and not less than \$100 nor more than \$200 for a second or subsequent conviction within a 12-month period. If the person violates a weight limit requirement and the weight limitation is exceeded by more than 1,000 pounds, the following applies:

1. For a first conviction, not less than \$50 nor more than \$200, plus an additional amount per pound of excess weight, as follows:
  - a. One cent per pound if the excess is 1,001 - 2,000 pounds.
  - b. Two cents per pound if the excess is 2,001 - 3,000 pounds.
  - c. Three cents per pound if the excess is 3,001 - 4,000 pounds.
  - d. Five cents per pound if the excess is 4,001 - 5,000 pounds.
  - e. Seven cents per pound if the excess is more than 5,000 pounds.
2. For a second or subsequent conviction within a 12-month period, not less than \$100 nor more than \$300, plus an additional amount per pound of excess weight, as follows:

- a. Two cents per pound if the excess is 1,001 – 2,000 pounds.
- b. Four cents per pound if the excess is 2,001 – 3,000 pounds.
- c. Six cents per pound if the excess is 3,001 – 4,000 pounds.
- d. Eight cents per pound if the excess is 4,001 – 5,000 pounds.
- e. Ten cents per pound if the excess is more than 5,000 pounds.

This bill increases the per pound of excess weight forfeiture rates to the following:

1. For a first conviction:
  - a. Three cents per pound if the excess is 2,001 – 3,000 pounds.
  - b. Five cents per pound if the excess is 3,001 – 4,000 pounds.
  - c. Eight cents per pound if the excess is 4,001 – 5,000 pounds.
  - d. Fifteen cents per pound if the excess is more than 5,000 pounds.
2. For a second or subsequent conviction within a 12-month period:
  - a. Five cents per pound if the excess is 2,001 – 3,000 pounds.
  - b. Eight cents per pound if the excess is 3,001 – 4,000 pounds.
  - c. Twelve cents per pound if the excess is 4,001 – 5,000 pounds.
  - d. Eighteen cents per pound if the excess is more than 5,000 pounds.

This bill does not change the base forfeiture amounts or per pound of excess forfeiture rates for weight violations in which the excess is 1,001 – 2,000 pounds.

Also under current law, in general, if a person violates weight limit requirements while operating a vehicle that is transporting raw forest products, a different penalty applies. For a first or second conviction within a 12-month period, the person may be required to forfeit not less than \$150 nor more than \$250, plus an additional amount based on a related rate schedule and the amount of excess weight. For a third or subsequent conviction within a 12-month period, the person may be required to forfeit not less than \$500 nor more than \$550, plus an additional amount based on a related rate schedule and the amount of excess weight.

Under this bill, the forfeiture of \$150 to \$250 and the related rate schedule applies only to a first conviction within a 12-month period and the forfeiture of \$500 to \$550 and the related rate schedule applies to second and subsequent convictions within a 12-month period.

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.** 348.21 (3) (b) 1. b. of the statutes is amended to read:
- 2           348.21 (3) (b) 1. b. ~~Two~~ Three cents for each pound of total excess load if the
- 3 excess is over 2,000 pounds and not over 3,000 pounds.
- 4           **SECTION 2.** 348.21 (3) (b) 1. c. of the statutes is amended to read:

1           348.21 (3) (b) 1. c. ~~Three~~ Five cents for each pound of total excess load if the  
2 excess is over 3,000 pounds and not over 4,000 pounds.

3           **SECTION 3.** 348.21 (3) (b) 1. d. of the statutes is amended to read:

4           348.21 (3) (b) 1. d. ~~Five~~ Eight cents for each pound of total excess load if the  
5 excess is over 4,000 pounds and not over 5,000 pounds.

6           **SECTION 4.** 348.21 (3) (b) 1. e. of the statutes is amended to read:

7           348.21 (3) (b) 1. e. ~~Seven~~ Fifteen cents for each pound of total excess load if the  
8 excess is over 5,000 pounds.

9           **SECTION 5.** 348.21 (3) (b) 2. b. of the statutes is amended to read:

10          348.21 (3) (b) 2. b. ~~Four~~ Five cents for each pound of total excess load if the  
11 excess is over 2,000 pounds and not over 3,000 pounds.

12          **SECTION 6.** 348.21 (3) (b) 2. c. of the statutes is amended to read:

13          348.21 (3) (b) 2. c. ~~Six~~ Eight cents for each pound of total excess load if the excess  
14 is over 3,000 and not over 4,000 pounds.

15          **SECTION 7.** 348.21 (3) (b) 2. d. of the statutes is amended to read:

16          348.21 (3) (b) 2. d. ~~Eight~~ Twelve cents for each pound of total excess load if the  
17 excess is over 4,000 pounds and not over 5,000 pounds.

18          **SECTION 8.** 348.21 (3) (b) 2. e. of the statutes is amended to read:

19          348.21 (3) (b) 2. e. ~~Ten~~ Eighteen cents for each pound of total excess load if the  
20 excess is over 5,000 pounds.

21          **SECTION 9.** 348.21 (3g) (a) (intro.) of the statutes is amended to read:

22          348.21 (3g) (a) (intro.) For ~~a~~ the first conviction ~~or a 2nd conviction within a~~  
23 ~~12-month period~~, a forfeiture of not less than \$150 nor more than \$250 plus an  
24 amount equal to whichever of the following applies:

25          **SECTION 10.** 348.21 (3g) (b) (intro.) of the statutes is amended to read:

