

**2013 DRAFTING REQUEST**

**Bill**

Received: 1/27/2014 Received By: agary  
Wanted: As time permits Same as LRB: -4181  
For: Jerry Petrowski (608) 266-2502 By/Representing: Tim Fiocchi  
May Contact: Drafter: agary  
Subject: Transportation - highways Addl. Drafters:  
Transportation - traffic laws Extra Copies: EVM

Submit via email: YES  
Requester's email: Sen.Petrowski@legis.wisconsin.gov  
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Declarations of energy emergency; weight limits for vehicles transporting propane or heating oil

---

**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>
/?	agary 1/29/2014			_____			
/P1	agary 2/3/2014	scalvin 1/29/2014	jfrantze 1/29/2014	_____	mbarman 1/29/2014		State S&L Vehicle
/P2	agary	scalvin	jmurphy	_____	lparisi		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	2/3/2014	2/3/2014	2/3/2014	_____	2/3/2014		S&L
/1		scalvin 2/3/2014	jmurphy 2/3/2014	_____	mbarman 2/3/2014	srose 2/3/2014	State S&L

FE Sent For:

*at  
intro*

<END>

**2013 DRAFTING REQUEST**

**Bill**

Received: 1/27/2014 Received By: agary  
Wanted: As time permits Same as LRB:  
For: Jerry Petrowski (608) 266-2502 By/Representing: Tim Fiocchi  
May Contact: Drafter: agary  
Subject: Transportation - highways Addl. Drafters:  
Transportation - traffic laws Extra Copies: EVM

Submit via email: YES  
Requester's email: Sen.Petrowski@legis.wisconsin.gov  
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Declarations of energy emergency; weight limits for vehicles transporting propane or heating oil

---

**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>
/?	agary 1/29/2014			_____			
/P1	agary 2/3/2014	scalvin 1/29/2014	jfrantze 1/29/2014	_____	mbarman 1/29/2014		State S&L Vehicle
/P2	agary	scalvin	jmurphy	_____	lparisi		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	2/3/2014	2/3/2014	2/3/2014	_____	2/3/2014		S&L
/1		scalvin 2/3/2014	jmurphy 2/3/2014	_____	mbarman 2/3/2014		State S&L

FE Sent For:

<END>

### 2013 DRAFTING REQUEST

#### Bill

Received: 1/27/2014 Received By: agary  
Wanted: As time permits Same as LRB:  
For: Jerry Petrowski (608) 266-2502 By/Representing: Tim Fiocchi  
May Contact: Drafter: agary  
Subject: Transportation - highways Addl. Drafters:  
Transportation - traffic laws Extra Copies: EVM

Submit via email: YES  
Requester's email: Sen.Petrowski@legis.wisconsin.gov  
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

---

#### Pre Topic:

No specific pre topic given

---

#### Topic:

Declarations of energy emergency; weight limits for vehicles transporting propane or heating oil

---

#### 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>
/?	agary 1/29/2014			_____			
/P1	agary 2/3/2014	scalvin 1/29/2014	jfrantze 1/29/2014	_____	mbarman 1/29/2014		State S&L Vehicle
/P2		scalvin 1/1 sac 02/03/2014	jmurphy 1 sac 02/03/2014	_____	lparisi		State

*Jim*  
2/3

Vers. Drafted

Reviewed  
2/3/2014

Typed  
2/3/2014

Proofed  
\_\_\_\_\_

Submitted  
2/3/2014

Jacketed

Required  
S&L

FE Sent For:

**<END>**

**2013 DRAFTING REQUEST**

**Bill**

Received: 1/27/2014 Received By: agary  
Wanted: As time permits Same as LRB:  
For: Jerry Petrowski (608) 266-2502 By/Representing: Tim Fiocchi  
May Contact: Drafter: agary  
Subject: Transportation - highways Addl. Drafters:  
Transportation - traffic laws Extra Copies: EVM

Submit via email: YES  
Requester's email: Sen.Petrowski@legis.wisconsin.gov  
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

**Pre Topic:**

No specific pre topic given

**Topic:**

Declarations of ~~heating~~ <sup>energy</sup> emergency; weight limits for vehicles transporting propane or heating oil ✓

**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>
/?	agary 1/29/2014			_____			
/P1		scalvin 1/29/2014	jfrantze 1/29/2014	_____	mbarman 1/29/2014		State S&L Vehicle
FE Sent For:		/P2 SAC 02/03/2014	/P2 SAC 02/03/2014	Jim + K 0/3			

<END>

**2013 DRAFTING REQUEST**

**Bill**

Received: 1/27/2014 Received By: agary  
Wanted: As time permits Same as LRB:  
For: Jerry Petrowski (608) 266-2502 By/Representing: Tim Fiocchi  
May Contact: Drafter: agary  
Subject: Transportation - highways Addl. Drafters:  
Transportation - traffic laws Extra Copies: EVM

Submit via email: YES  
Requester's email: Sen.Petrowski@legis.wisconsin.gov  
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Declarations of heating emergency; weight limits for vehicles transporting propane ✓

---

**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>
/?	agary	/PI SAC 01/29/2014	/PI SAC 01/29/2014				

FE Sent For:

<END>

**Gary, Aaron**

---

**From:** Fiocchi, Tim  
**Sent:** Monday, January 27, 2014 10:46 AM  
**To:** Gary, Aaron  
**Subject:** Propane Emergency Draft Request

Good morning,

We have been asked to draft a bill to expand on your current emergency authority to give weight exemptions for propane trucks during spring thaw. The draft should give the DOT secretary in consultation with DOA, as under current law, the authority to declare a heating emergency and allow propane trucks to operate up to 26,000 pounds to deliver to residences or businesses including on posted roads.

Please let me know if you have questions.

Thank you,

Tim Fiocchi  
Chief of Staff, Senator Jerry Petrowski  
29th Senate District  
(608) 266-2502

1/27

• Tim - propane

• DOA/DOT: propane energy/heat  
energy

• weight exemptions for  
trucks over 50,000 pounds

• up to 26,000 lbs over  
on posted roads during spring  
thaw

~~• vehicle w/ 2 or 3 axles~~

• trucks posted at 12,000;  
empty tanker truck

## Gary, Aaron

---

**From:** Fiocchi, Tim  
**Sent:** Monday, January 27, 2014 11:45 AM  
**To:** Gary, Aaron  
**Subject:** RE: Propane Emergency Draft Request

Aaron,

That's all essentially correct. In some areas they post roads at six tons in the spring so these trucks can't even run empty. I just checked with Jerry and it should be two separate declarations.

Thanks,

Tim

---

**From:** Gary, Aaron  
**Sent:** Monday, January 27, 2014 11:34 AM  
**To:** Fiocchi, Tim  
**Subject:** RE: Propane Emergency Draft Request

Tim,

I entered this request as LRB-4111.

After looking it over, I'm not quite sure what you want.

Under current ss. 340.01 (15s) and 348.17 (3), the governor, by executive order, can declare an energy emergency. Once this happens, DOT can authorize (for up to 30 days) heavy vehicles (50,000+ lbs.) to exceed per-axle weight limits by up to 10% and gross weight limits by up to 15%.

As I read your email, you want a wholly new provision that would allow DOT, after consulting with DOA, to declare a heating emergency and authorize vehicles transporting propane for delivery to residences, businesses, or other end users to exceed posted weight limits on any highway if the vehicle has a gross weight of 26,000 lbs. or less. Is this accurate? (As I read the weight chart in s. 348.15 (3) (c), 26,000 lbs. is within limits for all vehicles, regardless of # of axles, so the only issue is the local posting.)

Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

---

**From:** Fiocchi, Tim  
**Sent:** Monday, January 27, 2014 10:46 AM  
**To:** Gary, Aaron  
**Subject:** Propane Emergency Draft Request

Good morning,

We have been asked to draft a bill to expand on your current emergency authority to give weight exemptions for propane trucks during spring thaw. The draft should give the DOT secretary in consultation with DOA, as under

current law, the authority to declare a heating emergency and allow propane trucks to operate up to 26,000 pounds to deliver to residences or businesses including on posted roads.

Please let me know if you have questions.

Thank you,

Tim Fiocchi  
Chief of Staff, Senator Jerry Petrowski  
29th Senate District  
(608) 266-2502



in  
1/29



LRB-4111/P1

ARG:):....

Sac

wanted  
1/31

D-Note

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

gen cat

1 AN ACT ...; relating to: heating emergencies and vehicle weight limits.

***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 size or weight limits unless the person obtains a permit issued by the Department of Transportation (DOT) or a local highway authority, as applicable.

Also under current law, DOT or a local highway authority may impose special weight limits on highways that, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of the special limits. If special weight limits are imposed, the limits must be posted by highway signs along the affected highways. The special weight limits apply regardless of whether a vehicle is being operated under an overweight permit unless the permit expressly authorizes the special weight limits to be exceeded.

This bill authorizes the secretary of DOT, after consultation with the Department of Administration, to declare a heating emergency. During a heating emergency, DOT may authorize motor vehicles that have a gross weight of 26,000 pounds or less and that are transporting propane for delivery to residences, businesses, or other end users to exceed posted special weight limits that have been imposed in connection with the thawing of frozen highways.

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., the Department of Transportation, 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.** 348.17 (1) of the statutes is amended to read:

2           348.17 (1) No person, whether operating under a permit or otherwise, shall  
3           operate a vehicle in violation of special weight limitations imposed by state or local  
4           authorities on particular highways, highway structures or portions of highways  
5           when signs have been erected as required by s. 349.16 (2) giving notice of such weight  
6           limitations, except when the vehicle is being operated under a permit expressly  
7           authorizing such weight limitations to be exceeded or is being operated as authorized  
8           under sub. (4) (b).

History: 1991 a. 316; 1995 a. 348 ss. 11, 13 to 15, 17; 2005 a. 364; 2011 a. 52, 279.

9           **SECTION 2.** 348.17 (4) of the statutes is created to read:

10           348.17 (4) (a) The secretary, after consultation with the department of  
11           administration, may declare a heating emergency.

12           (b) During a heating emergency, the department may authorize motor vehicles  
13           that have a gross weight of 26,000 pounds or less and that are transporting propane  
14           for delivery to residences, businesses, or other end users to exceed any special weight  
15           limitation imposed under ss. 348.17 (1) and 349.16 (1) (a) and (2) in connection with  
16           the thawing of frozen highways.

17

(END)

*D-Note*

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4111/P1dn

ARG:f:...

*Sac*

*-date-*

Please review the attached draft carefully to ensure that it is consistent with your intent. The exception to posted weight limits in the attached draft applies only to vehicles weighing 26,000 pounds or less. Because these vehicles appear to be within the standard statutory weight allowance, the only exception created in this draft is an exception to the lower posted weight limits.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4111/P1dn  
ARG:sac:jf

January 29, 2014

Please review the attached draft carefully to ensure that it is consistent with your intent. The exception to posted weight limits in the attached draft applies only to vehicles weighing 26,000 pounds or less. Because these vehicles appear to be within the standard statutory weight allowance, the only exception created in this draft is an exception to the lower posted weight limits.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

## Gary, Aaron

---

**From:** Fiocchi, Tim  
**Sent:** Friday, January 31, 2014 4:14 PM  
**To:** Gary, Aaron  
**Subject:** RE: Propane Draft

Sorry, one more thing. We were asked to include a provision as follows:

Operators should, to the extent practicable, deliver at times of the day when the roads are least vulnerable.

---

**From:** Fiocchi, Tim  
**Sent:** Friday, January 31, 2014 3:46 PM  
**To:** Gary, Aaron  
**Subject:** FW: Propane Draft

Aaron,

After discussions with DOT, the towns, and counties we'd like to make a few changes to the draft and get a /1.

1. Please add the standard non-stat indicating the department does not need to do a weight study – in this case because it is to address an emergency situation.
2. Per the language below, tie this new allowance to the existing energy emergency declaration rather than creating a "heating emergency."
3. Please add heating oil along with propane.

Please disregard the provision below allowing 32,000 rather than 26,000 pounds.

Thank you,

Tim

---

**From:** Yahn, Nate - DOT [<mailto:Nate.Yahn@dot.wi.gov>]  
**Sent:** Friday, January 31, 2014 1:29 PM  
**To:** Fiocchi, Tim  
**Cc:** Rhatican, Tom M - DOT  
**Subject:** RE: Propane Draft

Tim,

Per our discussion, please see below for suggested language changes to LRB-4111/P1 (changes to the "/P1" highlighted in yellow).

Let me know if you have any questions or would like to discuss further.

Nate

-----  
*Page 2, Line 8*  
under sub. (4) (b).

*Page 2, Lines 10-16*

348.17 (4) (a) The secretary, after consultation with the department of administration, may declare a heating emergency.

~~(b) During a heating emergency, the department may~~ During an energy emergency, after consultation with the department of administration, the department may waive the divisible load limitation of s. 348.25 (4) and authorize motor vehicles that have a gross weight of 26,000 32,000 pounds or less and that are transporting propane or heating oil for delivery to residences, businesses, or other end users to exceed any special weight limitation imposed under ss. 348.17 (1) and 349.16 (1) (a) and (2) in connection with the thawing of frozen highways.

-----  
-  
**Nate Yahn**

*Legislative Advisor*  
Office of the Secretary  
Wisconsin Department of Transportation  
Phone: (608) 266-1114

---

**From:** Fiocchi, Tim [<mailto:Tim.Fiocchi@legis.wisconsin.gov>]  
**Sent:** Thursday, January 30, 2014 10:12 AM  
**To:** Rhatican, Tom M - DOT; Yahn, Nate - DOT  
**Subject:** Propane Draft  
**Importance:** High

Good morning,

Attached is a draft that will give you emergency authority to allow propane delivery trucks to operate at up to 26,000 pounds during spring thaw on posted roads. Please review and let me know if there are concerns. Jerry has already vetted this approach through the towns and counties.

Thank you,

Tim

Tim Fiocchi  
Chief of Staff, Senator Jerry Petrowski  
29th Senate District  
(608) 266-2502



in  
2/3



LRB-4111/PZ  
ARG:sac:de

wanted  
2/4

RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1

*gen cast*  
AN ACT *energy* to amend 348.17 (1); and to create 348.17 (4) of the statutes; relating to heating emergencies and vehicle weight limits.

2

**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 size or weight limits unless the person obtains a permit issued by the Department of Transportation (DOT) or a local highway authority, as applicable.

Also under current law, DOT or a local highway authority may impose special weight limits on highways that, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of the special limits. If special weight limits are imposed, the limits must be posted by highway signs along the affected highways. The special weight limits apply regardless of whether a vehicle is being operated under an overweight permit unless the permit expressly authorizes the special weight limits to be exceeded.

*insert ANAL-A*  
~~This bill authorizes the secretary of DOT, after consultation with the Department of Administration, to declare a heating emergency. During a heating emergency, DOT may authorize motor vehicles that have a gross weight of 26,000 pounds or less and that are transporting propane for delivery to residences, businesses, or other end users to exceed posted special weight limits that have been imposed in connection with the thawing of frozen highways.~~ *insert ANAL-B*

*insert ANAL-C*  
~~Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., the Department of Transportation, as required by law, will prepare a report to be printed as an appendix to this bill.~~

or heating oil

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. 348.17 (1) of the statutes is amended to read:

2 348.17 (1) No person, whether operating under a permit or otherwise, shall  
3 operate a vehicle in violation of special weight limitations imposed by state or local  
4 authorities on particular highways, highway structures or portions of highways  
5 when signs have been erected as required by s. 349.16 (2) giving notice of such weight  
6 limitations, except when the vehicle is being operated under a permit expressly  
7 authorizing such weight limitations to be exceeded or is being operated as authorized  
8 under sub. (4) (b).

9 SECTION 2. 348.17 (4) of the statutes is created to read:

10 348.17 (4) (a) ~~The secretary, (after consultation with the department of~~  
11 ~~administration, may declare a heating emergency.~~

12 ~~not~~ (b) During <sup>an energy</sup> ~~a heating~~ emergency, the department may authorize motor vehicles  
13 that have a gross weight of 26,000 pounds or less and that are transporting propane <sup>or heating oil</sup>  
14 for delivery to residences, businesses, or other end users to exceed any special weight  
15 limitation imposed under ss. 348.17 (1) and 349.16 (1) (a) and (2) in connection with  
16 the thawing of frozen highways. <sup>insert 2-16</sup>

(END)

17  
insert  
2-17

1

2

**INSERT ANAL-A:**

Current law defines an energy emergency as a period of disruption of energy supplies which poses a serious risk to the economic well-being, health, or welfare of the citizens of this state, as certified by executive order of the governor. During an energy emergency, after consultation with the Department of Administration (DOA), DOT may authorize, for a period not to exceed 30 days, the operation of overweight vehicles weighing 50,000 pounds or more and carrying energy resources or fuel or milk commodities designated by the governor to exceed statutory per-axle weight limits by up to 10 percent and statutory gross vehicle weight limits by up to 15 percent. For vehicles operating under an overweight or oversize permit, DOT may also waive the requirement, for issuance of certain permits, that the load being transported be non~~o~~divisible.

\*

Under this bill, during an energy emergency, DOT, after consultation with DOA,

3

**INSERT ANAL-B:**

(no P) A person operating a motor vehicle under this authorization must, to the extent practicable, deliver propane or heating oil at times of the day when the highways used are the least vulnerable.

4

**INSERT ANAL-C:**

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.

5

6

**INSERT 2-16:**

7

(no P) Any person operating a motor vehicle as authorized under this subsection shall, to the extent practicable, deliver propane or heating oil at times of the day when the highways used are the least vulnerable.

8

9

10

1  
2  
3  
4  
5  
6  
7  
8

**INSERT 2-17:**

**SECTION 1. Nonstatutory provisions.**

(1) Notwithstanding section 13.096 (2) of the statutes, the department of transportation shall not prepare a report on this bill under section 13.096 (2) and (3) of the statutes.

**Gary, Aaron**

---

**From:** Fiocchi, Tim  
**Sent:** Monday, February 03, 2014 1:07 PM  
**To:** LRB.Legal  
**Cc:** Gary, Aaron  
**Subject:** RE: Draft review: LRB -4111/P2 Topic: Declarations of energy emergency; weight limits for vehicles transporting propane or heating oil

This draft looks good – please send over the /1.

Thank you,

Tim

---

**From:** LRB.Legal  
**Sent:** Monday, February 03, 2014 12:31 PM  
**To:** Sen.Petrowski  
**Subject:** Draft review: LRB -4111/P2 Topic: Declarations of energy emergency; weight limits for vehicles transporting propane or heating oil

**Following is the PDF version of draft LRB -4111/P2.**



TOOMY



LRB-4111/P2 /  
ARG:sac/jm

in 2/3

KMK

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

No changes - edited already today

GenCat

1 AN ACT *to amend* 348.17 (1); and *to create* 348.17 (4) of the statutes; relating  
2 to: energy emergencies and vehicle weight limits.

***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 size or weight limits unless the person obtains a permit issued by the Department of Transportation (DOT) or a local highway authority, as applicable.

Also under current law, DOT or a local highway authority may impose special weight limits on highways that, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of the special limits. If special weight limits are imposed, the limits must be posted by highway signs along the affected highways. The special weight limits apply regardless of whether a vehicle is being operated under an overweight permit unless the permit expressly authorizes the special weight limits to be exceeded.

Current law defines an energy emergency as a period of disruption of energy supplies which poses a serious risk to the economic well-being, health, or welfare of the citizens of this state, as certified by executive order of the governor. During an energy emergency, after consultation with the Department of Administration (DOA), DOT may authorize, for a period not to exceed 30 days, the operation of overweight vehicles weighing 50,000 pounds or more and carrying energy resources or fuel or milk commodities designated by the governor to exceed statutory per-axle weight limits by up to 10 percent and statutory gross vehicle weight limits by up to 15

percent. For vehicles operating under an overweight or oversize permit, DOT may also waive the requirement, for issuance of certain permits, that the load being transported be nondivisible.

Under this bill, during an energy emergency, DOT, after consultation with DOA, may authorize motor vehicles that have a gross weight of 26,000 pounds or less and that are transporting propane or heating oil for delivery to residences, businesses, or other end users to exceed posted special weight limits that have been imposed in connection with the thawing of frozen highways. A person operating a motor vehicle under this authorization must, to the extent practicable, deliver propane or heating oil at times of the day when the highways used are the least vulnerable.

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.

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.** 348.17 (1) of the statutes is amended to read:

2           348.17 (1) No person, whether operating under a permit or otherwise, shall  
3 operate a vehicle in violation of special weight limitations imposed by state or local  
4 authorities on particular highways, highway structures or portions of highways  
5 when signs have been erected as required by s. 349.16 (2) giving notice of such weight  
6 limitations, except when the vehicle is being operated under a permit expressly  
7 authorizing such weight limitations to be exceeded or is being operated as authorized  
8 under sub. (4).

9           **SECTION 2.** 348.17 (4) of the statutes is created to read:

10          348.17 (4) During an energy emergency, after consultation with the  
11 department of administration, the department may authorize motor vehicles that  
12 have a gross weight of 26,000 pounds or less and that are transporting propane or

1 heating oil for delivery to residences, businesses, or other end users to exceed any  
2 special weight limitation imposed under ss. 348.17 (1) and 349.16 (1) (a) and (2) in  
3 connection with the thawing of frozen highways. Any person operating a motor  
4 vehicle as authorized under this subsection shall, to the extent practicable, deliver  
5 propane or heating oil at times of the day when the highways used are the least  
6 vulnerable.

7 **SECTION 3. Nonstatutory provisions.**

8 (1) Notwithstanding section 13.096 (2) of the statutes, the department of  
9 transportation shall not prepare a report on this bill under section 13.096 (2) and (3)  
10 of the statutes.

11

(END)

**Rose, Stefanie**

---

**From:** Fiocchi, Tim  
**Sent:** Monday, February 03, 2014 2:41 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -4111/1 Topic: Declarations of energy emergency; weight limits for vehicles transporting propane or heating oil

Please Jacket LRB -4111/1 for the SENATE.