

(2) An issuing authority may suspend a permit, or any of its conditions, because of seasonal highway conditions.

Note: Examples of seasonal highway conditions include spring thaw, flooding, and traffic congestion.

(3) No condition of a permit may modify any law or regulation limiting loads because of local conditions, including load limits on bridges and highways, seasonal weight restrictions, or load limits imposed because of construction.

(4) No condition of a permit may modify or supersede any action by a town under s. 60.54, Stats., to designate town highways as appropriate for the transportation of solid waste, or to prohibit the use of other town highways for that purpose.

(5) A permit issued for an overlength vehicle is not valid during periods when adverse weather or road conditions, such as fog, smoke, heavy rain, snow or ice, or wind velocity, impair the safety of a movement under the permit.

(6) Operation under a permit includes the movement of an empty vehicle to and from the place of pickup or delivery of the permitted load.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 269.07 Registration requirements.** (1) A vehicle operating under a permit shall be registered as required by Wisconsin statutes, and shall be registered at not less than the permit weight or at the maximum available registration weight, whichever is less.

(2) All other operational permits required by the department, the office of the commissioner of transportation, or other agencies having jurisdiction shall be obtained.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 269.08 Driver and operating requirements.** (1) The driver of a vehicle operating under a permit shall carry the approved permit in the vehicle to which it applies and shall have the permit available for inspection by any police officer, representative of the issuing authority, or person in charge of the maintenance of the highway being operated.

(2) The driver of a vehicle operating under a permit shall, whenever reasonable and practicable, maintain a distance of not less than 1,000 feet between the vehicle with the permit and any vehicle the driver is following, unless actually engaged in overtaking and passing another vehicle.

(3) The driver of a vehicle operating under a permit shall allow traffic approaching or overtaking the permitted vehicle to pass, where it is safe to do so.

(4) Unless a lower speed is specified in the permit, a vehicle operating under a permit may be operated at the posted speed limit.

(5) The wheels of a vehicle or combination of vehicles being operated under a permit may not leave the roadway except while the vehicle or combination of vehicles is stopped or at speeds less than 15 miles per hour immediately prior to or following a stop.

Register, January, 1991, No. 421

Note: A "roadway" does not include paved or unpaved shoulders. s. 340.01 (54), Stats.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 269.09 Maximum size and loading limitations.** The maximum size axle, axle combination, and total weight limitations authorized by a permit may not be exceeded.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 269.10 Times of operation.** (1) Except as otherwise specified in a permit, a vehicle, load, or vehicle and load that is overweight, but not oversize, may operate 24 hours a day, including weekends and holidays.

(2) Except as otherwise specified in the permit, no vehicle or vehicle combination operating under a permit that is overlength may be operated:

(a) Between 4:00 p.m. and 11:00 p.m. on Sunday.

(b) Between 4:00 p.m. and 11:00 p.m. on Friday between the 4th Friday in May and Labor Day.

(c) Between 4:00 p.m. and 11:00 p.m. on any holiday, or, when Independence Day falls on Sunday, on the following Monday.

(d) Between 4:00 p.m. and 11:00 p.m. on the day before any holiday, except that this restriction does not apply to Independence Day when it falls on a Sunday.

(3) An issuing authority may issue a permit for times other than those specified in sub. (1) or (2), under extraordinary circumstances when, in the opinion of the issuing authority, public health and welfare is better served, and may impose additional conditions necessary to promote the safe operation of the vehicle and load.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 269.11 Route limitations.** (1) A permit issued by the department authorizes the use of any of the highways of the state, subject to the limitations stated in the permit.

(2) Except as provided in sub. (2a), a permit is not valid on any part of the national system of interstate and defense highways in Wisconsin.

(2a) Notwithstanding sub. (2), permits issued by the department for the transportation of garbage or refuse authorize the use of interstate highway 43 between its interchange with interstate highway 90 in Rock county and its interchange with interstate highway 894 and U.S. highway 45 in Milwaukee county. No permit issued under this chapter authorizes use of any portion of interstate highway 43 after September 30, 1994.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (2), cr. (2a), Register, January, 1991, No. 421, eff. 2-1-91.

**Trans 269.12 Transfers.** In the event of a breakdown or other circumstance requiring a change of the power unit identified on the permit, transfers to another vehicle, under the control of the permittee, may be made following the completion of a new application and the issuance of a new permit. The words, "This is a transfer from permit # \_\_\_\_\_,"

Register, January, 1991, No. 421

shall be written on the bottom of the application. The original permit shall be sent to the issuing authority with the transfer application.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 269.13 Insurance and liability conditions.** (1) In applying for and accepting a permit, the permittee agrees to:

(a) Pay any claim for any bodily injury or property damage resulting from operation under the permit for which the permittee is legally responsible.

(b) Hold the state, its subdivisions, officers, employes and agents harmless from any claim which may arise from operation over public highways under the permit.

(2) Whether or not insurance, bond, or deposit as set forth in sub. (7) is required, the permittee shall be liable for all damages which any highway or its appurtenances may sustain by reason of any operation under the permit.

(3) An issuing authority may waive insurance requirements for permits issued to government.

(4) Where a certificate of insurance is required, no insurer may cancel the certificate of insurance without providing the issuing authority 10 days advance written notice of the cancellation.

(5) An issuing authority may require a permittee to provide more bodily injury damage liability coverage than is set forth in sub. (6).

(6) The following insurance amounts are required:

Bodily injury liability-each person .....	\$150,000	or \$750,000
Bodily injury liability-each accident .....	\$450,000	combined single
Property damage liability-each accident .....	\$300,000	limit

(7) A permittee shall certify, and may be required to present satisfactory written evidence, that the amount of insurance coverage given in sub. (6), or a bond in a form satisfactory to the issuing authority, will be in effect for the vehicle and load designated in the permit while operating on the public highway, unless this requirement is expressly waived by the issuing authority.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 269.14 General conditions and requirements.** A permittee shall comply with all applicable statutes, ordinances, rules and policies of any state agency or subdivision of the state, unless they are modified by the conditions of the permit.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 269.15 Denial, suspension or revocation of permit.** (1) An issuing authority may deny, suspend, or revoke a permit for good cause, pursuant to s. 348.25 (7), Stats. Grounds for the denial, suspension, or revocation of a permit include:

(a) Violation of any condition of a permit.

(b) Preventing an employe of an issuing authority or a law enforcement officer from performing his or her official duties, or interfering with the lawful performance of his or her duties.

(c) Physically assaulting an employe of an issuing authority or a law enforcement officer while performing his or her official duties.

(d) Making a material misstatement in an application for a permit.

(e) Unauthorized alteration of a permit.

(f) Refusal or failure, without just cause, to produce required records.

(g) Payment of an application fee with a worthless check.

(h) Violation of any other applicable provision under ch. 348, Stats., or this chapter.

(2) A permittee shall immediately return a suspended or revoked permit to the issuing authority, after receiving notice from the issuing authority of the suspension or revocation of the permit.

Note: If a permit is denied, suspended, or revoked, an applicant or permittee may request a hearing before the office of the commissioner of transportation, pursuant to s. 348.25 (9), Stats.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.