

Chapter Trans 312

WEIGH STATION STOPPING REQUIREMENTS

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Trans 312.01 General. (1) SCOPE. Pursuant to authority in ss. 84.02 (4) (c) and 85.16 (1), Stats., and in ch. 348, Stats., the department of transportation adopts these rules relating to requiring trucks to stop at weigh stations.

(2) PURPOSE. The purpose for this rule is to specify which vehicle operators shall stop at open weigh stations for vehicle and load weighing, measuring and inspecting and to specify further which vehicle operators, although they may be required by a traffic officer to stop, shall not be required to stop for vehicle and load weighing, measuring and inspecting as a matter of regular course at open weigh stations.

History: Emerg. cr. eff. 11-22-82; cr. Register, April, 1983, No. 328, eff. 5-1-83; correction in (1) made under s. 13.93 (2m) (b) 7., Stats.

Trans 312.02 Definitions. The word and phrase definitions in ss. 340.01, 348.01 and 990.01, Stats., shall apply throughout this chapter except that the following definitions shall apply for purposes of this chapter:

(1) "Department" means the Wisconsin department of transportation.

(2) "Gross weight" has the meaning set forth in s. 348.01 (2) (b), Stats.

(3) "Truck" includes any motor truck, road tractor or truck tractor including any vehicle being towed thereby.

(4) "Weigh station" means a facility constructed and maintained pursuant to s. 84.01 (21), Stats., for weighing, measuring or inspecting vehicles and loads operating on any highway.

(5) "Weigh station sign" means an official traffic sign placed or erected by authority of the department to inform truck operators of weigh station stopping requirements for trucks.

History: Emerg. cr. eff. 11-22-82; cr. Register, April, 1983, No. 328, eff. 5-1-83.

Trans 312.03 Authority and enforcement discretion. (1) AUTHORITY. The department has statutory authority and responsibility to enforce the size, weight and load requirements of ch. 348, Stats. The provisions of ss. 84.01 (21) and 110.07 (1) (a) 3., Stats., and of ch. 348, Stats., provide this authority. To implement its enforcement responsibilities, the department may require the operator of any vehicle being operated on a Wis-

consin highway to stop at a weigh station and have the vehicle and its load weighed, measured or inspected.

(2) ENFORCEMENT DISCRETION. Because of time, personnel and resource limitations, the department cannot weigh, measure or inspect all vehicles at weigh stations as a matter of regular course. Department experience shows that trucks having a gross weight of 8,000 pounds or less often are used for personal transportation and not for property transportation. For this reason, the department chooses not to require operators of trucks having a gross weight of 8,000 pounds or less to stop at open weigh stations unless directed to do so by a traffic officer.

History: Emerg. cr. eff. 11-22-82; cr. Register, April, 1983, No. 328, eff. 5-1-83.

Trans 312.04 Stopping requirements. (1) TRUCKS OVER 8,000 POUNDS. Whenever the operator of a truck having a gross weight in excess of 8,000 pounds approaches an open weigh station, the operator shall stop the truck at the open weigh station and shall permit the truck and its load to be weighed, measured or inspected.

(2) TRUCKS OF 8,000 POUNDS OR LESS. The department may not require the operator of a truck having a gross weight of 8,000 pounds or less to stop at open weigh stations as a matter of regular course. A truck having a gross weight of 8,000 pounds or less shall be subject, however, to all the applicable size, weight and load limitations of ch. 348, Stats.; and the operator of a truck having a gross weight of 8,000 pounds or less shall obey all requests of any traffic officer requesting the operator to stop and to submit the truck or the truck load to weighing, measuring or inspecting.

(3) PENALTIES. Any operator of a truck violating this section shall be subject to the penalty provisions of s. 348.21 (2) (a), Stats.

History: Emerg. cr. eff. 11-22-82; cr. Register, April, 1983, No. 328, eff. 5-1-83.

Trans 312.05 Weigh station signs. The department shall place or erect weigh station signs at appropriate locations near weigh stations along highways that the department constructs or maintains. The weigh station sign message shall be composed and designed for the purpose of informing operators approaching a weigh station of the need to meet the stopping requirements of s. Trans 312.04 (1).

History: Emerg. cr. eff. 11-22-82; cr. Register, April, 1983, No. 328, eff. 5-1-83.