



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 755**

February 19, 2008 - Offered by Representative PETROWSKI.

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 (15) of the statutes; **relating to:** multiple trip permits for
3 overweight vehicles transporting granular roofing material, providing an
4 exemption from emergency rule procedures, and granting rule-making
5 authority.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory weight limits unless the person obtains a permit issued by the Department of Transportation (DOT) or a local authority.

This substitute amendment allows DOT to issue multiple trip permits for the transportation of granular roofing material in vehicles or vehicle combinations (vehicles) that exceed, by not more than 10,000 pounds, the generally applicable statutory gross weight limitations of 80,000 pounds. The permit may not authorize the operation of any vehicle at a maximum gross weight in excess of 90,000 pounds and is not valid on highways designated as part of the national system of interstate and defense highways except for up to 2.5 miles of state trunk highways on each route authorized under the permit. An application for a multiple trip permit must: 1)

identify the motor carrier on behalf of which the load is to be transported; and 2) identify the location from which the transportation of the load is to originate, the load's destination, and the route over which the load will be transported. DOT may not issue a multiple trip permit unless there is good cause under the circumstances to issue the permit and the permit must include as conditions of the permit items 1) and 2) above. If the designated route includes streets or highways other than those within the state trunk highway system, DOT may only issue the permit if the governing body of each municipality or county having jurisdiction over these streets or highways adopts a resolution approving the transportation of the load over these streets or highways. DOT must promulgate rules relating to these multiple trip permits. DOT may not issue these multiple trip permits after approximately three years from the bill's effective date.

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

1 **SECTION 1.** 348.25 (3) of the statutes is amended to read:

2 348.25 (3) The department shall prescribe forms for applications for all single
3 trip permits the granting of which is authorized by s. 348.26 and for those annual,
4 consecutive month or multiple trip permits the granting of which is authorized by
5 s. 348.27 (2) and (4) to ~~(14)~~ (15). The department may impose such reasonable
6 conditions prerequisite to the granting of any permit authorized by s. 348.26 or
7 348.27 and adopt such reasonable rules for the operation of a permittee thereunder
8 as it deems necessary for the safety of travel and protection of the highways. The
9 department may limit use of the highways under any permit issued to specified hours
10 of the day or days of the week. Local officials granting permits may impose such
11 additional reasonable conditions as they deem necessary in view of local conditions.

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

13 348.25 (4) (intro.) Except as provided under s. 348.26 (5), (6), or (7) or 348.27
14 (3m), (9), (9m), (9r), (9t), (10), (12), ~~or (13)~~, or (15) permits shall be issued only for the
15 transporting of a single article or vehicle which exceeds statutory size, weight or load

1 limitations and which cannot reasonably be divided or reduced to comply with
2 statutory size, weight or load limitations, except that:

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

4 348.27 (1) APPLICATIONS. All applications for annual, consecutive month or
5 multiple trip permits for the movement of oversize or overweight vehicles or loads
6 shall be made to the officer or agency designated by this section as having authority
7 to issue the particular permit desired for use of the particular highway in question.
8 All applications under subs. (2) and (4) to ~~(14)~~ (15) shall be made upon forms
9 prescribed by the department.

10 **SECTION 4.** 348.27 (15) of the statutes is created to read:

11 348.27 (15) MULTIPLE TRIP PERMITS. (a) The department may issue multiple trip
12 permits for the transportation of granular roofing material in vehicles or vehicle
13 combinations that exceed the maximum gross weight limitations under s. 348.15 (3)
14 (c) by not more than 10,000 pounds. A permit issued under this subsection does not
15 authorize the operation of any vehicle or vehicle combination at a maximum gross
16 weight in excess of 90,000 pounds. A permit under this subsection may be issued only
17 by the department, regardless of the highways to be used. A permit under this
18 subsection is not valid on highways designated as part of the national system of
19 interstate and defense highways except that a permit may be issued that is valid on
20 not more than 2.5 miles of any state trunk highway if such issuance of the permit is
21 consistent with federal law.

22 (b) 1. An application for a permit under this subsection shall include all of the
23 following information:

24 a. The motor carrier on behalf of which the load is to be transported.

1 b. The location from which the transportation of the load is to originate and the
2 load's destination, along with the designated route over which the load will be
3 transported.

4 2. The department may not issue a permit under this subsection unless the
5 department determines that there is good cause under the circumstances to issue the
6 permit. A permit issued under this subsection shall include as conditions of the
7 permit the information specified in subd. 1. a. and b.

8 (c) If the designated route under par. (b) 1. b. includes streets or highways other
9 than those within the state trunk highway system, no permit may be issued under
10 this subsection unless the governing body of each municipality or county having
11 jurisdiction over such streets or highways adopts a resolution approving the
12 transportation of the load over that portion of the designated route that is on streets
13 or highways under the jurisdiction of the municipality or county. An applicant for
14 a permit under this subsection shall include a copy of each such resolution with the
15 permit application.

16 (d) The department shall promulgate rules to implement and administer this
17 subsection.

18 (e) No permit may be issued under this subsection after the first day of the 36th
19 month beginning after the effective date of this paragraph [revisor inserts date].

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

21 348.28 (1) Permits issued under ss. 348.25, 348.26 and 348.27 (1) to (10) and,
22 (12) to (13), and (15) shall be carried on the vehicle during operations so 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 (15) (d) 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 4th month beginning after the effective date of this subsection.

3 (2) Using the emergency rules procedure under section 227.24 of the statutes,
4 the department of transportation shall promulgate the rules required under section
5 348.27 (15) (d) of the statutes, as created by this act, for purposes of implementing
6 this act, for the period before the effective date of the rules submitted under
7 subsection (1). The department shall promulgate these emergency rules no later
8 than the first day of the 4th month beginning after the effective date of this
9 subsection. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these
10 emergency rules may remain in effect until July 1, 2009, or the date on which
11 permanent rules take effect, whichever is sooner. Notwithstanding section 227.24
12 (1) (a) and (3) of the statutes, the department is not required to provide evidence that
13 promulgating a rule under this subsection as an emergency rule is necessary for the
14 preservation of the public peace, health, safety, or welfare and is not required to
15 provide a finding of emergency for a rule promulgated under this subsection.

16 **SECTION 7. Effective dates.** This act takes effect on the first day of the 4th
17 month beginning after publication, except as follows:

18 (1) SECTION 6 of this act takes effect on the day after publication.

19 (END)