



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBs0320/1
EVM:kjf:jf

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 410**

February 9, 2012 – Offered by Senator GALLOWAY.

1 **AN ACT to amend** 348.15 (3) (intro.), 348.19 (2) (a), 348.21 (3) (intro.), 348.21 (3)
2 (a) and 348.21 (3) (b) (intro.); and **to create** 348.17 (6) of the statutes; **relating**
3 **to:** seasonal weight limits for certain vehicles transporting manure.

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 or a local authority. Under one exception, certain vehicles or vehicle combinations transporting agricultural crops may, without a permit, exceed weight limits by not more than 15 percent from September 1 to December 31 of each year.

This substitute amendment provides an exception similar to the agricultural crop exception. Under this substitute amendment, certain vehicles or vehicle combinations transporting manure to or from a farm may, without a permit, exceed weight limits by not more than 15 percent from September 1 to December 31 of each year.

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

1 **SECTION 1.** 348.15 (3) (intro.) of the statutes is amended to read:

2 348.15 (3) (intro.) Subject to any modifications made by a 1st class city under
3 s. 349.15 (3) and except as provided in s. 348.17 (5) or (6), no person, without a permit,
4 may operate on a class "A" highway any vehicle or combination of vehicles unless the
5 vehicle or combination of vehicles complies with the following weight limitations:

6 **SECTION 2.** 348.17 (6) of the statutes is created to read:

7 348.17 (6) (a) From September 1 to December 31 of each year, no permit shall
8 be required for the transportation of manure to or from a farm in a vehicle or
9 combination of vehicles that exceeds the weight limitations under s. 348.15 by not
10 more than 15 percent and that satisfies any of the following:

- 11 1. Has a registered gross weight of 50,000 pounds or more.
- 12 2. Is described in s. 340.01 (24) (b).
- 13 3. Is an implement of husbandry as defined in s. 340.01 (24) (a).

14 (b) This subsection does not apply to the national system of interstate and
15 defense highways.

16 **SECTION 3.** 348.19 (2) (a) of the statutes is amended to read:

17 348.19 (2) (a) Except as provided in par. (b), whenever after a weighing of a
18 vehicle and load as provided in sub. (1) a traffic officer determines that the weight
19 exceeds the limitations imposed by s. 348.15, 348.16, or 348.17 (3) ~~or (5)~~, or (6) or any
20 limitations posted as provided in s. 348.17 (1), the operator of such vehicle shall not
21 proceed ~~(, except to drive to such place as directed by the traffic officer for the purpose~~
22 ~~of reloading or unloading)~~, until such portion of the load has been reloaded or
23 unloaded as may be necessary to reduce the weight of the vehicle and load to comply
24 with the limitations imposed by s. 348.15, 348.16, or 348.17 (3) ~~or (5)~~, or (6) and any
25 limitations posted as provided in s. 348.17 (1). All material so reloaded or unloaded

1 shall be reloaded or unloaded and cared for by and at the risk of the owner or operator
2 of the vehicle.

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

4 348.21 (3) (intro.) Except as provided in sub. (3g), any person violating s. 348.15
5 or 348.16 or any weight limitation posted as provided in s. 348.17 (1) or in a
6 declaration issued under s. 348.175 or authorized under s. 348.17 (3) ~~or~~, (5), or (6)
7 in an overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

8 **SECTION 5.** 348.21 (3) (a) of the statutes is amended to read:

9 348.21 (3) (a) If the weight exceeds by 1,000 pounds or less the maximum set
10 forth in s. 348.15 (3) or 348.16 or posted as provided in s. 348.17 (1) or in a declaration
11 issued under s. 348.175 or authorized under s. 348.17 (3) ~~or~~, (5), or (6) or in an
12 overweight permit issued under s. 348.26 or 348.27, a forfeiture of not less than \$50
13 nor more than \$100 upon the first conviction and, upon the 2nd and each subsequent
14 conviction within a 12-month period, a forfeiture of not less than \$100 nor more than
15 \$200.

16 **SECTION 6.** 348.21 (3) (b) (intro.) of the statutes is amended to read:

17 348.21 (3) (b) (intro.) If the weight exceeds by more than 1,000 pounds the
18 maximum set forth in s. 348.15 (3) or 348.16 or posted as provided in s. 348.17 (1) or
19 in a declaration issued under s. 348.175 or authorized under s. 348.17 (3) ~~or~~, (5), or
20 (6) or in an overweight permit issued under s. 348.26 or 348.27, the forfeiture shall
21 be computed according to the following schedule and in the case of violation of s.
22 348.15 (3) (bg) or (br) shall be computed on the basis of the weights stated in s. 348.15
23 (3) (bg) or (br):

24

(END)