



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 250
[2005 Senate Bill 480]

**Transporting Buildings on
Highways**

Current law:

1. Provides that, with limited exceptions, a person who transports passengers or property for hire by motor vehicle on the highways (motor carrier) must operate under a certificate or license (certificate of authority) issued by the Department of Transportation (DOT) or issued under federal law authorizing operation of a vehicle as a motor carrier. Various state laws govern motor carriers, regardless of whether the motor carrier is operating a commercial motor vehicle (CMV). Federal law, including federal motor carrier safety standards, also governs certain motor carriers and DOT has authority under state law to promulgate rules regulating the operation of all motor carriers, including rules implementing federal motor carrier safety standards for motor carriers operating in intrastate commerce.

2. Provides that, with certain exceptions, no person may operate a CMV unless the person holds a commercial driver license (CDL). A CMV is a motor vehicle designed or used to transport passengers or property and that is, among other things, a single vehicle with a gross vehicle weight rating, registered weight, or actual gross weight of more than 26,000 pounds or a vehicle combination with a gross combination weight rating, registered weight, or actual gross weight of more than 26,000 pounds (inclusive of a towed unit of more than 10,000 pounds).

3. Imposes size, weight, and load limits on vehicles that travel on the highways. DOT and local highway officials may issue certain permits authorizing the permittee to operate a vehicle that exceeds these limits on vehicle size, weight, or load.

2005 Wisconsin Act 250 prohibits a person from operating a vehicle *transporting a building* on a highway unless all of the following apply:

1. The vehicle is a CMV and the person holds a CDL.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

2. The vehicle is operated under a valid motor carrier certificate of authority, for which all motor carrier insurance requirements are satisfied.

For purposes of this prohibition, **“building” means** a dwelling or other structure (structure) or portion thereof that: (1) when measured to the extreme points of the farther of the structure or the vehicle on which it is loaded, is more than 12 feet wide, more than 14 feet 3 inches in height, or more than 100 feet long; (2) is transportable as a whole or in sections; and (3) is raised and supported from an existing foundation and then moved and placed on a permanent foundation. “Building” does not include a modular home, a manufactured building as defined in s. 101.71 (6), Stats., or a manufactured home as defined in s. 101.91 (2), Stats.

A person who violates this prohibition is subject to a forfeiture of \$500 to \$5,000. Each violation constitutes a separate offense.

In addition, the Act provides that: (1) a person may not operate a vehicle transporting a building on a highway **if any person is in the building** (violation subject to a forfeiture of \$20 for the first offense and \$50 for each subsequent offense); and (2) a person operating a vehicle transporting a building must stop the vehicle at any at-grade railroad crossing (violation subject to a forfeiture of not less than \$60 nor more than \$600).

Under the Act, the DOT may issue **annual or consecutive month oversize permits** for vehicles transporting buildings on any highway. The DOT and local highway officials may issue **single trip** oversize permits for vehicles transporting buildings on highways under their respective jurisdictions. The DOT and local highway officials may not issue these permits unless all of the following apply:

1. The applicant identifies each potential operator of a vehicle under the permit and provides proof that each such operator holds a valid CDL, with any endorsement required under ch. 343 for operation of the class and type of vehicle to be used to transport a building under the permit.
2. The applicant provides proof of a valid motor carrier certificate of authority issued under ch. 194, Stats., or federal law for each vehicle to be used to transport a building under the permit.
3. The applicant files with DOT a certificate of comprehensive general liability insurance with a total limit of not less than \$500,000, in addition to the motor vehicle liability insurance required of all motor carriers (with an applicable total limit of not less than \$750,000).

In addition, DOT and local highway officials may impose reasonable conditions on these permits and may deny these permits for specified reasons.

The Act also:

1. Provides that vehicles transporting buildings for hire on the highways are motor carriers, makes certain property damage insurance requirements mandatory for these motor carriers, and allows DOT to suspend, revoke, or alter any certificate of authority issued by DOT to such a motor carrier based upon certain violations occurring while transporting a building. The requirements of the Act are in addition to any applicable requirements imposed on motor carriers, CDL holders, CMV operators, or oversize vehicle permittees under current state or federal law.

2. Increases DOT appropriation by \$18,700 for the fiscal year in which the Act takes effect to provide funding to DOT to implement the new permit issuance created in the Act.

Effective Date: Act 250 takes effect on ***November 1, 2006*** (the first day of the 7th month beginning after publication of the Act).

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