



2005 ASSEMBLY BILL 1107

March 9, 2006 – Introduced by Representatives MUSSER, AINSWORTH, BIES, LEHMAN, ALBERS and TOWNSEND. Referred to Committee on Transportation.

1 **AN ACT** *to amend* 348.25 (4) (intro.) and 348.28 (1); and *to create* 348.27 (12m)
2 of the statutes; **relating to:** annual or consecutive month permits for certain
3 vehicles exceeding special or seasonal weight limitations imposed by highway
4 authorities.

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 highway authority. Also under current law, DOT and local highway authorities may impose special weight limitations on highways under their jurisdiction that, because of deterioration or climatic conditions, would likely be seriously damaged or destroyed if such limitations were not imposed and on bridges that cannot safely sustain the generally applicable maximum weights allowed by law. DOT and local highway authorities may impose these weight limitations by posting signs on or along the highway, or before each end of the bridge, giving reasonable notice of the special weight limitations. No person, whether or not operating under an overweight permit, may operate a vehicle in violation of these special posted weight limitations, except when operating under an overweight permit that expressly authorizes these special posted weight limitations to be exceeded. However, DOT and local highway authorities may exempt from these special posted weight limitations on highways, or set different weight limitations for, vehicles carrying certain commodities or performing certain services if doing so is

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reasonable and necessary for the public interest and, if certain requirements are met, must exempt from these special posted weight limitations on highways vehicles used to transport material pumped from a septic or holding tank.

This bill creates a new annual or consecutive month overweight permit, issued by local highway authorities, specifically related to these special posted weight limitations. Under the bill, the officer in charge of maintenance of highways, other than state trunk highways, on which special weight limitations are posted due to climatic conditions may issue annual or consecutive month permits for the transportation of milk, or of garbage, refuse, or recyclable material, or of material pumped from a septic or holding tank, in excess of these special posted weight limitations but not in excess of generally applicable statutory weight limitations if the officer determines that such transportation is in the interest of public health and safety. If an application for such a permit is filed by December 15, the officer must grant or deny the application not later than February 15 of the following year. Each application must include the applicant's proposed route, which route must minimize travel on highways subject to special posted weight limitations. Every permit issued must designate the route to be used by the permittee. The officer may limit use of the highways under any issued permit to specified hours of the day. If the permit application is denied, the officer must provide reasons for the denial of the permit.

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., DOT, as required by law, will prepare a report to be printed as an appendix to this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 348.25 (4) (intro.) of the statutes is amended to read:

2 348.25 (4) (intro.) Except as provided under s. 348.26 (5), (6), or (7) or 348.27
3 (3m), (9), (9m), (9r), (9t), (10), (12), (12m), or (13), permits shall be issued only for the
4 transporting of a single article or vehicle which exceeds statutory size, weight or load
5 limitations and which cannot reasonably be divided or reduced to comply with
6 statutory size, weight or load limitations, except that:

7 **SECTION 2.** 348.27 (12m) of the statutes is created to read:

8 348.27 (12m) CERTAIN LOADS EXCEEDING SPECIAL POSTED WEIGHT LIMITATIONS. (a)
9 The officer in charge of maintenance of highways, other than state trunk highways,

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1 on which weight limitations are imposed under s. 349.16 (1) (a) due to climatic
2 conditions and posted as provided in ss. 348.17 (1) and 349.16 (2) may issue annual
3 or consecutive month permits for the transportation of milk, or of garbage, refuse,
4 or recyclable material, as defined in s. 560.12 (1) (ae), or of material pumped from a
5 septic or holding tank, in excess of these posted weight limitations but not in excess
6 of weight limitations imposed by this chapter, other than those specified in s. 348.17
7 (1), if the officer determines that such transportation is in the interest of public
8 health and safety.

9 (b) If an application for a permit under this subsection is filed by December 15
10 with the officer in charge of maintenance of the highways over which a vehicle will
11 be operated, the officer shall grant or deny the application not later than February
12 15 of the following year. Each application shall include the applicant's proposed
13 route, which route shall minimize travel on highways subject to weight limitations
14 imposed under s. 349.16 (1) (a) and posted as provided in ss. 348.17 (1) and 349.16
15 (2). Every permit issued under this subsection shall designate the route to be used
16 by the permittee. The officer may limit use of the highways under any permit issued
17 under this subsection to specified hours of the day. If the permit application is
18 denied, the officer shall provide reasons for the denial of the permit.

19 **SECTION 3.** 348.28 (1) of the statutes is amended to read:

20 348.28 (1) Permits issued under ss. 348.25, 348.26 and 348.27 (1) to (10), and
21 (12) and to (13) shall be carried on the vehicle during operations so permitted.

22 **SECTION 4. Effective date.**

23 (1) This act takes effect on the first day of the 3rd month beginning after
24 publication.

25 (END)