

CHAPTER 348

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GENERAL PROVISIONS

348.01 Words and phrases defined. (1) Words and phrases defined in s. 340.01 are used in the same sense in this chapter unless a different definition is specifically provided.

(2) In this chapter the following terms have the designated meanings:

(a) “Axle” includes all wheels of a vehicle imposing weight on the highway, the centers of which are included between 2 parallel transverse vertical planes less than 42 inches apart, extending across the full width of vehicle and load.

(am) “Certified stationary scale” means a stationary scale which is tested and inspected annually for accuracy by the department of agriculture, trade and consumer protection or other authorized testing agency in accordance with specifications, tolerances, standards and procedures established by the national institute of standards and technology and the department of agriculture, trade and consumer protection for the testing and examination of scales.

(ar) “Consecutive month permit” means a permit issued for a minimum of 3 consecutive months.

(av) “Fender line”, in the case of motor trucks, means the outermost limits of the rear fenders, flare boards or floor of the body, whichever projects outward the farthest.

(b) “Gross weight” means the weight of a vehicle or combination of vehicles equipped for service plus the weight of any load which the vehicle or combination of vehicles may be carrying.

(bm) “Personal watercraft” has the meaning given in s. 30.50 (9d).

(bt) “Raw forest products” means logs, pilings, posts, poles, cordwood products, wood chips, sawdust, pulpwood, fuel wood and Christmas trees not altered by a manufacturing process off the land, sawmill or factory from which they are taken.

(c) “Tandem axle” means any 2 or more consecutive axles whose centers are 42 or more inches apart and which are individually attached to or articulated from, or both, a common attachment to the vehicle including a connecting mechanism designed to equalize the load between axles.

History: 1981 c. 312 ss. 1, 2, 4; 1985 a. 202, 212, 332; 1989 a. 165; 1993 a. 62, 439; 1999 a. 85.

348.02 Applicability of chapter. (1) The provisions of this chapter restricting the size, weight and load of vehicles apply also to vehicles owned by or operated by or for a governmental agency, subject to such exceptions in this chapter.

(2) The provisions of this chapter restricting the size and weight of vehicles apply to the vehicle and any load which it is carrying except as otherwise provided in this chapter.

(3) Any owner of a vehicle who causes or permits such vehicle to be operated on a highway in violation of this chapter is guilty of the violation the same as if the owner had actually operated the vehicle.

(4) The limitations on size, weight and load imposed by this chapter do not apply to road machinery actually engaged in construction or maintenance of a highway within the limits of the project.

(5) The limitations on weight, length and number of vehicles in combination imposed by this chapter shall not apply to a combination of vehicles in an emergency towing operation in which the towing vehicle is being used to remove a stalled or disabled vehicle or combination of vehicles from the highway to the nearest adequate place for repairs, or in which the towing vehicle is an emergency truck tractor temporarily substituted for a stalled or disabled truck tractor. The vehicle owner or the owner’s agent shall designate the nearest adequate place for repairs for vehicles or combinations of vehicles exceeding the statutory length limits or limits on the number of vehicles in combination.

History: 1977 c. 197; 1979 c. 348; 1981 c. 268, 312, 390; 1989 a. 134; 1991 a. 316.

SIZE AND LOAD

348.05 Width of vehicles. (1) No person without a permit therefor shall operate on a highway any vehicle having a total width in excess of 8 feet 6 inches, except as otherwise provided in this section.

(2) The following vehicles may be operated without a permit for excessive width if the total outside width does not exceed the indicated limitations:

(a) No limitation for implements of husbandry temporarily operated upon a highway in the course of performance of its work.

(b) No limitation for snowplows operated by or for a governmental agency.

(c) Twelve feet for farm tractors, except that the total outside width of a farm tractor shall not exceed 9 feet when operated on any Wisconsin highway, other than that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39, that is a part of the national system of interstate and defense highways.

(d) Ten feet 6 inches for snowplows attached to motor vehicles normally used for the transportation of milk.

(f) Eight feet 8 inches for urban passenger buses.

(i) A realistic body width of 8 feet 6 inches for mobile homes.

(k) Nine feet for loads of tie logs, tie slabs and veneer logs, provided that no part of the load shall extend more than 6 inches

beyond the fender line on the left side of the vehicle or extend more than 10 inches beyond the fender line on the right side of the vehicle. This paragraph does not apply to transport on highways designated as parts of the national system of interstate and defense highways under s. 84.29.

(L) Twelve feet for loads of hay in bales and, from September 15 to December 15 of each year, for loads of Christmas trees from the point of harvesting or staging to a Christmas tree yard or point of commercial shipment, if the total outside width of the loads do not exceed the width of a single traffic lane of any highway over which the loads are carried. This paragraph does not apply to vehicles on highways designated as parts of the national system of interstate and defense highways under s. 84.29.

(2m) The secretary, by rule, shall designate safety devices which may not be included in the calculation of width under subs. (1) and (2). The designation of safety devices under this subsection may not be inconsistent with the safety devices designated by the U.S. secretary of transportation under P.L. 97–369, section 321.

(3) Farm tractors exceeding 12 feet in width and all other farm machinery and implements of husbandry exceeding 8 feet 6 inches in width not being operated in the course of performance of its work may be moved, towed or hauled over the highways without a special permit issued under s. 348.27 (14) between one-half hour before sunrise and sunset on Mondays to Thursdays and from one-half hour before sunrise to 2 p.m. on Fridays. Such overwidth machinery shall not be moved, towed or hauled on any Wisconsin highway, other than any overwidth machinery that is not a commercial motor vehicle on that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39, which is part of the national system of interstate and defense highways without a special permit issued under s. 348.27 (14).

(4) Notwithstanding sub. (1), the secretary may restrict vehicles to a width of less than 8 feet 6 inches on any portion of any state or local highway if he or she deems such restriction necessary to protect the public safety. Any such restriction shall be indicated by official signs. If the secretary restricts vehicles to a width of less than 8 feet 6 inches on any local highway, the local authority in charge of maintenance shall be responsible for erecting the appropriate signs on the local highway.

History: 1975 c. 50; 1977 c. 26; 1977 c. 29 s. 1654 (9) (b); 1981 c. 22; 1983 a. 78, 508; 1985 a. 187; 1993 a. 353, 404; 1995 a. 7, 225, 348; 1999 a. 85.

348.06 Height of vehicles. (1) Except as provided in sub. (2), no person, without a permit therefor, may operate on a highway any motor vehicle, mobile home, trailer or semitrailer having an overall height in excess of 13 1/2 feet.

(2) Implements of husbandry of any height may be temporarily operated upon a highway without a permit for excessive height.

(3) The limitations on total height stated in this section shall not be construed as requiring a clearance of such height or as relieving the owners of vehicles not exceeding such total height from liability for any damage.

History: 1999 a. 85.

348.07 Length of vehicles. (1) No person, without a permit therefor, may operate on a highway any single vehicle with an overall length in excess of 40 feet or any combination of 2 vehicles with an overall length in excess of 65 feet, except as otherwise provided in subs. (2) and (2a).

(2) The following vehicles may be operated without a permit for excessive length if the overall length does not exceed the indicated limitations:

(c) Forty five feet for mobile homes and motor buses.

(e) No limitation for implements of husbandry temporarily operated upon a highway.

(f) No overall length limitation for a tractor–semitrailer combination, a double bottom or an automobile haulaway when such tractor–semitrailer combination, double bottom or automobile haulaway is operated on a highway designated under sub. (4).

(fm) No length limitation for a truck tractor or road tractor when such truck tractor or road tractor is operated in a tractor–semitrailer combination or as part of a double bottom or an automobile haulaway on a highway designated under sub. (4).

(g) 48 feet for a semitrailer or trailer operated as part of a 2–vehicle combination, except as provided in par. (gr).

(gm) 28 feet 6 inches for a semitrailer or trailer operated as part of a double bottom.

(gr) 53 feet for a semitrailer whose length from kingpin to axle does not exceed 43 feet and which is operated as part of a 2–vehicle combination on a highway designated under sub. (4).

(h) 65 feet for articulated buses operated in urban areas.

(i) 58 feet for a vehicle combination consisting of a motor bus and trailer owned and operated by, and for the exclusive use of a nonprofit organization. This paragraph does not apply to trailers used for transporting recreational vehicles. As used in this paragraph, “nonprofit organization” means any organization described in section 501 (c) (3) of the internal revenue code which is exempt from federal income tax under section 501 (a) of the internal revenue code.

(j) 66 feet for an automobile haulaway plus an additional overhang of 4 feet to the front of the vehicle and 5 feet to the rear of the vehicle.

(2a) Four trains consisting of 4 vehicles including the propelling motor vehicle may be operated as provided in s. 348.08 (1) (c).

(3) (a) The overall length of a mobile home shall be measured from the rear thereof to the rear of the vehicle to which it is attached.

(b) 1. Except as provided in subd. 2., the length of a semitrailer or trailer shall be measured from the front thereof to the rear of the semitrailer or trailer or cargo, whichever is longer, excluding bumpers, stake pockets, air deflectors and refrigeration units.

2. The length of a semitrailer operated as the first trailing unit in a double bottom consisting of a truck tractor and 2 semitrailers does not include a frame extension bearing a fifth–wheel connection by which the 2nd trailing unit is drawn unless the frame extension is more than 8 feet in length. This subdivision does not affect the measurement of length from the front of the semitrailer to the rear of the cargo.

(c) The distance between a kingpin and semitrailer axle shall be measured as follows:

1. On a semitrailer having a tandem axle, from the kingpin to a point midway between the first and last axles of the tandem axle.

2. On a semitrailer not having a tandem axle, from the kingpin to the center of the rearmost axle.

(4) The secretary shall, by rule, designate the highways to which sub. (2) (f), (fm), (gm) and (gr) and s. 348.08 (1) (e) and (h) apply. The designation of highways under this subsection may not be inconsistent with the designation of highways made by the U.S. secretary of transportation under P.L. 97–424, section 411. The secretary may also designate additional highways by rule. In adopting a rule designating other highways, which may include 2–lane highways, the secretary shall specify the factors which resulted in the determination to designate the highways. These factors shall include, but are not limited to, safety, economics, energy savings, industry productivity and competition. Vehicles to which sub. (2) (f), (fm), (gm) and (gr) and s. 348.08 (1) (e) and (h) apply may also operate on undesignated highways for a distance of 5 miles or less in order to obtain access to a designated highway or to reach fuel, food, maintenance, repair, rest, staging, terminal or vehicle assembly facilities or points of loading or unloading. The secretary may, by rule, designate an access route of more than 5 miles from a designated highway when the longer

route provides safer and better access to a location which is within the 5-mile limit. Household goods carriers may operate between highways designated in this subsection and points of loading and unloading.

(5) As often as it deems necessary, the department shall publish maps required for its own use and for free distribution showing the highways designated under sub. (4) and such other main highways and other features as the department deems desirable.

History: 1975 c. 279; 1977 c. 29 ss. 1487g to 1487m, 1654 (9) (b); 1977 c. 418; 1979 c. 255; 1981 c. 159, 176; 1983 a. 20, 78, 192; 1985 a. 165, 187; 1987 a. 30; 1991 a. 39, 72; 1995 a. 193; 1997 a. 27; 1999 a. 85, 186.

348.08 Vehicle trains. (1) No person, without a permit therefor shall operate on a highway any motor vehicle drawing or having attached thereto more than one vehicle, except that:

(a) Two or 3 vehicles may, without such permit, be drawn or attached when such vehicles are being transported by the drive-away method in saddlemount combination and the overall length of such combination of vehicles does not exceed 65 feet.

(b) Two trailers used primarily as implements of husbandry in connection with seasonal agricultural activities or one such trailer and any other implement of husbandry may, without such permit, be drawn by a farm tractor if the operation of such combination of vehicles is exclusively a farming operation and not for the transportation of property for hire and if the overall length of such combination of vehicles does not exceed 60 feet.

(c) "Tour trains," as defined in s. 340.01 (67m), may, without such permit, be drawn by a motor vehicle upon and along county and municipal roads and streets and across state trunk highways, and upon and along state trunk highways where there are no alternate municipal or county routes or streets for such operation. The following requirements and restrictions shall apply to "tour train" operations:

1. Tour trains shall operate within a radius of 10 miles from the situs of the beginning and ending of the excursion.

2. Tour trains shall operate only along those portions of the state trunk highway system approved by the department.

3. The towing vehicle shall be of such design and construction that it will safely tow the unit at speeds up to 35 m.p.h. and the towing vehicle shall in no case be a farm-type tractor, but shall be a motor vehicle originally designed and manufactured expressly for operation upon public highways.

4. Each unit of a "tour train", regardless of weight, shall be equipped with brakes as provided in s. 347.35 (3) (a).

5. Tour trains shall be equipped with head lamps, tail lamps, stop lamps, directional signal lamps and reflectors as provided in ch. 347 and in compliance with these provisions as if the train were a single motor vehicle.

6. All hitches, couplings, safety chains or cables shall be in compliance with s. 347.47.

(d) Two trailers transporting empty pressurized or nonpressurized tanks used for hauling or storing liquid agricultural fertilizer or 2 implements of husbandry, including 2 empty trailers used primarily as implements of husbandry in connection with seasonal agricultural activities, may, without such permit, be drawn by a motor truck or truck tractor if the overall length of such combination of vehicles and load does not exceed 60 feet. For purposes of this paragraph, "empty" means less than 20% full.

(e) A double bottom may be operated on highways designated by the secretary under s. 348.07 (4).

(f) A double bottom transporting dairy products from the point of production to the first point of processing may operate on any highway not designated under s. 348.07 (4) if the overall length of such double bottom does not exceed 60 feet. If the double bottom operates on a highway designated under s. 348.07 (4), s. 348.07 (2) (f), (fm) and (gm) applies.

(g) Three trailers containing only warning signs used exclusively for highway maintenance or construction purposes may,

without a permit, be drawn by a motor truck if the overall length of the combination of vehicles does not exceed 60 feet.

(h) Two new trailers or semitrailers to be used for transporting farm products or livestock may, without such permit, be drawn by a motor truck not exceeding 25 feet in length if each trailer or semitrailer is 28 feet 6 inches or less in length and the trailers or semitrailers are being transported directly from a manufacturer to a dealer or directly from a dealer to another dealer. The length of the first trailing unit does not include a frame extension by which the 2nd trailing unit is drawn.

(2) Whenever any train of agricultural vehicles is being operated under sub. (1) (b), the train shall be equipped as provided in s. 347.21 (1m) and (2). Whenever any train of agricultural vehicles is being operated under sub. (1) (d), the train shall be equipped as provided in s. 347.21 (1) and (2). The trailer hitches of a train of agricultural vehicles shall be of a positive nature so as to prevent accidental release.

History: 1977 c. 29 s. 1654 (8) (a); 1981 c. 276, 277; 1983 a. 78; 1985 a. 202, 209; 1987 a. 164; 1991 a. 14, 39, 72.

State may not prohibit 65 foot double bottom trailers. *Raymond Motor Transportation, Inc. v. Rice*, 434 U.S. 429 (1978).

348.09 Projecting loads on side of vehicles. (1) No person, without a permit therefor, may operate on a highway any motor vehicle, trailer or semitrailer carrying any load extending beyond the fender line on the left side or extending more than 6 inches beyond the fender line on the right side of the vehicle.

(2) This section applies even though the total width of the vehicle and load does not exceed the maximum permitted under s. 348.05.

History: 1999 a. 85.

348.10 Special limitations on load. (1) No person, without a permit therefor, may operate on a highway any vehicle or combination of vehicles with any load thereon extending more than 3 feet beyond the front of the foremost vehicle, except as provided in s. 348.07 (2) (j), and except that a vehicle carrying another vehicle equipped with a crane or boom which extends more than 3 feet beyond the front of the foremost vehicle may be operated without permit if the total length of the vehicle or combination of vehicles, measuring from the end of the foremost projection of the load to the rear of the rearmost vehicle, does not exceed statutory length limitations.

(2) No person shall operate a vehicle on a highway unless such vehicle is so constructed and loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

(3) No person may operate on a highway any motor vehicle, trailer or semitrailer carrying logs unless the logs are transported within a cargo body or are securely fastened to the vehicle by chains, steel cables or other attachment devices of equivalent strength whose safety is approved by the department.

(3m) No person may operate on a highway any motor vehicle, trailer or semitrailer carrying junk or scrapped vehicles unless one of the following conditions is satisfied:

(a) Each junk or scrapped vehicle is securely fastened to the vehicle carrying the load by chains, steel cables or other attachment devices of equivalent strength whose safety is approved by the department. In this paragraph, "securely fastened" means that each tier of junk or scrapped vehicles is secured by at least 2 chains, steel cables or other attachment devices across the axis of its width.

(b) The vehicle carrying the load is equipped with stakes which are securely fastened by chains, steel cables or other attachment devices of equivalent strength whose safety is approved by the department and the top of the load is lower than the top of the stakes.

(c) The vehicle carrying the load is equipped with sides, sideboards or side stakes and with a rear endgate, endboard or rear stakes. These devices shall be of sufficient strength and height to prevent the cargo from shifting upon or falling from the vehicle.

No device may have any aperture large enough to permit cargo in contact with one or more of the devices to pass through the aperture.

(4) All other provisions notwithstanding, no person shall operate on a highway any trailer or semitrailer when the gross weight of the trailer or semitrailer exceeds the empty weight of the towing vehicle, unless the trailer or semitrailer is equipped with brakes as provided in s. 347.35 (3) (a) and (b).

(5) The load imposed upon trailers or semitrailers shall be distributed in a manner that will prevent side sway under all conditions of operation:

(a) All items of load carried by any trailer, semitrailer or mobile home, except bulk material such as sand, gravel, dirt not in containers, shall be secured to, on or in the trailer in such manner as to prevent shifting of the load while the trailer or mobile home is being drawn by a towing vehicle.

(b) Boats of any type transported on a trailer or semitrailer being drawn by a towing vehicle shall be secured in position at bow and stern by attachments of such strength and design as to prevent the boat from shifting its position on the trailer or becoming separated from the trailer while being transported thereon.

(c) The load carried by any trailer, semitrailer or mobile home shall be so positioned that a weight of not less than 35 pounds is imposed at the center of the point of attachment to the towing vehicle when parked on a level surface.

History: 1983 a. 78; 1983 a. 192 s. 304; 1985 a. 161; 1991 a. 249; 1993 a. 401.

348.11 Penalty for violating size and load limitations.

(1) Any person violating s. 348.09 or 348.10 may be required to forfeit not less than \$10 nor more than \$200.

(2) Any person violating ss. 348.05 to 348.08 may be required to forfeit not less than \$50 nor more than \$100 for the first offense and may be required to forfeit not less than \$100 nor more than \$200 for the 2nd and each subsequent conviction within one year.

History: 1971 c. 278.

WEIGHT

348.15 Weight limitations on class “A” highways.

(1) In this section “class ‘A’ highway” includes all state trunk highways and connecting highways and those county trunk highways, town highways and city and village streets, or portions thereof, that have not been designated as class “B” highways pursuant to s. 349.15.

(3) Subject to any modifications made by a 1st class city under s. 349.15 (3), no person, without a permit, may operate on a class “A” highway any vehicle or combination of vehicles unless the vehicle or combination of vehicles complies with the following weight limitations:

(a) The gross weight imposed on the highway by any one wheel or multiple wheels supporting one end of an axle may not exceed 11,000 pounds.

(b) The gross weight imposed on the highway by the wheels of any one axle may not exceed 20,000 pounds. In addition, the gross weight imposed on the highway by the wheels of the steering axle of a truck tractor may not exceed 13,000 pounds unless the manufacturer’s rated capacity of the axle and the tires is sufficient to carry the weight, but not to exceed 20,000 pounds.

(bg) In the case of a vehicle or combination of vehicles transporting exclusively milk from the point of production to the primary market and the return of dairy supplies and dairy products from such primary market to the farm, the gross weight imposed on the highway by the wheels of any one axle may not exceed 21,000 pounds or, for 2 axles 8 or less feet apart, 37,000 pounds or, for groups of 3 or more consecutive axles more than 9 feet apart, a weight of 2,000 pounds more than is shown in par. (c), but not to exceed 80,000 pounds. This paragraph does not apply to the national system of interstate and defense highways, except for that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39.

(br) In the case of a vehicle or combination of vehicles transporting exclusively peeled or unpeeled forest products cut crosswise or in the case of a vehicle or combination of vehicles transporting exclusively scrap metal, the gross weight imposed on the highway by the wheels of any one axle may not exceed 21,500 pounds or, for 2 axles 8 or less feet apart, 37,000 pounds or, for groups of 3 or more consecutive axles more than 9 feet apart, a weight of 4,000 pounds more than is shown in par. (c), but not to exceed 80,000 pounds. This paragraph does not apply to the national system of interstate and defense highways, except for that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39.

(bv) In the case of a vehicle or combination of vehicles used primarily for the transportation of septage, as defined in s. 281.49 (1) (a), the gross weight imposed on the highway by the wheels of any one axle may not exceed 21,500 pounds or, for 2 axles 8 or less feet apart, 37,000 pounds or, for groups of 3 or more consecutive axles more than 9 feet apart, a weight of 4,000 pounds more than is shown in par. (c) or, for groups of 4 or more consecutive axles more than 10 feet apart, a weight of 6,000 pounds more than is shown in par. (c) or, for groups of 5 or more consecutive axles more than 14 feet apart, a weight of 7,000 pounds more than is shown in par. (c), but not to exceed 80,000 pounds. This paragraph does not apply to the national system of interstate and defense highways, except for that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39.

(c) The gross weight imposed on the highway by any group of 2 or more consecutive axles of a vehicle or combination of vehicles may not exceed the maximum gross weights in the following table for each of the respective distances between axles and the respective numbers of axles of a group: [See Figure 348.15 (3) (c) following]

Figure 348.15 (3) (c):

Distances in feet between foremost and rear-most axles of a group	Maximum gross weight in pounds on a group of—									
	2 consecutive axles of a 2–axle vehicle or any vehicle or combination of vehicles having a total of 3 or more axles	3 consecutive axles of a 3–axle vehicle or of any vehicle or combination of vehicles having a total of 4 or more axles	4 consecutive axles of any combination of vehicles having a total of 5 or more axles	4 consecutive axles of a 4–axle vehicle or of any vehicle having a total of 5 or more axles	5 consecutive axles of any combination of vehicles having a total of 5 or more axles	5 consecutive axles of a 5–axle vehicle or of any vehicle having a total of 6 or more axles	6 consecutive axles of any combination of vehicles having a total of 6 or more axles	6 consecutive axles of any vehicle having a total of 6 or more axles	7 consecutive axles of a 7–axle vehicle or of any vehicle or combination of vehicles having a total of 7 or more axles	8 consecutive axles of a 8–axle vehicle or of any vehicle or combination of vehicles having a total of 8 or more axles
4	34,000									
5	34,000									
6	34,000									
7	34,000	37,000								
7.5 to 8 more than 8 but less than 8.5	35,000	38,500								
8	38,000	42,000								
9	39,000	43,000								
10	40,000	43,500	48,500							
11		44,500	49,500							
12		45,000	50,000	55,500						
13		46,000	50,500	60,000	62,500					
14		46,500	51,500	60,500	62,500					
15		47,500	52,000	61,500	62,500					
16		48,000	52,500	62,000	62,500	64,200				
17		49,000	53,500	63,000	63,200	71,700	64,000			
18		49,500	54,100	63,500	64,400	72,200	65,000			
19		50,500	55,100	64,500	65,000	73,000	65,500			
20		51,500	56,000	65,000	65,700	73,000	66,000	73,000		
21		52,200	56,800	66,000	66,900	73,000	66,900	73,000	73,000	
22		52,900	57,600	66,500	67,700	73,000	67,700	73,000	73,000	
23		53,600	58,400	67,500	68,900	73,000	68,900	73,000	73,500	
24		54,300	59,200	68,500	70,000	73,000	70,000	73,000	74,000	
25		55,000	60,000	69,000	71,000	73,000	71,000	73,000	74,500	80,000
26		55,700	60,800	69,500	72,000	73,000	72,000	73,000	75,000	80,000
27		56,500	61,600	70,500	72,800	73,000	72,800	73,000	76,000	80,000
28		57,100	62,400	71,300	73,000	73,000	73,000	73,000	76,500	80,000
29		58,000	63,200	72,000	73,000	73,000	73,000	73,000	77,000	80,000
30		58,500	64,000	72,700	73,000	73,000	73,000	73,000	77,500	80,000
31		59,500	64,000	73,000	73,000	73,000	73,000	73,000	78,000	80,000
32		60,000**	64,000	73,000**	73,000	73,000**	73,000	73,000**	78,500	80,000**
33			64,000		73,000		74,000		79,500	
34			64,500		73,000		74,500		80,000***	
35			65,500		73,000		75,000			
36			66,000		73,000		75,500			
37			66,500		73,000		76,000			
38			67,500		73,000		77,000			
39			68,000		73,000		77,500			
40			68,500		73,000		78,000			
41			69,500		73,500		78,500			
42			70,000		74,500		79,000			
43			70,500		75,000		80,000			
44			71,500		75,500		80,000			
45			72,000		76,000		80,000			
46			72,500		77,000		80,000			
47			73,500		77,500		80,000			
48			74,000		78,000		80,000			
49			74,500		78,500		80,000			
50			75,500		79,500		80,000			
51			76,000****		80,000****		80,000****			

*Maximum at 10 or more feet between axles.

**Maximum at 32 or more feet between axles.

***Maximum at 34 or more feet between axles.

****Maximum at 51 or more feet between axles.

(d) Notwithstanding par. (c), 2 consecutive sets of tandem axles may impose on the highway a gross load of 34,000 pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more.

(e) Notwithstanding pars. (a), (b) and (c), in the case of a vehicle or combination of vehicles transporting exclusively livestock, the gross weight imposed on the highway by the wheels of any one axle or axle group may exceed the applicable weight limitation specified in pars. (a), (b) and (c) by 15% if the gross weight of the vehicle or combination of vehicles does not exceed the maximum gross weight specified for that vehicle or combination of vehicles under par. (c). This paragraph does not apply to the national system of interstate and defense highways, except for that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39.

(4) Notwithstanding the possibility of increased weight on a particular wheel or axle or group of axles due to practical operating problems, including, but not limited to, accumulation of snow, ice, mud or dirt, the use of tire chains or minor shifting of load, the maximum weights set forth in sub. (3) include absolutely all weights allowable.

(5) For enforcement of weight limitations specified by this chapter the gross weight, measured in pounds, imposed on the highway by any wheel or any one axle or by any group of 2 or more axles shall be determined by weighing the vehicles and load, either by single draft or multiple draft weighing on certified stationary scales or on portable scales in good working order which are tested in comparison to certified stationary scales within 90 days immediately prior to any weighing operation by the department of agriculture, trade and consumer protection or other authorized testing agencies for accuracy to within standard accepted tolerances. The weighing operation shall be performed in accordance with and under conditions accepted as good weighing technique and practice. In multiple draft weighing the sum of the weight of respective components shall be used to establish the weight of a combination of the components. It is recognized that the weight, determined in accordance with methods prescribed in this chapter, includes all statutory weights and represents the momentary load force or reaction imposed on the scale at the time of weighing. Such weights include any variation due to the following factors:

- (a) Positioning or tilt of the vehicle on the scale platform and adjacent bearing surface;
- (b) Momentary position of axle centers with respect to wheel bearings and vehicle body;
- (c) Temporary distribution of loading on the wheel or axle; and
- (d) Miscellaneous variable factors of spring flexure, shackle friction, clutch engagement, brake pressure, tire compression and other variable factors.

(5m) The distances between axles and between the foremost and rearmost of a group of axles shall be measured between axle centers to the nearest even foot, and when a fraction is exactly one-half foot, the nearest larger whole number shall be used.

(5r) Irrespective of sub. (5), in determining overweight under sub. (3) the results of weighing by means of either portable scales or certified stationary scales shall be admissible as evidence. In all cases where a vehicle is weighed on a certified stationary scale, axles less than 6 feet apart shall be weighed as one unit.

(6) At any state weighing scale where a vehicle is found overloaded, the driver may request its reweighing at the same scale. Upon reweighing the state officials shall supply the tabulated weight ticket to the driver. All weight tickets for any vehicle shall be supplied to the court in case the matter goes to trial.

(8) Unless the department provides otherwise by rule, any axle of a vehicle or combination of vehicles which does not impose on the highway at least 8% of the gross weight of the vehicle or combination of vehicles may not be counted as an axle for the purposes of sub. (3) (c).

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70; 1995 a. 113, 227; 1999 a. 85.

If a tractor-trailer combination is too long and too wide for a scale, multiple weighing of the separate wheel groups is permissible. An overload permit is to be disregarded if the total weight exceeds that specified in the permit. *State v. Trailer Service*, Inc. 61 Wis. 2d 400, 212 N.W.2d 683 (1973).

Sub. (5r) applies only to overweight determinations under sub. (3) (b) 2., 1979 stats. [now sub. (3) (br)]. *State v. Consolidated Freightways Corp.* 72 Wis. 2d 727, 242 N.W.2d 192 (1976).

Subs. (3) (b) 2, 1979 stats. [now (3) (br)] and (5r) are discussed. 62 Atty. Gen. 100.

348.16 Weight limitations on class “B” highways.

(1) In this section:

(b) “Class ‘B’ highway” includes those county trunk highways, town highways and city and village streets, or portions thereof, which have been designated as class “B” highways by the local authorities pursuant to s. 349.15.

(2) Except as provided in sub. (3) and s. 348.175 and subject to any modifications made by a city of the first class pursuant to s. 349.15 (3), no person, without a permit therefor, shall operate on a class “B” highway any vehicle or combination of vehicles imposing wheel, axle, group of axles, or gross weight on the highway exceeding 60 per cent of the weights authorized in s. 348.15 (3).

(3) Any motor vehicle whose operation is pickup or delivery may pick up or deliver on a class “B” highway if the gross weight imposed on the highway by the wheels of any one axle does not exceed 16,500 pounds, subject to the approval of the county highway commissioner or the county highway committee in the case of highways maintained by the county.

History: 1981 c. 312.

348.17 Special or seasonal weight limitations. (1) No person, whether operating under a permit or otherwise, shall operate a vehicle in violation of special weight limitations imposed by state or local authorities on particular highways, highway structures or portions of highways when signs have been erected as required by s. 349.16 (2) giving notice of such weight limitations, except when the vehicle is being operated under a permit expressly authorizing such weight limitations to be exceeded.

(2) Whenever the operator of a vehicle is ordered by the officer or agency in charge of maintenance or by a traffic officer to suspend operation of such vehicle because of the damage such vehicle is causing or likely to cause to the highway or the public investment therein, the operator shall forthwith comply with such order.

(3) During an energy emergency, after consultation with the department of administration, the department may waive the divisible load limitation of s. 348.25 (4) and authorize for a period not to exceed 30 days the operation of overweight vehicles having a registered gross weight of 50,000 pounds or more and carrying energy resources or fuel or milk commodities designated by the governor or a designee, regardless of the highways involved, to conserve energy. Such authorization may only allow weights not more than 10% greater than the gross axle and axle combination weight limitations, and not more than 15% greater than the gross vehicle weight limitations under ss. 348.15 and 348.16. Nothing in this subsection shall be construed to permit the department to waive the requirements of ss. 348.05 to 348.07. This subsection does not apply to vehicles on highways designated as parts of the national system of interstate and defense highways, except for that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39.

(4) (a) If the secretary of agriculture, trade and consumer protection determines that an agricultural emergency exists with respect to the harvest of a particular crop, the secretary of transportation may authorize the movement of vehicles or combinations of vehicles that exceed the weight limitations under s. 348.15 or 348.16 by not more than 15% of the applicable weight limitations. The authorization is limited to vehicles or combinations of vehicles that are transporting crops from field to storage or processing facilities and that have a registered gross weight of 50,000 pounds or more or are described in s. 340.01 (24) (b). This paragraph does not apply to vehicles or combinations of vehicles on highways designated as parts of the national system of interstate and defense highways, except for that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39, and to implements of husbandry.

(b) The secretary of agriculture, trade and consumer protection shall specify in writing the factors which resulted in the determination under par. (a) that an agricultural emergency exists. The factors shall include but not be limited to:

1. The extent of the uncompleted harvest of the crop involved.
2. The lateness of the harvest season for the crops involved.

3. The weather.

(c) Nothing in this subsection shall be construed to permit the department to waive the requirements of ss. 348.05 to 348.07.

(d) The secretary of transportation may limit the application of authorizations under this subsection to specific areas of the state, to specific crops, or to specific highways. An authorization under this subsection is valid for up to 90 days, as determined by the secretary of transportation.

History: 1991 a. 316; 1995 a. 348, ss. 11, 13 to 15, 17.

348.175 Seasonal operation of vehicles hauling peeled or unpeeled forest products cut crosswise or abrasives or salt for highway winter maintenance. The transportation of peeled or unpeeled forest products cut crosswise or of abrasives or salt for highway winter maintenance in excess of gross weight limitations under s. 348.15 shall be permitted during the winter months when the highways are so frozen that no damage may result thereto by reason of such transportation. If at any time any person is so transporting such products or abrasives or salt upon a class “A” highway in such frozen condition then that person may likewise use a class “B” highway without other limitation, except that chains and other traction devices are prohibited on class “A” highways but such chains and devices may be used in cases of necessity. The officers or agencies in charge of maintenance of highways, upon determination of such frozen condition and freedom of damage to such highways by transportation shall declare particular highways, or highways within areas of the state as eligible for increased weight limitations. Such declaration shall include the maximum weight on each axle, combination of axles and the gross weight allowed. Any person transporting any such product over any highway of this state under this section is liable to the maintaining authority for any damage caused to such highway. This section does not apply to the national system of interstate and defense highways, except for that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39.

History: 1983 a. 531; 1991 a. 316; 1995 a. 113.

348.18 Weight limitations apply to publicly-owned vehicles; exceptions. Sections 348.15 to 348.17 and the penalties for violations thereof also apply to vehicles owned by the state, a county or municipality, except when such vehicles are being used for the removal, treatment or sanding of snow or ice or when such vehicles are authorized emergency vehicles.

348.185 Empty weight to be indicated on side of certain vehicles; rules. No person shall operate upon a highway any motor truck, truck tractor, road tractor or motor bus, or a trailer or semitrailer used in connection therewith, unless there is attached to or lettered upon the left side thereof a sign giving its empty weight. The department may promulgate alternate rules applicable to this section.

History: 1977 c. 29 s. 1654 (7) (e).

348.19 Traffic officers may weigh vehicles and require removal of excess load. (1) (a) Any traffic officer having reason to believe that the gross weight of a vehicle is unlawful or in excess of the gross weight for which the vehicle is registered may require the operator of such vehicle to stop and submit the vehicle and any load it may be carrying to a weighing by means of either portable or certified stationary scales and may require that such vehicle be driven to the nearest usable portable or certified stationary scale except as provided in par. (b).

(b) Any other provision of the statutes notwithstanding, a vehicle transporting peeled or unpeeled forest products cut crosswise shall not be required to proceed to a scale more than one mile from the point of apprehension if the estimated gross weight of the vehicle does not exceed the lawful limit. The gross weight of the vehicle shall be estimated by multiplying the average length of the load by the average height of the load in feet and then multiplying

by the average weight per square foot of load measurement and adding this computed weight to the empty weight of the vehicle. The average weights per square foot of load measurement to be used in computing the estimated load weight are given in the following table: [See Figure 348.19 (1) (b) following]

Figure: 348.19 (1) (b)

Softwood and Poplar	Green	Seasoned
Peeled	325 lbs.	200 lbs.
Unpeeled	300 lbs.	250 lbs.
Other Hardwoods		
Peeled	350 lbs.	225 lbs.
Unpeeled	325 lbs.	275 lbs.

(Pulpwood which has been cut 6 months prior to hauling is considered seasoned.)

(2) (a) Except as provided in par. (b), whenever after a weighing of a vehicle and load as provided in sub. (1) a traffic officer determines that the weight exceeds the limitations imposed by s. 348.15, 348.16 or 348.17 (3) or (4) or any limitations posted as provided in s. 348.17 (1), the operator of such vehicle shall not proceed (except to drive to such place as directed by the traffic officer for the purpose of reloading or unloading) until such portion of the load has been reloaded or unloaded as may be necessary to reduce the weight of the vehicle and load to comply with the limitations imposed by s. 348.15, 348.16 or 348.17 (3) or (4) and any limitations posted as provided in s. 348.17 (1). All material so reloaded or unloaded shall be reloaded or unloaded and cared for by and at the risk of the owner or operator of the vehicle.

(b) If upon weighing a vehicle transporting livestock a traffic officer determines that the gross weight of the vehicle exceeds the limitations imposed by s. 348.15, 348.16 or 348.17 (3) or (4) or a limitation posted as provided in s. 348.17 (1), and if the point of apprehension is 15 miles or less from the destination of the vehicle, the traffic officer shall permit the operator of the vehicle to proceed to such destination without requiring the vehicle to be reloaded or unloaded as provided in par. (a). This paragraph does not apply to vehicles transporting livestock on the national system of interstate and defense highways, except for that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39.

(3) No operator of a vehicle shall fail or refuse to stop and submit the vehicle and load to a weighing or to drive the vehicle to a scale when directed to do so by a traffic officer except that a dual purpose motor home is not required to stop at weighing stations when it is being used as a motor home. No operator of a vehicle shall fail or refuse after a weighing to reload or unload as provided in this section or to comply with the directions of a traffic officer relative to such reloading or unloading.

(4) Subsection (1) (b) shall not apply to vehicles transporting peeled or unpeeled forest products on the national, interstate or defense highway systems, except for that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39.

History: 1975 c. 136; 1985 a. 202; 1987 a. 116; 1995 a. 113, 348.

348.20 Policy in prosecuting weight violations. (1) It is declared to be the public policy of the state that prosecutions for overweight violations shall in every instance where practicable be instituted against the person holding the authority, certificates, licenses or permits evidencing operating privileges from the department which may be the proper object of cancellation or revocation proceedings. In instances where a combination of tractor and trailer or semitrailer is used, the person standing in the relationship of principal or employer to the driver of the tractor portion of the vehicle combination is liable for violation of ss. 348.15

to 348.17 along with the owner holding authority, certificates, licenses or permits from the state. It is a violation of ss. 348.15 to 348.17 for the owner or any other person employing or otherwise directing the operator of the vehicle to require or permit the operation of such vehicle upon a highway contrary to ss. 348.15 to 348.17. This section shall not apply to individuals, partnerships, limited liability companies or corporations whose principal business is leasing, for compensation, vehicles including trailers and semitrailers, but such prosecutions shall be instituted against the lessee of the vehicle.

(2) The operator of a vehicle, as agent of the person holding authority, certificate, license or permit from the state or as agent of the owner of the tractor portion of a vehicle combination of tractor and trailer or semitrailer, shall accept service of a summons on behalf of such person or owner.

History: 1977 c. 29 ss. 1487t, 1654 (9) (d); 1981 c. 347 s. 80 (2); 1987 a. 369; 1993 a. 16, 112, 490.

348.21 Penalty for violating weight limitations.

(1) Any person violating s. 348.185 may be required to forfeit not less than \$10 nor more than \$20 upon the first conviction and not less than \$25 nor more than \$50 upon the 2nd and each subsequent conviction within one year.

(2) (a) Any person who violates s. 348.17 (2) or 348.19 (3) may be required to forfeit not less than \$50 nor more than \$100 upon the first conviction and, upon the 2nd or each subsequent conviction within a 12-month period, may be required to forfeit not less than \$100 nor more than \$200.

(b) If the load on any wheel, axle or group of axles does not exceed the weight prescribed in s. 348.15 (3) or 348.16 or in a declaration issued under s. 348.175 by more than 2,000 pounds and if such excess can be reloaded within the normal load carrying areas, on any other wheel, axle or axles, so that all wheels and axles are then within the statutory limits, the operator may reload as provided in this paragraph. A total of 2,000 pounds per vehicle or combination of vehicles may be reloaded under this subsection. If reloading is accomplished and all axles or group of axles are within the legal limits, no forfeiture may be imposed. A vehicle or combination of vehicles under this subsection which is not reloaded may continue to be operated upon the highway, but a forfeiture of \$50 shall be imposed for failure to reload. This forfeiture shall be paid upon the basis of the citation issued by the official to the court named in the citation. Failure to pay shall subject the operator to the penalty in par. (a) or sub. (3) (a). Violations under this subsection shall not be considered as violations or prior convictions under par. (a) or sub. (3) (a) or (b).

(3) Any person violating s. 348.15 or 348.16 or any weight limitation posted as provided in s. 348.17 (1) or in a declaration issued under s. 348.175 or authorized under s. 348.17 (3) or (4) or in an overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

(a) If the weight exceeds by 1,000 pounds or less the maximum set forth in s. 348.15 (3) or 348.16 or posted as provided in s. 348.17 (1) or in a declaration issued under s. 348.175 or authorized under s. 348.17 (3) or (4) or in an overweight permit issued under s. 348.26 or 348.27, a forfeiture of not less than \$50 nor more than \$100 upon the first conviction and, upon the 2nd and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$200.

(b) If the weight exceeds by more than 1,000 pounds the maximum set forth in s. 348.15 (3) or 348.16 or posted as provided in s. 348.17 (1) or in a declaration issued under s. 348.175 or authorized under s. 348.17 (3) or (4) or in an overweight permit issued under s. 348.26 or 348.27, the forfeiture shall be computed according to the following schedule and in the case of violation of s. 348.15 (3) (bg) or (br) shall be computed on the basis of the weights stated in s. 348.15 (3) (bg) or (br):

1. For the first conviction, a forfeiture of not less than \$50 nor more than \$200 plus an amount equal to: 1 cent for each pound of total excess load when the total excess is not over 2,000 pounds;

2 cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds; 3 cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds; 5 cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds; 7 cents for each pound of total excess load if the excess is over 5,000 pounds.

2. For the 2nd and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$300, plus an amount equal to: 2 cents for each pound of total excess load when the total excess is not over 2,000 pounds; 4 cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds; 6 cents for each pound of total excess load if the excess is over 3,000 and not over 4,000 pounds; 8 cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds; 10 cents for each pound of total excess load if the excess is over 5,000 pounds.

(4) For the purpose of determining a repetitious violator, receipt of a certificate of conviction by the department is prima facie evidence of conviction. In determining whether a 2nd or subsequent conviction has occurred within a given 12-month period, either the original judgment of conviction in a circuit court or a municipal court or the affirmance of the judgment by an appellate court, if the judgment has been affirmed, may be counted. This method of counting is authorized to effectively reach the repetitious violator and to prevent misuse of the right of appeal for the purpose of forestalling imposition of the penalties provided by this section. Forfeiture of deposit or payment of a forfeiture is a conviction within the meaning of this section.

History: 1971 c. 164 s. 83; 1971 c. 278, 307; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a); 1981 c. 312; 1985 a. 201, 332; 1995 a. 348; 1997 a. 27.

Penalty provisions for weight and size violations are discussed. *East Troy v. Town & Country Waste Service*, 159 Wis. 2d 694, 465 N.W.2d 510 (Ct. App. 1990).

348.22 Courts to report weight violation convictions.

Whenever any owner or operator is convicted of violating ss. 348.15 to 348.17 or any ordinance enacted under s. 349.15 (3), the clerk of the court in which the conviction occurred, or the judge or municipal judge, if the court has no clerk, shall, within 48 hours after the conviction, forward a record of conviction to the department. Forfeiture of bail or appearance money or payment of a fine is a conviction within the meaning of this section.

History: 1971 c. 164 s. 83; 1977 c. 29 s. 1654 (7) (a); 1985 a. 332; 1989 a. 31.

PERMITS

348.25 General provisions relating to permits for vehicles and loads of excessive size and weight.

(1) No person shall operate a vehicle on or transport an article over a highway without first obtaining a permit therefor as provided in s. 348.26 or 348.27 if such vehicle or article exceeds the maximum limitations on size, weight or projection of load imposed by this chapter.

(2) (a) Vehicles or articles transported under permit are exempt from the restrictions and limitations imposed by this chapter on size, weight and load to the extent stated in the permit. Except as provided in par. (b), any person who violates a condition of a permit under which that person is operating is subject to the same penalties as would be applicable if that person were operating without a permit.

(b) If an overweight permit has been obtained under s. 348.26 or 348.27, and the vehicle exceeds the weight stated in the permit, any overweight violation shall be computed on the basis of the weight authorized in the permit. The amount of the forfeiture for overweight violations determined under this paragraph shall be calculated as provided in s. 348.21 (3). This paragraph does not apply if any other conditions of an overweight permit are violated.

(3) The department shall prescribe forms for applications for all single trip permits the granting of which is authorized by s. 348.26 and for those annual, consecutive month or multiple trip permits the granting of which is authorized by s. 348.27 (2) and

(4) to (14). The department may impose such reasonable conditions prerequisite to the granting of any permit authorized by s. 348.26 or 348.27 and adopt such reasonable rules for the operation of a permittee thereunder as it deems necessary for the safety of travel and protection of the highways. The department may limit use of the highways under any permit issued to specified hours of the day or days of the week. Local officials granting permits may impose such additional reasonable conditions as they deem necessary in view of local conditions.

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

(a) A permit may be issued for the transportation of property consisting of more than one article, some or all of which exceeds statutory size limitations, provided statutory gross weight limitations are not thereby exceeded and provided the additional articles transported do not cause the vehicle and load to exceed statutory size limitations in any way in which such limitations would not be exceeded by the single article.

(b) A single trip permit may be issued for the transportation of a load of implements of husbandry, consisting of not more than 2 articles, when the load does not exceed the length requirement in s. 348.07 by more than 5 feet.

(5) The officer or agency authorized by s. 348.26 or 348.27 to issue permits may require the permittee to file a bond, certificate of insurance or certified check which, to the satisfaction of such officer or agency, saves the state and any county, city, village or town through which the vehicle or article will be operated or transported harmless from any claim, loss or damage that may result from the granting of such permit or that may arise from or on account of any act done pursuant thereto and conditioned to require the permittee to pay for restoration to a condition satisfactory to the officer in charge of the maintenance of any such highway any pavement, bridge, culvert, sewer pipe or other improvement that may be injured by reason of the use of the highways by the permittee. If a permittee refuses to pay for damage caused, the officer or agency who required the filing of a bond may maintain an action upon such bond.

(6) The officer or agency authorized by s. 348.26 or 348.27 to issue permits may require the permittee to file proof satisfactory to such officer or agency that personal injury and property damage insurance in an amount considered sufficient by such officer or agency will be in force to cover any claim for bodily injury or property damage which may occur in connection with operation under the permit and for which the permittee is legally responsible.

(7) The officer or agency which issued a permit may, for good cause, suspend or revoke such permit or may decline to issue additional permits or may decline to authorize the use of a telephone call-in procedure for any applicant after having given the permittee or applicant reasonable opportunity for a hearing.

(8) (a) Except as provided under par. (dm), the department shall charge the following fees for each permit issued under s. 348.26:

1. For a vehicle or combination of vehicles which exceeds length limitations, \$15, except that if the application for a permit for a vehicle described in this subdivision is submitted to the department after December 31, 1999, and before July 1, 2003, the fee is \$17.

2. For a vehicle or combination of vehicles which exceeds either width limitations or height limitations, \$20, except that if the application for a permit for a vehicle described in this subdivision is submitted to the department after December 31, 1999, and before July 1, 2003, the fee is \$22.

2m. For a vehicle or combination of vehicles which exceeds both width and height limitations, \$25, except that if the applica-

tion for a permit for a vehicle described in this subdivision is submitted to the department after December 31, 1999, and before July 1, 2003, the fee is \$28.

3. For a vehicle or combination of vehicles, the weight of which exceeds any of the provisions of s. 348.15 (3), 10% of the fee specified in par. (b) 3. for an annual permit for the comparable gross weight, rounded to the nearest whole dollar.

(b) Unless a different fee is specifically provided, the department shall charge the following fees for the first permit and each subsequent or revalidated annual or multiple trip permit issued under s. 348.27 except that no fee may be charged for the amendment of a permit under s. 348.27 (3m):

1. For a vehicle or combination of vehicles which exceeds length limitations, \$60, except that if the application for a permit for a vehicle described in this subdivision is submitted to the department after December 31, 1999, and before July 1, 2003, the fee is \$66.

2. For a vehicle or combination of vehicles which exceeds width limitations or height limitations or both, \$90, except that if the application for a permit for a vehicle described in this subdivision is submitted to the department after December 31, 1999, and before July 1, 2003, the fee is \$99.

3. For a vehicle or combination of vehicles, the weight of which exceeds any of the provisions of s. 348.15 (3):

a. If the gross weight is 90,000 pounds or less, \$200, except that if the application for a permit for a vehicle described in this subd. 3. a. is submitted to the department after December 31, 1999, and before July 1, 2003, the fee is \$220.

b. If the gross weight is more than 90,000 pounds but not more than 100,000 pounds, \$350, except that if the application for a permit for a vehicle described in this subd. 3. b. is submitted to the department after December 31, 1999, and before July 1, 2003, the fee is \$385.

c. If the gross weight is greater than 100,000 pounds, \$350 plus \$100 for each 10,000-pound increment or fraction thereof by which the gross weight exceeds 100,000 pounds, except that if the application for a permit for a vehicle described in this subd. 3. c. is submitted to the department after December 31, 1999, and before July 1, 2003, the fee is \$385 plus \$110 for each 10,000-pound increment or fraction thereof by which the gross weight exceeds 100,000 pounds.

(bm) 1. Unless a different fee is specifically provided, the fee for a consecutive month permit is one-twelfth of the fee under par. (b) for an annual permit times the number of months for which the permit is desired, plus \$15 for each permit issued. This subdivision does not apply to applications for permits submitted after December 31, 1999, and before July 1, 2003.

2. Unless a different fee is specifically provided, the fee for a consecutive month permit is one-twelfth of the fee under par. (b) for an annual permit times the number of months for which the permit is desired, plus \$16.50 for each permit issued, rounded to the nearest whole dollar. This subdivision does not apply to applications submitted before January 1, 2000, or submitted after June 30, 2003.

(c) For the purpose of computing the fees under this subsection, if the vehicle or combination of vehicles exceeds width limitations or height limitations or both, no fee in addition to the fee under par. (a) 2. or 2m., (b) 2. or (bm) shall be charged if the vehicle or combination of vehicles also exceeds length limitations.

(d) For the purpose of computing the fees under this subsection, if the vehicle or combination of vehicles exceeds weight limitations, no fee in addition to the fee under par. (a) 3., (b) 3. or (bm) shall be charged if the vehicle also exceeds length, width or height limitations or any combination thereof.

(de) For the purpose of computing the fee under par. (a) for the issuance of a single trip permit for a vehicle or combination of vehicles for which an annual permit has been obtained under s. 348.27:

1. For size or weight authorized by the annual permit, the fee for a single trip permit is \$5.

2. For gross weight in excess of that authorized by the annual permit, the fee is \$15 for each 10,000–pound increment or fraction thereof by which the gross weight authorized by the single trip permit exceeds the gross weight authorized by the annual permit.

(dm) If the annual permit for a vehicle or combination of vehicles is suspended for the purpose of protecting the highways and a single trip permit is issued for the vehicle or combination of vehicles, the fee for the single trip permit is \$5.

(e) The officer or agency authorized to issue a permit under s. 348.26 may require any applicant for a permit under s. 348.26 to pay the cost of any special investigation undertaken to determine whether a permit should be approved or denied and to pay an additional fee of \$5 per permit if a department telephone call–in procedure is used.

(f) Any local officer or agency authorized to issue a permit under s. 348.26 or 348.27 may charge a permit issuance fee for each permit issued under s. 348.26 and for the first and each subsequent or revalidated permit issued under s. 348.27. This paragraph does not apply to the amendment of a permit under s. 348.27 (3m).

(9) If a permit under s. 348.26 or 348.27 is denied, suspended or revoked, the permit applicant or holder may petition the division of hearings and appeals for a hearing on the matter within 30 days after the denial, suspension or revocation.

(10) Notwithstanding any other provision of this section or ss. 348.26 to 348.28, the department may enter into a reciprocal agreement with another jurisdiction for the issuance or recognition of permits for oversize or overweight vehicles or loads if that jurisdiction's laws or rules on oversize or overweight permits are substantially similar to those imposed by this chapter. Any permit recognized by this state under a reciprocal agreement shall be considered a permit issued under this section for purposes of this chapter or s. 347.26 (10).

(11) The department shall develop and implement an automated system for designating the route to be traveled by a vehicle for which a permit is issued under s. 348.26 or 348.27.

History: 1973 c. 316, 333, 336; 1975 c. 66; 1977 c. 29 ss. 1488, 1654 (8) (a); 1979 c. 34, 221; 1981 c. 20, 69, 215, 312; 1981 c. 347 s. 80 (2); 1981 c. 391; 1983 a. 78 s. 37; 1985 a. 212; 1987 a. 27; 1989 a. 35, 130; 1991 a. 39, 316; 1993 a. 16; 1995 a. 163, 348; 1999 a. 9, 80.

Penalty provisions for weight and size violations are discussed. *East Troy v. Town & Country Waste Service*, 159 Wis. 2d 694, 465 N.W.2d 510 (Ct. App. 1990).

Compliance with state rules promulgated under this section, and incorporating federal guidelines, is a condition of overweight permits under this section. Violations of overweight permits do not constitute registration violations under ch. 341. *Town of East Troy v. A–1 Service Co., Inc.* 196 Wis. 2d 120, 537 N.W.2d 126 (Ct. App. 1995).

348.26 Single trip permits. (1) APPLICATIONS. All applications for single trip permits for the movement of oversize or overweight vehicles or loads shall be made upon the form prescribed by the department and shall be made to the officer or agency designated by this section as having authority to issue the particular permit desired for use of the particular highway in question.

(1m) TELEPHONE CALL–IN PROCEDURE. The department shall develop and implement a telephone call–in procedure for permits issued under this section. The telephone call–in procedure for permits may not be utilized until permit information is computerized to ensure inquiry capability into the database for enforcement purposes.

(2) PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES OR LOADS. Except as provided in sub. (4), single trip permits for oversize or overweight vehicles or loads may be issued by the department for use of the state trunk highways and by the officer in charge of maintenance of the highway to be used in the case of other highways. Such local officials also may issue such single trip permits for use of state trunk highways within the county or municipality which they represent. Every single trip permit shall designate the route to be used by the permittee. Whenever the officer or agency issuing such permit deems it necessary to have a

traffic officer escort the vehicle through the municipality or county, a reasonable fee for such traffic officer's services shall be paid by the permittee. All moneys received from fees imposed by the department under this subsection shall be deposited in the general fund and credited to the appropriation account under s. 20.395 (5) (dg).

(3) TRAILER TRAIN PERMITS. The department and those local officials who are authorized to issue permits pursuant to sub. (2) also are authorized to issue single trip permits for the operation of trains consisting of truck tractors, tractors, trailers, semitrailers or wagons on highways under their jurisdiction, except that no trailer train permit issued by a local official for use of a highway outside the corporate limits of a city or village is valid until approved by the department. No permit shall be issued for any train exceeding 100 feet in total length. Every permit issued pursuant to this subsection shall designate the route to be used by the permittee.

(4) MOBILE HOME PERMITS. Single trip permits for the movement of oversize mobile homes may be issued only by the department, regardless of the highways to be used. Every such permit shall designate the route to be used by the permittee.

(5) VEHICLE TRAIN PERMITS. The department and those local officials who are authorized to issue permits under sub. (2) may issue a single trip permit for not more than 3 vehicles being drawn or attached if the vehicles are being transported by the drive–away method in saddle–mount combination. No vehicle train permit issued by a local official for use of a highway outside the corporate limits of a city or village is valid until approved by the department. No permit may be issued for any train exceeding 65 feet in total length. Every permit issued pursuant to this subsection shall designate the route to be used by the permittee.

(6) BACKHAUL PERMITS. If an oversize permit has been issued for an oversize vehicle or combination of oversize vehicles under this section or s. 348.27, the authority issuing the permit may also issue a backhaul permit to enable such vehicle or combination to transport a load which does not exceed statutory size and weight limits. A backhaul permit may be issued only when an oversize load is transported on the return trip or outgoing trip. The fee for the backhaul permit is \$3.

History: 1977 c. 29 s. 1654 (8) (a); 1977 c. 273; 1981 c. 20, 215, 312, 391; 1983 a. 78; 1997 a. 27; 1999 a. 185.

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

(2) ANNUAL AND CONSECUTIVE MONTH PERMITS. Except as otherwise restricted in this section, annual and consecutive month permits for oversize or overweight vehicles or loads may be issued by the department, regardless of the highways involved.

(3) GENERAL PERMITS. For good cause in specified instances for specified construction or maintenance operations or for a specified period, the officer or agency in charge of maintenance of a highway may allow loads exceeding the size or weight limitations imposed by this chapter to be hauled on such highway. No such officer or agency shall issue such permits for use of a highway the cost of maintenance of which is paid by a unit of government other than the unit of government which such officer or agency represents.

(3m) PERMIT AMENDMENTS FOR REPLACEMENT VEHICLES. If a vehicle for which a permit has been issued under this section is removed from service or sold, the permittee may operate a replacement vehicle of the same type and weight class for the remainder of the period for which the permit was issued or validated under an amendment of the permit. The permittee shall apply to the officer or agency that issued the permit for the amendment. The terms of the permit, including any requirements

imposed by the officer or agency for issuance of the permit, shall apply to the permittee's operation of the replacement vehicle under the amendment of the permit. No fee shall be charged for the amendment of a permit under this subsection.

(4) INDUSTRIAL INTERPLANT PERMITS. The department may issue, to industries and to their agent motor carriers owning and operating oversize vehicles in connection with interplant, and from plant to state line, operations in this state, annual or consecutive month permits for the operation of such vehicles over designated routes, provided that such permit shall not be issued under this section to agent motor carriers or, except for that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39, from plant to state line for vehicles or loads of width exceeding 102 inches upon routes of the national system of interstate and defense highways. If the routes desired to be used by the applicant involve city or village streets or county or town highways, the application shall be accompanied by a written statement of route approval by the officer in charge of maintenance of the highway in question.

(5) POLE AND PIPE PERMITS. Except as further provided in this subsection, the department may issue an annual or consecutive month permit to pipeline companies or operators or public service corporations for transportation of poles, pipe, girders and similar materials and to companies and individuals hauling peeled or unpeeled pole-length forest products used in its business. Such permits issued to companies and individuals hauling peeled or unpeeled pole-length forest products shall limit the length of vehicle and load to a maximum of 10 feet in excess of the limitations in s. 348.07 (1) and shall be valid only on a class "A" highway as defined in s. 348.15 (1). Permits issued to companies or individuals hauling pole-length forest products may not exempt such companies or individuals from the maximum limitations on vehicle load imposed by this chapter.

(7) MOBILE HOME PERMITS. The department may issue annual or consecutive month statewide permits to licensed mobile home transport companies and to licensed mobile home manufacturers and dealers authorizing them to transport oversize mobile homes over any of the highways of the state in the ordinary course of their business.

(7m) THREE-VEHICLE COMBINATIONS. The department may issue an annual or consecutive month permit for the movement of a 3-vehicle combination consisting of a towing vehicle and, in order by weight, with the lighter of the towed vehicles as the 3rd vehicle in the 3-vehicle combination unless not structurally possible, a mobile home or camping trailer and a boat trailer, motorcycle trailer, personal watercraft trailer or all-terrain vehicle trailer, if the overall length of the combination of vehicles does not exceed 60 feet and the towed vehicles are for the use of the operator of the towing vehicle. A permit under this subsection may be issued only by the department, regardless of the highways to be used. The department may designate the routes that may be used by the permittee. The fee for an annual permit under this subsection is \$40. The fee for a consecutive month permit under this subsection shall be determined in the manner provided in s. 348.25 (8) (bm), except that the \$40 fee for an annual permit under this subsection shall be used in the computation.

(9) TRANSPORTATION OF LOADS NEAR THE MICHIGAN-WISCONSIN STATE LINE. (a) The department may issue annual or consecutive month permits for the transportation on a vehicle or combination of vehicles of loads exceeding statutory length or weight limitations over any class of highway for a distance not to exceed 11 miles from the Michigan-Wisconsin state line, provided that if the roads desired to be used by the applicants involve streets or highways other than those within the state trunk highway system, the application shall be accompanied by a written statement of route approval by the officer in charge of maintenance of the other highway.

(b) For a vehicle or combination of vehicles the weight of which exceeds any of the provisions of s. 348.15 (3), the fee for

an annual permit under this subsection shall be one of the following:

1. If the gross weight is 90,000 pounds or less, \$100.
2. If the gross weight is more than 90,000 pounds but not more than 100,000 pounds, \$175.
3. If the gross weight is greater than 100,000 pounds, \$175 plus \$50 for each 10,000-pound increment or fraction thereof by which the gross weight exceeds 100,000 pounds.

(c) The fee for a consecutive month permit under this subsection for a vehicle or combination of vehicles the weight of which exceeds any of the provisions of s. 348.15 (3) shall be determined in the manner provided in s. 348.25 (8) (bm), except that the applicable fee for an annual permit under par. (b) shall be used in the computation.

(9m) TRANSPORTATION OF RAW FOREST AND AGRICULTURAL PRODUCTS. (a) The department may issue annual or consecutive month permits for the transportation of any of the following:

1. Raw forest products or of fruits or vegetables from field to storage or processing facilities in vehicles or vehicle combinations that exceed the maximum gross weight limitations under s. 348.15 (3) (c) by not more than 10,000 pounds. A permit under this subdivision is not valid on highways designated as part of the national system of interstate and defense highways, except on I 39 between STH 29 south of Wausau and the I 90/94 interchange near Portage in Marathon, Portage, Waushara, Marquette and Columbia counties.

2. Bulk potatoes from storage facilities to rail loading facilities in vehicle combinations that exceed the maximum gross weight limitations under s. 348.15 (3) (c) by not more than 10,000 pounds. A permit under this subdivision shall be valid only on USH 51 between CTH "V" and CTH "B" in Waushara and Portage counties, and for a distance not to exceed 15 miles from that portion of USH 51 in order to obtain access to USH 51 or to reach fuel, food, maintenance, repair, rest, staging, terminal facilities or points of loading or unloading.

3. Bulk potatoes from storage facilities to food processing facilities in vehicles or vehicle combinations that exceed the maximum gross weight limitations under s. 348.15 (3) (c) by not more than 10,000 pounds. A permit under this subdivision is not valid on highways designated as part of the national system of interstate and defense highways, except to the extent permitted by federal law without any loss or reduction of federal aid or other sanction.

(b) A permit issued under par. (a) does not authorize the operation of any vehicle or vehicle combination at a maximum gross weight in excess of 90,000 pounds.

(9r) TRANSPORTATION OF SCRAP. The department may issue an annual or consecutive month permit for the transportation of metallic or nonmetallic scrap for the purpose of recycling or processing on a vehicle or combination of vehicles which exceeds statutory weight or length limitations and for the return of the vehicle or combination of vehicles when empty. This subsection does not apply to the transportation of scrap on highways designated as part of the national system of interstate and defense highways, except for that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39.

(9t) TRANSPORTATION OF POTATOES. The department may issue annual or consecutive month permits for the transportation of potatoes intended for use as seed in specially configured vehicle combinations that exceed the maximum gross weight limitations under s. 348.15 (3) (c) by not more than 10,000 pounds. A permit issued under this subsection does not authorize the operation of any vehicle combination at a maximum gross weight in excess of 90,000 pounds. A permit under this subsection may authorize operation during a spring thaw and shall be valid only on STH 64 between CTH "H" and USH 41 in Langlade, Oconto and Marinette counties; USH 41 between STH 64 and the Wisconsin-Michigan border; and any highway for a distance not to exceed 15

miles from any portion of STH 64 or USH 41 specified in this subsection in order to obtain access to STH 64 or USH 41 or to reach fuel, food, maintenance, repair, rest, staging, terminal facilities or points of loading or unloading. The department shall establish by rule configuration requirements for vehicle combinations under this subsection and such requirements may permit vehicle combinations to exceed the length requirements of s. 348.07. The department may establish by rule an alternative route for any portion of a highway specified in this subsection.

(10) TRANSPORTATION OF GRAIN OR COAL OR IRON. The department may issue annual or consecutive month permits for the transportation of loads of grain as defined in s. 127.01 (18), coal, iron ore concentrates or alloyed iron on a vehicle or a combination of 2 or more vehicles that exceeds statutory weight or length limitations and for the return of the empty vehicle or combination of vehicles over any class of highway for a distance not to exceed 5 miles from the Wisconsin state line. If the roads desired to be used by the applicant involve streets or highways other than those within the state trunk highway system, the application shall be accompanied by a written statement of route approval by the officer in charge of maintenance of the other highway. This subsection does not apply to highways designated as part of the national system of interstate and defense highways.

(11m) AGRICULTURAL EMERGENCY PERMITS. (a) If the secretary of agriculture, trade and consumer protection determines that an agricultural emergency exists, the secretary of transportation may authorize the issuance of permits to allow vehicles that are transporting loads of hay in bales and, from September 15 to December 15 of each year, loads of Christmas trees from the point of harvesting or staging to a Christmas tree yard or point of commercial shipment to exceed the width limitation under s. 348.05 (1) if the total outside width does not exceed 12 feet. This authorization is limited to the operation of commercial motor vehicles upon routes of the national system of interstate and defense highways.

(b) In authorizing the issuance of permits under this subsection, the secretary of transportation shall specify in writing the factors which resulted in the determination to issue permits under this subsection. The factors shall include the effect of the increased width limits on highway safety.

(c) Nothing in this subsection shall be construed to permit the department to waive the requirements of s. 348.07.

(d) The secretary of transportation may limit the application of permits issued under this subsection to specific areas of the state or to specific highways. A permit authorized under this subsection takes effect upon the mailing of a complete application and the required fee to the department. A permit authorized under this subsection is valid for up to 90 days, as determined by the secretary of transportation.

(12) TRANSPORTATION OF GARBAGE OR REFUSE. The department may issue an annual or consecutive month permit for the transportation of garbage, as defined in s. 289.01 (9), or refuse, in a self-compactor equipped vehicle which exceeds statutory weight and length limitations and for the return of the vehicle when empty. A permit under this subsection may be issued for use on any highway within this state. In this subsection, “refuse” means combustible and noncombustible rubbish, including paper, wood, metal, glass, cloth and products thereof, litter and street rubbish, ashes, and lumber, concrete and other debris resulting from the construction or demolition of structures.

(13) VEHICLE TRAIN PERMITS. The department for the state trunk highways or the officer in charge of maintenance in the case of other highways may issue an annual or consecutive month permit for not more than 3 vehicles being drawn or attached if the vehicles are being transported by the drive-away method in saddle-mount combination. No vehicle train permit issued by a local official for use of a highway outside the corporate limits of a city or village is valid until approved by the department. No permit may be issued for any train exceeding 65 feet in total length.

(14) FARM MACHINERY PERMITS. The department may issue annual or consecutive month permits for the movement, towing or hauling of farm tractors exceeding 12 feet in width and all other farm machinery and implements of husbandry exceeding 8 feet 6 inches in width not being operated in the course of performance of its work on highways designated as part of the national system of interstate and defense highways. A permit under this subsection is not required for the movement, towing or hauling of any overwidth machinery that is not a commercial motor vehicle and which is authorized by s. 348.05 (3) on that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39.

History: 1973 c. 157, 316; 1973 c. 333 s. 190m; 1973 c. 336; 1975 c. 25, 285; 1977 c. 29 ss. 1488m, 1654 (8) (a); 1977 c. 30 s. 5; 1977 c. 191, 197, 272, 273, 418; 1979 c. 34, 315, 326; 1981 c. 20, 69, 163, 215, 391; 1983 a. 78 ss. 32 to 35, 37; 1983 a. 529; 1985 a. 29 s. 3202 (3); 1985 a. 202, 212; 1987 a. 27; 1989 a. 31, 35, 130, 305; 1991 a. 258; 1993 a. 62, 439; 1995 a. 113, 163, 227, 347, 348; 1997 a. 27, 35, 237; 1999 a. 85.

That the department of transportation issues, denies, suspends, and revokes permits under this section, does not deny a sheriff deputy’s authority to issue a citation for a violation of this section. *County of Milwaukee v. Superior of Wisconsin*, 2000 WI App 75, 234 Wis. 2d 218, 610 N.W.2d 484.

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

(2) Any person violating this section may be required to forfeit not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the 2nd and each subsequent conviction within one year.

History: 1971 c. 278; 1985 a. 202 s. 37.