CHAPTER 348

VEHICLES — SIZE, WEIGHT AND LOAD

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SUBCHAPTER I

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.

(at) "Double−decked bus" means a motor bus designed to carry passengers on an upper level throughout the length of the bus over passengers on a lower level throughout the length of the bus and the roof of which is permanently enclosed with rigid construction and extends throughout the length of the bus.

(au) "Drive−away method in saddlemount combination" means a vehicle combination designed and specifically used to tow up to 3 trucks or truck tractors, each connected by a saddle to the frame or 5th−wheel of the forward vehicle of the truck or truck tractor in front of it, and including not more than one fullmount.

(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.

(ax) "Forestry biomass" means byproducts and waste generated by the practice of forestry on forestry lands.

(ay) "Fullmount" means a smaller vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination.

(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.

(bc) "I 39 corridor" means that portion of I 39 between I 94 near the city of Portage and STH 29 south of the city of Wausau.

(bd) "I 41 corridor" means that portion of I 41 from I 94 at the zoo interchange, as defined in s. 84.014 (5m) (ag) 2., through the interchange with I 43 in the village of Howard.

(bg) "Implement dealer" means any person engaged in the business of delivering, repairing, or servicing implements of husbandry or agricultural commercial motor vehicles.

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

(bp) "Potato harvester" means an implement of husbandry designed and used exclusively for harvesting potatoes.

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

(bu) "Stover" means the leaves and stalks of field crops, such as corn, sorghum, or soybean, that are commonly left in a field after harvesting the grain.

(bv) "Saddle" means a mechanism that connects the front axle of a towed vehicle to the frame or 5th−wheel of the vehicle in front and functions like a 5th−wheel kingpin connection.

(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.

(cm) "To or from a farm−related destination," with respect to operating or transporting an implement of husbandry or agricultural commercial motor vehicle, means movement between or among farms, fields, agricultural storage or processing facilities, locations where the implement of husbandry or agricultural commercial motor vehicle is stored, or any combination of the foregoing.

(d) "Vehicle for recreational use" includes a bicycle, moped, motor bicycle, motorcycle, all−terrain vehicle, utility terrain vehicle, snowmobile, boat, as defined in s. 30.50 (2), sailboard, as defined in s. 30.50 (11), personal watercraft, or electric personal assistive mobility device, but does not include an automobile, motor truck, motor home, play vehicle, or in−line skates.

History: 1981 c. 312 ss. 1, 2, 4; 1985 a. 202, 212, 332; 1989 a. 165; 1993 a. 62, 439; 1999 a. 85; 2005 a. 11, 167; 2007 a. 16; 2009 a. 180; 2011 a. 59, 208; 2013 a. 216, 220, 377; 2015 a. 15, 55, 232, 360.

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.

(6) The provisions of this chapter apply to implements of husbandry and agricultural commercial motor vehicles.

History: 1977 c. 197; 1979 c. 348; 1981 c. 268, 312, 390; 1989 a. 134; 1991 a. 316; 2013 a. 377.

348.03 Self−certification for agricultural commercial motor vehicles. (1) The department shall prescribe a form for the owner or operator of an agricultural commercial motor vehicle to certify that the vehicle and its operation satisfy all requirements specified in the definition under s. 340.01 (1o).

(2) The certification on the form under sub. (1) of an owner or operator of an agricultural commercial motor vehicle may be offered to the department or any traffic officer as evidence of the truth of the matters asserted in the certification, but the certification is not conclusive of such matters.

History: 2013 a. 377.

SUBCHAPTER II

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) Subject to ss. 347.24 (3), 347.245 (1), and 347.25 (2g), no limitation for implements of husbandry.

(am) Ten feet for an agricultural commercial motor vehicle, except that, if the agricultural commercial motor vehicle is operated for purposes of spraying pesticides or spreading lime or fertilizer but not including manure application and has extending tires, fenders, or fender flares, the total outside width of the agricultural commercial motor vehicle may not exceed 12 feet. This paragraph does not apply to an agricultural commercial motor vehicle on a highway that is a part of the national system of interstate and defense highways.

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

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

(e) Twelve feet for skidders, forwarders, harvesters, and wheeled feller bunchers operated for logging purposes at times other than hours of darkness and operated on the highway for a distance of 0.5 miles or less. This paragraph does not apply on any highway that is a part of the national system of interstate and defense highways.

(f) Eight feet 8 inches for urban passenger buses and 8 feet 6 inches for interurban passenger buses.

(i) A realistic body width of 8 feet 6 inches for mobile homes, including recreational vehicles, and motor homes, and, for motor homes and for recreational vehicles used only as temporary or recreational dwellings, up to an additional 4 inches on the left side and 6 inches on the right side of such vehicles for appurtenances provided that, if any appurtenance extends the maximum 4 inches on the left side or 6 inches on the right side, the appurtenance is located at a height of not less than 8 feet from the ground. In this paragraph, "appurtenance" means any mechanical or other device, including retracted awning assemblies, vent grates, electrical outlet covers, and door handles, that is related to the structure of the vehicle and is installed upon the vehicle by a manufacturer or dealer.

(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.

(m) Nine feet for a vehicle or vehicle combination used by a pipeline company or operator, public service corporation, municipal utility, or cooperative association described in s. 196.01 (5) (b) 1., or by a motor carrier operating under contract with a pipeline company or operator, public service corporation, municipal utility, or cooperative association described in s. 196.01 (5) (b) 1., for transportation of poles, pipe, girders, and similar materials.

(2g) (a) Except as provided in par. (c), and subject to par. (b), sub. (2) (a) also applies to implements of husbandry while being operated or transported by an implement dealer or farmer for purposes of delivery, repair, or servicing of the implement of husbandry if the implement of husbandry is being operated or transported under either of the following circumstances:

1. Directly from a farmer's owned or leased land to the business location of an implement dealer that is within a 75−mile radius of the farmer's owned or leased land.

2. Directly from the business location of an implement dealer to a farmer's owned or leased land that is within a 75−mile radius of the implement dealer's business location.

(b) 1. Paragraph (a) applies to a person operating or towing an implement of husbandry only if the person complies with ss. 347.24 (3), 347.245 (1), and 347.25 (2g), as applicable. For purposes of this subdivision, the requirements under ss. 347.24 (3), 347.245 (1), and 347.25 (2g) shall apply to an implement of husbandry being towed to the same extent as if the implement of husbandry were being operated.

2. Paragraph (a) applies to a person transporting by trailer or semitrailer an implement of husbandry only if the person complies with s. 347.24 (3) (b) 1. For purposes of this subdivision, the requirements under s. 347.24 (3) (b) 1. shall apply to an implement of husbandry being transported by trailer or semitrailer to the same extent as if the implement of husbandry were being operated.

(c) This subsection does not apply to implements of husbandry being transported by trailer or semitrailer on a highway that is a part of the national system of interstate and defense highways, but does apply to implements of husbandry being operated or towed on a highway that is a part of the national system of interstate and defense highways.

(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.

(3m) (a) Subject to par. (c), implements of husbandry of any width may be transported by trailer or semitrailer, without a permit, on a highway to or from a farm−related destination, at times other than hours of darkness.

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

(c) Paragraph (a) applies only if the person transporting the implement of husbandry complies with s. 347.24 (3) (b) 1. For purposes of this paragraph, the requirements under s. 347.24 (3) (b) 1. shall apply to an implement of husbandry being transported to the same extent as if the implement of husbandry were being operated.

(3r) (a) Except as provided in par. (b), and subject to s. 348.09 (3) (b), sub. (2) (am) also applies to agricultural commercial motor vehicles while being operated or transported by trailer or semitrailer by an implement dealer or farmer for purposes of delivery, repair, or servicing of the agricultural commercial motor vehicle if the agricultural commercial motor vehicle is being operated or transported by trailer or semitrailer under either of the following circumstances:

1. Directly from a farmer's owned or leased land to the business location of an implement dealer that is within a 75−mile radius of the farmer's owned or leased land.

2. Directly from the business location of an implement dealer to a farmer's owned or leased land that is within a 75−mile radius of the implement dealer's business location.

(b) This subsection does not apply to agricultural commercial motor vehicles being operated or transported by trailer or semitrailer on a highway that is a part of the national system of interstate and defense highways.

(3t) (a) Subject to par. (b) and s. 348.09 (3) (b), agricultural commercial motor vehicles not exceeding the width specified in sub. (2) (am) may be transported by trailer or semitrailer, without a permit, on a highway to or from a farm−related destination, at times other than hours of darkness.

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

(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; 2003 a. 213; 2011 a. 243; 2013 a. 369, 377; 2015 a. 15, 171; 2015 a. 195 s. 83; 2015 a. 232; s. 35.17 correction in (2g) (a) (intro.).

Cross−reference: See also s. Trans 276.04, Wis. adm. code.

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

(2) Implements of husbandry, and 2−vehicle combinations transporting by trailer or semitrailer implements of husbandry to or from a farm−related destination, of any height may be operated upon a highway without a permit for excessive height. The operator of the implement of husbandry or 2−vehicle combination is responsible for ensuring that there is adequate height clearance between the implement of husbandry being operated or transported and any overhead structure or obstruction, other than a structure or obstruction that is any of the following:

(a) Any overhead utility line that does not satisfy the requirements of the state electric code promulgated by the public service commission.

(b) Any overhead electric line of a cooperative association that is organized under ch. 185 and that does not comply with the National Electrical Safety Code.

(2m) (a) Double−decked buses having an overall height not exceeding 14 feet 5 inches may be operated without a permit for excessive height upon a highway, other than a state trunk highway, that has a speed limit of 45 miles per hour or less if the vehicle owner or operator has, prior to the vehicle's operation, obtained written approval for such operation and for the vehicle's route from the local authority with jurisdiction over the highway on any highway on which the vehicle will be operated. A local authority may not approve the operation of a vehicle under this subsection on a highway under its jurisdiction unless all of the following apply:

1. The local authority has received a copy of the vehicle's proposed route, inspected the route, and verified that there is at least 6 inches of height clearance between the vehicle and any overhead structure or obstruction, including any utility line, on all parts of the route.

2. The vehicle owner has agreed, in writing, to assume liability for any personal injury or property damage resulting from the vehicle's striking of any overhead structure or obstruction, including any utility line, regardless of whether the personal injury or property damage occurs on an approved route.

3. The local authority has inspected the vehicle and verified that the sign required under par. (b) is displayed.

(b) A vehicle specified in par. (a) shall conspicuously display, in the operator's area of the vehicle, a sign informing the operator that operation of the vehicle on any highway that is not part of a route approved under par. (a) is unlawful.

(c) A local authority may, for any reason, deny approval for the operation of a vehicle under this subsection, or deny approval of any route regardless of whether the requirements under par. (a) are satisfied, on any highway under the local authority's jurisdiction.

(d) A local authority that has approved operation of a vehicle under this subsection shall, with respect to any route approved for every such vehicle, inspect the approved route at least once each year. If the inspection reveals that the clearance requirements specified in par. (a) 1. are no longer satisfied, the local authority shall revoke the route approval, but may approve an alternative route that complies with the clearance requirements specified in par. (a) 1.

(e) A local authority may delegate to any department, division, official, or employee of the local authority the responsibility for issuing approvals, conducting inspections, or carrying out any other duty specified under this subsection.

(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; 2005 a. 11; 2007 a. 11; 2013 a. 377; 2015 a. 15, 232.

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 45 feet or any combination of 2 vehicles

with an overall length in excess of 70 feet, except as otherwise provided in subs. (2), (2a), (2m), (2r), and (4m) and s. 348.08 (1).

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

(e) 1. Sixty feet for an implement of husbandry that is a single vehicle.

2. Except as provided in subd. 3., 100 feet for implements of husbandry that are 2−vehicle combinations and for 2−vehicle combinations transporting by trailer or semitrailer implements of husbandry to or from a farm−related destination.

3. No length limitation for an implement of husbandry that is an irrigation system in combination with a farm tractor, farm truck, farm truck tractor, or motor truck 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).

(fs) 75 feet for a tractor−semitrailer combination, except as provided in par. (f) or sub. (4m).

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

(gm) 28 feet 6 inches for a semitrailer or trailer operated as part of a double bottom on a highway designated under sub. (4).

(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). The length limits in this paragraph do not apply to a trailer or a semitrailer that is authorized to operate under par. (im).

(gv) 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, except as provided in par. (gr) or sub. (4m). The length limits in this paragraph do not apply to a trailer or a semitrailer that is authorized to operate under par. (im).

(h) Sixty−six feet for articulated buses operated in urban areas.

(im) Seventy−five total feet for a 2−vehicle combination designed and primarily used for transporting livestock, if the trailer or semitrailer, measured as required by sub. (3) (b), is not longer than 53 feet, the trailer or semitrailer is equipped with at least 2 axles, and the towing vehicle is not a motor truck, truck tractor, road tractor, or combination vehicle with a gross vehicle weight rating or actual gross weight of 10,000 pounds or less.

(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.

(k) Sixty feet for a single vehicle, and 120 feet for a 2−vehicle combination, used by a pipeline company or operator, public service corporation, municipal utility, or cooperative association described in s. 196.01 (5) (b) 1., or by a motor carrier operating under contract with a pipeline company or operator, public service corporation, municipal utility, or cooperative association described in s. 196.01 (5) (b) 1., for transportation of poles, pipe, girders and similar materials. A vehicle or vehicle combination described in this paragraph may, in addition to the vehicle length specified in this paragraph, carry a load extending not more than 10 feet beyond the front bumper of the vehicle or foremost vehicle in the vehicle combination.

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

(2m) Subsection (2) (e) also applies to implements of husbandry while being operated or transported by an implement dealer or farmer for purposes of delivery, repair, or servicing of the implement of husbandry if the implement of husbandry is being operated or transported under either of the following circumstances:

(a) Directly from a farmer's owned or leased land to the business location of an implement dealer that is within a 75−mile radius of the farmer's owned or leased land.

(b) Directly from the business location of an implement dealer to a farmer's owned or leased land that is within a 75−mile radius of the implement dealer's business location.

(2r) Subsection (2) (e) also applies to implements of husbandry while being transported by trailer or semitrailer on a highway to or from a farm−related destination.

(3) (a) The overall length of a mobile home or recreational vehicle 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) (a) 2. and (e) 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) (a) 2. and (e) apply may also operate on highways not designated under this subsection for a distance of 15 miles or less in order to obtain access to a highway designated under this subsection 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 15 miles from a highway designated under this subsection when the longer route provides safer and better access to a location which is within the 15−mile limit. Household goods carriers may operate between highways designated under this subsection and points of loading and unloading.

(4m) The secretary shall, by rule, designate those parts of the state trunk highway system to which sub. (2) (fs) and (gv) do not apply. For each part of the state trunk highway system designated under this subsection, the secretary shall specify the factors that resulted in the determination to designate the part as not suitable to accommodate vehicle lengths as specified in sub. (2) (fs) and (gv). The secretary may, by rule, establish exceptions to the vehicle−combination length limitation specified in sub. (1), including establishing any greater or lesser length limitation than that specified in sub. (1), with respect to specific types of vehicles identified by the secretary or highways designated by the secretary, but the secretary may not establish under this subsection any length limitation inconsistent with sub. (2) or (2a) or s. 348.08 (1).

(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 subs. (4) and (4m), those parts of the state trunk highway system not designated under sub. (4m), 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; 2003 a. 213, 234; 2005 a. 363, 365; 2007 a. 11, 93; 2011 a. 53, s. 2.; 2011 a. 54, 243; 2013 a. 99, 220, 369, 377; 2015 a. 15, 195, 232.

Cross−reference: See also ch. Trans 276, Wis. adm. code.

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

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 the following:

1. When operating on a highway designated as part of the national system of interstate and defense highways under s. 84.29, 97 feet.

2. When operating on a highway designated under s. 348.07 (4), 97 feet.

3. When operating on a highway not identified in subd. 1. or 2., 75 feet.

(b) Two implements of husbandry may, without such permit, be drawn by, or attached to, another implement of husbandry if the overall length of such combination of vehicles does not exceed 70 feet, or 100 feet if the vehicle combination is traveling at a speed of not more than 25 miles per hour.

(c) Tour trains 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, truck tractor, or agricultural commercial motor vehicle if the overall length of such combination of vehicles and load does not exceed 70 feet or, if the vehicle combination is traveling at a speed of not more than 25 miles per hour, 100 feet. For purposes of this paragraph, "empty" means less than 20 percent 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.

(i) 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 recreational vehicle or camping trailer as the 2nd vehicle, and a recreational vehicle, camping trailer, or trailer carrying any vehicle for recreational use or carrying no load as the 3rd vehicle may, without a permit, be operated on a highway if the overall length of the combination of vehicles does not exceed 65 feet and, if the total weight, including any load, of all towed vehicles exceeds 3,000 pounds, one of the towed vehicles is equipped with brakes. No 3−vehicle combination may operate under this paragraph if highway or weather conditions include heavy snow, freezing rain, icy roads, high winds, limited visibility, or upon a highway that is closed or partially closed by the department due to highway conditions.

(j) A 3−vehicle combination not exceeding 70 feet in overall length may, without a permit, be operated on a highway if the towing vehicle serving as the power unit is equipped with a 5th wheel and kingpin connection by which the 2nd vehicle in the 3−vehicle combination is drawn, the 2nd vehicle in the 3−vehicle combination is a recreational vehicle or camping trailer, including any combination camping−horse trailer, the 3rd vehicle in the 3−vehicle combination is a recreational vehicle or camping trailer or a trailer carrying any vehicle for recreational use, carrying equestrian equipment and equestrian supplies for recreational purposes, or carrying no load, and, if the total weight, including any load, of all towed vehicles exceeds 3,000 pounds, one of the towed vehicles is equipped with brakes. No 3−vehicle combination may operate under this paragraph if highway or weather conditions include heavy snow, freezing rain, icy roads, high winds, limited visibility, or upon a highway that is closed or partially closed by the department due to highway conditions.

(2) Whenever any train of implements of husbandry is being operated under sub. (1) (b), the train shall be equipped as provided in s. 347.21 (1m). 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). The trailer hitches of a train described in this subsection 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; 2011 a. 59 s. 2, 243; 2013 a. 220, 355, 377; 2015 a. 195 ss. 41, 83.

The 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.

(3) (a) Subject to par. (b), this section does not apply if the load is an implement of husbandry being transported as provided in s. 348.05 (2g) or (3m) or an agricultural commercial motor vehicle being transported as provided in s. 348.05 (3r) or (3t).

(b) No person may transport by trailer or semitrailer on a highway an agricultural commercial motor vehicle exceeding 8 feet 6 inches in total outside width unless the agricultural commercial motor vehicle is equipped with at least 2 amber flashing warning lamps that are lighted and visible from both the front and rear. When lighted, these lamps shall be capable of being seen and distinguished under normal atmospheric conditions during hours of darkness at a distance of 500 feet from the front and rear of the agricultural commercial motor vehicle. These lamps shall be mounted, as nearly as practicable, to indicate the extreme width of the agricultural commercial motor vehicle, but not more than 16 inches from the lateral extremities of the agricultural commercial motor vehicle.

History: 1999 a. 85; 2013 a. 377; 2015 a. 15, 232.

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 (k), 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, semitrailers, recreational vehicles, or mobile homes 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, recreational vehicle, or mobile home, except bulk material such as sand, gravel, dirt not in containers, shall be secured to, on or in the trailer, semitrailer, recreational vehicle, or mobile home in such manner as to prevent shifting of the load while the trailer, semitrailer, recreational vehicle, 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, recreational vehicle, 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; 2007 a. 11; 2013 a. 369.

Cross−reference: See also ch. Trans 307, Wis. adm. code.

348.105 Transport of radiological materials. (1) In this section:

(a) "Highway route controlled quantity" has the meaning given in 49 CFR 173.403.

(b) "Permit" means a permit for the transport of radiological materials issued under this section.

(2) No person may operate on a highway any motor vehicle, trailer, or semitrailer carrying a highway route controlled quantity of radiological materials without a permit.

(3) The department may issue single−trip permits for the transport of radiological materials. A permit shall include all of the following:

(a) A designated route to be used by the permittee.

(b) A requirement for an escort by the state traffic patrol.

(4) An application for a permit shall be made to the department using an electronic application process established by the department. The department shall charge a fee of $1,800 for a permit. 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).

(5) All of the following apply to a permit:

(a) A permit may be issued only by the department, regardless of the highways to be used.

(b) The department may impose any reasonable conditions for permit application and for operation under a permit that it deems necessary for the safety of travel and protection of the highways.

(c) If an applicant's proposed route includes a highway under the jurisdiction of a local authority, the department shall, prior to issuing a permit, submit the permit application to the officer in charge of maintenance of that highway. The department may issue the permit, notwithstanding any objections of the officer, if, after consulting with the officer, the department determines that the objections lack merit.

(d) Vehicles, trailers, and semitrailers operated or transported under a permit are exempt from the restrictions and limitations imposed by this chapter on size, weight, and load to the extent stated in the permit. 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.

(e) The department may require the permittee to file a bond, certificate of insurance, or certified check that holds the state and any city, village, town, or county through which the vehicle, trailer, or semitrailer will be operated harmless from any claim, loss, or damage that results from the granting of the permit or from

any action under the permit. The department may require that the bond, certificate of insurance, or certified check be conditioned to require that the permittee pay for restoration, to a condition satisfactory to the officer in charge of the maintenance of the highway, of any pavement, bridge, culvert, sewer pipe, or other improvement that is damaged by the use of the highway by the permittee under the permit. If a permittee refuses to pay for damage caused by the permittee, the department may maintain an action upon a bond, certificate of insurance, or certified check required under this paragraph.

(f) The department may require the permittee to file proof that the permittee has in effect sufficient personal injury and property damage insurance to cover any claim for bodily injury or property damage that may occur in connection with operation under a permit and for which the permittee is legally responsible.

(g) The department may, for good cause, suspend or revoke a permit or may decline to issue additional permits after having given the permittee or applicant reasonable opportunity for a hearing.

(h) If an application for a permit is denied or a permit is suspended or revoked, the 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.

(i) The department may enter into a reciprocal agreement with another jurisdiction for the issuance or recognition of permits if that jurisdiction's laws or rules regarding permits for the transport of radiological materials are substantially similar to those imposed by this section. Any permit recognized by this state under a reciprocal agreement shall be considered a permit under this section.

(j) The department may not issue a permit unless the department determines that all of the following requirements are met:

1. The applicant identifies each potential operator of a vehicle under the permit and provides proof that each operator holds a valid commercial driver license, with any endorsement required under ch. 343 for operation of the class and type of vehicle to be used to transport radiological materials under the permit.

2. The applicant provides proof of a valid motor carrier certificate or license of authority issued under ch. 194 or under federal law applicable for each vehicle to be used to transport radiological materials under the permit.

3. The applicant provides proof, by a certificate of insurance filed with the department, demonstrating that the applicant has in effect a policy of comprehensive general liability insurance, issued by an insurer authorized to transact business in this state, that provides bodily injury liability coverage and property damage liability coverage, including for underground property damage, in amounts not less than are required under 49 CFR 387.

(k) The department may deny an application for a permit if the department finds any of the following:

1. That the applicant, or any potential operator identified in par. (j) 1., has been convicted, within 3 years immediately preceding the date of application, of a violation of this section.

2. That the applicant, or any potential operator identified in par. (j) 1., has engaged in conduct endangering the safety of persons using the highways.

3. That the applicant has failed to provide reimbursement for damage, which is not paid for by the applicant's insurer, to a highway caused while transporting radiological materials under a permit.

4. That the applicant, or any potential operator identified in par. (j) 1., has abandoned radiological materials on a highway or on public or private property without permission of the property owner.

(L) The provisions of this section apply in addition to any other requirement imposed under this chapter, chs. 194, 343, 346, and 347, and federal law.

(6) Sections 348.25 to 348.29 do not apply to a permit.

History: 2015 a. 137.

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.

(3) Any person violating s. 348.105 may be required to forfeit not less than $2,000 nor more than $5,000.

History: 1971 c. 278; 2015 a. 137.

SUBCHAPTER III

WEIGHT

Cross−reference: See also ch. Trans 312, Wis. adm. code.

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) and except as provided in s. 348.17 (5) or (6), 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 or, if the vehicle or combination of vehicles is an implement of husbandry or agricultural commercial motor vehicle, or is a 2−vehicle combination transporting by trailer or semitrailer an implement of husbandry or agricultural commercial motor vehicle to or from a farm−related destination, and is operated on or before January 1, 2020, 23,000 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 the I 39 corridor and the I 41 corridor.

(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 the I 39 corridor and the I 41 corridor.

(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) (m), 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 the I 39 corridor and the I 41 corridor.

(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):

Maximum gross weight in pounds on a group of—

Distances in feet between foremost and rearmost axles of a group	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	35,000	38,500								
more than 8 but less than 8.5	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 pars. (c) and (g), 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 percent 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 the I 39 corridor and the I 41 corridor.

(f) 1. In this paragraph:

a. "Heavy−duty vehicle" has the meaning given in 42 USC 16104 (a) (4).

b. "Idle reduction technology" has the meaning given in 42 USC 16104 (a) (5).

2. Notwithstanding pars. (a) to (c) and (g), sub. (4), and ss. 348.17 and 349.16, and subject to subd. 3., in the case of a heavy−duty vehicle equipped with idle reduction technology, the gross weight of the vehicle, and the gross weight imposed on the highway by the wheels of any one axle or axle group of the vehicle, may exceed the applicable weight limitation specified in pars. (a) to (c) or (g) or posted as provided in s. 348.17 (1) by not more than 400 pounds or the weight of the idle reduction technology, whichever is less.

3. This paragraph applies only if the heavy−duty vehicle operator, upon request, proves, by written certification, the weight of the idle reduction technology and, by demonstration or certification, that the idle reduction technology is fully functional at all times.

(g) Notwithstanding par. (c), if the vehicle or combination of vehicles is an implement of husbandry or agricultural commercial motor vehicle, or is a 2−vehicle combination transporting by trailer or semitrailer an implement of husbandry or agricultural commercial motor vehicle to or from a farm−related destination, and is operated on or before January 1, 2020, the gross weight imposed on the highway by any group of 2 or more consecutive axles of the vehicle or vehicle combination 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) (g) following]

Figure 348.15 (3) (g):

Distances in feet between foremost and rearmost axles of a group	Maximum gross weight in pounds on a group of— 2 axles of a vehicle or combination of vehicles	3 axles of a vehicle or combination of vehicles	4 axles of a vehicle or combination of vehicles	5 axles of a vehicle or combination of vehicles	6 axles of a vehicle or combination of vehicles	7 axles of a vehicle or combination of vehicles	8 axles of a vehicle or combination of vehicles
4	39,500	45,000	51,500	58,500	65,000	72,000	79,000
5	40,500	46,000	52,500	59,000	66,000	72,500	79,500
6	41,500	47,000	53,000	60,000	66,500	73,500	80,000
7	43,000	47,500	54,000	60,500	67,000	74,000	80,500
8	44,000	48,500	54,500	61,000	68,000	74,500	81,500
9	45,000	49,500	55,500	62,000	68,500	75,500	82,000
10	46,000	50,500	56,000	62,500	69,000	76,000	82,500
11		51,000	57,000	63,500	70,000	76,500	83,500
12		52,000	57,500	64,000	70,500	77,500	84,000
13		53,000	58,500	65,000	71,500	78,000	84,500
14		53,500	59,500	65,500	72,000	78,500	85,500
15		54,500	60,000	66,000	72,500	79,500	86,000
16		55,500	61,000	67,000	73,500	80,000	86,500
17		56,500	61,500	67,500	74,000	80,500	87,500
18		57,000	62,500	68,500	75,000	81,500	88,000
19		58,000	63,000	69,000	75,500	82,000	88,500
20		59,000	64,000	70,000	76,000	82,500	89,500
21		60,000	64,500	70,500	77,000	83,500	90,000
22		60,500	65,500	71,500	77,500	84,000	90,500
23		61,500	66,000	72,000	78,000	84,500	91,500
24		62,500	67,000	72,500	79,000	85,500	92,000
25		63,000	67,500	73,500	79,500	86,000	
26		64,000	68,500	74,000	80,500	86,500	
27		65,000	69,000	75,000	81,000	87,500	
28		66,000	70,000	75,500	81,500	88,000	
29			71,000	76,500	82,500	88,500	
30			71,500	77,000	83,000	89,500	
31			72,500	77,500	83,500	90,000	
32			73,000	78,500	84,500	90,500	
33			74,000	79,000	85,000	91,500	
34			74,500	80,000	86,000	92,000	
35			75,500	80,500	86,500		
36			76,000	81,500	87,000		
37			77,000	82,000	88,000		
38			77,500	83,000	88,500		
39			78,000	83,500	89,500		
40			79,000	84,000	90,000		
41			80,000	85,000	90,500		
42			80,500	85,500	91,500		
43			81,500	86,500	92,000		
44			82,500	87,000			
45			83,000	88,000			
46			84,000	88,500			
47			84,500	89,000			
48			85,500	90,000			
49			86,000	90,500			
50			87,000	91,500			
51			87,500	92,000			
52			88,500				
53			89,000				
54			90,000				
55			90,500				
56			91,500				
57			92,000				

(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 180 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 percent 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) and (g).

(9) (a) Except as provided in pars. (c), (cm), (e), and (f), the increased weight allowance for implements of husbandry and agricultural commercial motor vehicles under sub. (3) (b) and (g) applies in lieu of, not in addition to, any other increased weight allowance for implements of husbandry or agricultural commercial motor vehicles authorized under this chapter.

(b) Except as provided in par. (e), the maximum gross weight for an implement of husbandry or agricultural commercial motor vehicle operated on a highway without a permit may not exceed 92,000 pounds. Except as provided in par. (e), the maximum gross weight for a 2−vehicle combination transporting by trailer or semitrailer an implement of husbandry or agricultural commercial motor vehicle to or from a farm−related destination, and operated on a highway without a permit, may not exceed 92,000 pounds.

(c) 1. Notwithstanding sub. (3) (a), (b), (c), and (g), there is no weight limitation per wheel, axle, or group of axles for an implement of husbandry that is an empty potato harvester if, subject to subd. 2., the potato harvester is accompanied by one or more escort vehicles operating with hazard lights activated, except that such a potato harvester is subject to any weight limitation posted as provided in s. 348.17 (1). Except as provided in par. (e), a potato harvester is subject to the maximum gross weight limitation for implements of husbandry specified in par. (b).

2. A potato harvester is not required to be accompanied by any escort vehicle under subd. 1. if the potato harvester is traveling to or from a farm−related destination and is operated on the highway for a distance of 0.5 miles or less.

(cm) 1. Notwithstanding sub. (3) (a), (b), (c), and (g), there is no weight limitation per wheel, axle, or group of axles for a 2−vehicle combination transporting by trailer or semitrailer an empty potato harvester to or from a farm−related destination if, subject to subd. 2., the 2−vehicle combination is accompanied by one or more escort vehicles operating with hazard lights activated, except that such a 2−vehicle combination is subject to any weight limitation posted as provided in s. 348.17 (1). Except as provided in par. (e), such a 2−vehicle combination transporting a potato harvester is subject to the maximum gross weight limitation for 2−vehicle combinations transporting implements of husbandry specified in par. (b).

2. A 2−vehicle combination transporting a potato harvester is not required to be accompanied by any escort vehicle under subd. 1. if the potato harvester is being transported to or from a farm−related destination on a highway for a distance of 0.5 miles or less.

(d) The increased weight allowance for implements of husbandry and agricultural commercial motor vehicles under sub. (3) (b) and (g) does not apply on any highway that is a part of the national system of interstate and defense highways, except for the I 41 corridor. The increased weight allowance for 2−vehicle combinations transporting implements of husbandry or agricultural commercial motor vehicles under sub. (3) (b) and (g) does not apply on any highway that is a part of the national system of interstate and defense highways.

(e) 1. Notwithstanding par. (c) and sub. (3) (a), (b), (c), and (g), but subject to subd. 3., there is no weight limitation per wheel, axle, or group of axles, and no gross weight limitation, for an implement of husbandry or agricultural commercial motor vehicle while being operated or transported by an implement dealer or farmer for purposes of delivery, repair, or servicing of the implement of husbandry or agricultural commercial motor vehicle if the implement of husbandry or agricultural commercial motor vehicle is being operated or transported under either of the following circumstances:

a. Directly from a farmer's owned or leased land to the business location of an implement dealer that is within a 75−mile radius of the farmer's owned or leased land.

b. Directly from the business location of an implement dealer to a farmer's owned or leased land that is within a 75−mile radius of the implement dealer's business location.

2. Notwithstanding par. (c) and sub. (3) (a), (b), (c), and (g), but subject to subd. 3., there is no weight limitation per wheel, axle, or group of axles, and no gross weight limitation, for an implement of husbandry described in s. 340.01 (24) (a) 1. b., or for an agricultural commercial motor vehicle used as described in s. 340.01 (1o) (e) 1., that is traveling to or from a farm−related destination and is operated on the highway for a distance of 0.5 miles or less.

3. Subdivisions 1., 2., and 4. do not apply on any highway that is posted with a weight limitation as provided in s. 348.17 (1). Subdivision 1. does not apply on any highway that is a part of the national system of interstate and defense highways, except for the I 41 corridor. Subdivision 2. does not apply on any highway that is a part of the national system of interstate and defense highways, except for an implement of husbandry operated on the I 41 corridor. Subdivision 4. does not apply on any highway that is a part of the national system of interstate and defense highways.

4. Notwithstanding par. (cm) and sub. (3) (a), (b), (c), and (g), but subject to subd. 3., there is no weight limitation per wheel, axle, or group of axles, and no gross weight limitation, for a 2−vehicle combination transporting by trailer or semitrailer an implement of husbandry described in s. 340.01 (24) (a) 1. b. or agricultural commercial motor vehicle used as described in s. 340.01 (1o) (e) 1. to or from a farm−related destination, on a highway for a distance of 0.5 miles or less.

(f) 1. Notwithstanding par. (c) and sub. (3) (a), (b), (c), and (g), and except as provided in subd. 3. and par. (e), there is no weight limitation per wheel, axle, or group of axles, and no gross weight limitation other than that specified in par. (b), for an implement of husbandry described in s. 340.01 (24) (a) 1. b., or for an agricultural commercial motor vehicle used as described in s. 340.01 (1o) (e) 1., being operated on a highway that is not designated under subd. 2. a.

1m. Notwithstanding par. (cm) and sub. (3) (a), (b), (c), and (g), and except as provided in subd. 3. and par. (e), there is no weight limitation per wheel, axle, or group of axles, and no gross weight limitation other than that specified in par. (b), for a 2−vehicle combination transporting by trailer or semitrailer an implement of husbandry described in s. 340.01 (24) (a) 1. b. or agricultural commercial motor vehicle used as described in s. 340.01 (1o) (e) 1. to or from a farm−related destination, on a highway that is not designated under subd. 2. a.

2. a. The governing body of a municipality or county may, by resolution or ordinance, designate highways under the munici-

pality's or county's jurisdiction, for maintenance purposes, on which the statutory weight limits prescribed under this section, other than this paragraph, for implements of husbandry or agricultural commercial motor vehicles apply to implements of husbandry described in s. 340.01 (24) (a) 1. b., and to agricultural commercial motor vehicles used as described in s. 340.01 (1o) (e) 1., that are operated or transported on the highway and to 2−vehicle combinations transporting them. If a resolution or ordinance is adopted under this subd. 2. a., any weight limit resulting from the resolution or ordinance is considered to be a weight limit imposed by this chapter and any violation is considered to be a violation of the applicable weight limits prescribed under this section.

b. For a resolution or ordinance under this subdivision to be effective in any calendar year, the resolution or ordinance must be adopted on or before November 30 of the prior year. A resolution or ordinance adopted under this subdivision shall be valid for at least one calendar year. No amendment to a resolution or ordinance is effective in a calendar year unless the amendment was adopted on or before November 30 of the prior year.

c. No later than January 20 of the year after it adopts or amends a resolution or ordinance under this subdivision, each municipality or county that designates highways under subd. 2. a. shall forward to the department a copy of the resolution or ordinance, and the department shall publish the resolution or ordinance on the department's Internet site.

3. Subdivisions 1. and 1m. do not apply on any highway that is a state trunk highway or that is posted with a weight limitation as provided in s. 348.17 (1).

(g) This subsection does not apply after January 1, 2020, and any resolution or ordinance adopted under par. (f) 2. a. on or before January 1, 2020, is void after January 1, 2020.

(10) (a) Notwithstanding sub. (3) (a), (b), and (c), but subject to par. (b), there is no weight limitation per wheel, axle, or group of axles, and no gross weight limitation, for skidders, forwarders, harvesters, and wheeled feller bunchers operated for logging purposes at times other than hours of darkness and operated unladen on the highway for a distance of 0.5 miles or less.

(b) Paragraph (a) does not apply on any highway that is posted with a weight limitation as provided in s. 348.17 (1) or that is a part of the national system of interstate and defense highways.

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; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279; 2013 a. 377; 2015 a. 15, 55, 171, 232, 360.

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).

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, "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 percent of the weights authorized in s. 348.15 (3). This subsection does not apply, from April 24, 2014, to January 1, 2020, to an implement of husbandry or agricultural commercial motor vehicle being operated or transported, or to a 2−vehicle combination transporting an implement of husbandry or agricultural commercial motor vehicle, as described in s. 348.15 (9) (c), (cm), (e), or (f) 1. or 1m.

(3) (a) Any motor vehicle whose operation is pickup or delivery, including operation for the purpose of moving or delivering supplies or commodities to or from any place of business or residence that has an entrance on a class "B" highway, may pick up or deliver on a class "B" highway without complying with the gross vehicle weight limitations imposed by sub. (2).

(b) Subsection (2) does not apply to a vehicle operated by or at the direction of a public utility, as defined in s. 196.01 (5), a telecommunications provider, as defined in s. 196.01 (8p), or a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, power, or water to its members, that is being operated for the purpose of responding to a service interruption.

(c) Subsection (2) does not apply to the operation of any skidder, forwarder, harvester, or wheeled feller buncher under circumstances for which there is no weight limitation under s. 348.15 (10).

History: 1981 c. 312; 2001 a. 16; 2009 a. 177; 2011 a. 257; 2013 a. 377; 2015 a. 15, 44, 171.

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 or is being operated as authorized under sub. (4).

(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 percent greater than the gross axle and axle combination weight limitations, and not more than 15 percent 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 the I 39 corridor and the I 41 corridor.

(4) During an energy emergency, after consultation with the department of administration, the department may authorize motor vehicles that have a gross weight of 26,000 pounds or less and that are transporting propane or heating oil for delivery to residences, businesses, or other end users to exceed any special weight limitation imposed under ss. 348.17 (1) and 349.16 (1) (a) and (2) in connection with the thawing of frozen highways. Any person operating a motor vehicle as authorized under this subsection shall, to the extent practicable, deliver propane or heating oil at times of the day when the highways used are the least vulnerable.

(5) (a) From August 1 to December 31 of each year, no permit shall be required for the transportation of corn, soybeans, potatoes, vegetables, or cranberries from the field to storage on the grower's owned or leased land, from the field to initial storage at a location not owned or leased by the grower, or from the field to initial processing in a vehicle or combination of vehicles that exceeds the weight limitations under s. 348.15 by not more than 15 percent and that satisfies all of the following:

1. Has a registered gross weight of 50,000 pounds or more.

2. Is a motor truck, farm truck, road tractor, truck tractor, or farm truck tractor or such a vehicle combined with a semitrailer,

trailer, or farm trailer, when the vehicle or combination is a commercial motor vehicle operated on a highway.

(b) This subsection does not apply to the national system of interstate and defense highways, except for the I 39 corridor and the I 41 corridor.

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

1. Has a registered gross weight of 50,000 pounds or more.

2. Is a motor truck, farm truck, road tractor, truck tractor, or farm truck tractor or such a vehicle combined with a semitrailer, trailer, or farm trailer, when the vehicle or combination is a commercial motor vehicle operated on a highway.

3. Is an implement of husbandry. This subdivision does not apply from May 24, 2014, to January 1, 2020.

(b) This subsection does not apply to the national system of interstate and defense highways, except for the I 41 corridor.

History: 1991 a. 316; 1995 a. 348 ss. 11, 13 to 15, 17; 2005 a. 364; 2011 a. 52, 279; 2013 a. 217, 377; 2015 a. 55, 235, 360.

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. On the first day that conditions warrant their determination of such frozen condition and freedom of damage to such highways by transportation, the officers or agencies in charge of maintenance of highways shall declare particular highways, or highways within areas of the state, as eligible for increased weight limitations, and each declaration shall be effective as of 12:01 a.m. on the 2nd day following the declaration. 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 the I 39 corridor and the I 41 corridor.

History: 1983 a. 531; 1991 a. 316; 1995 a. 113; 2005 a. 167; 2009 a. 28; 2015 a. 55, 360.

The phrase "peeled or unpeeled forest products cut crosswise" does not encompass wood chips. The phrase instead invokes images of logs, posts, poles, or similar pieces of timber, with or without bark, and cut to length. State v. T. P. Trucking, 2006 WI App 98, 293 Wis. 2d 273, 715 N.W.2d 736, 05−2496.

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.

348.19 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), (5), or (6) 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), (5), or (6) 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 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 the I 39 corridor and the I 41 corridor.

(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 the I 39 corridor and the I 41 corridor.

History: 1975 c. 136; 1985 a. 202; 1987 a. 116; 1995 a. 113, 348; 2005 a. 364; 2011 a. 279; 2015 a. 55, 360.

348.195 Weight records of raw forest products purchasers. (1) Any purchaser of raw forest products transported by a vehicle or vehicle combination subject to the requirements of this subchapter that generates a weight scale record identifying the gross weight of the vehicle or vehicle combination or the weight of the load transported by the vehicle or vehicle combination shall

retain the weight scale record for not less than 30 days from the date that the weight scale record is generated.

(2) Upon demand by any traffic officer in this state within the 30−day period specified in sub. (1), any person required to retain records under sub. (1) shall promptly provide such records to the requesting officer.

(3) For purposes of this section, a true, accurate, and legible copy of any weight scale record may be substituted for, and shall be given the effect of, an original.

(4) Any person required to retain records under sub. (1) or to produce records under sub. (2) who fails to retain or produce such records shall forfeit $1,000. Each violation constitutes a separate offense.

(5) In any prosecution of a person for transporting raw forest products in violation of the requirements of this subchapter, the records required to be retained under sub. (1) and produced under sub. (2) may be relevant evidence under s. 904.01 and admissible under s. 904.06.

History: 2005 a. 167.

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. (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, or prescribed in an overweight permit issued under s. 348.27 (9m) (a) 4. with respect to a vehicle combination being operated under such a permit, 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 paragraph. If reloading is accomplished and all axles or group of axles are within the legal limits, including the limits of the permit for a vehicle combination operated under a permit issued under s. 348.27 (9m) (a) 4., no forfeiture may be imposed. A vehicle or combination of vehicles under this paragraph that 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) or (3g). Violations under this paragraph shall not be considered as violations or prior convictions under par. (a) or sub. (3) to (3r).

(3) Except as provided in sub. (3g), and subject to sub. (3t), 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), (5), or (6) 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), (5), or (6) 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), (5), or (6) 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 whichever of the following applies:

a. One cent for each pound of total excess load when the total excess is not over 2,000 pounds.

b. Three cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.

c. Five cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds.

d. Eight cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.

e. Fifteen 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 whichever of the following applies:

a. Two cents for each pound of total excess load when the total excess is not over 2,000 pounds.

b. Five cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.

c. Eight cents for each pound of total excess load if the excess is over 3,000 and not over 4,000 pounds.

d. Twelve cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.

e. Eighteen cents for each pound of total excess load if the excess is over 5,000 pounds.

(3g) Any person who, while operating a vehicle combination that is transporting raw forest products, violates 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 in an overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

(a) For a first conviction or a 2nd conviction within a 12−month period, a forfeiture of not less than $150 nor more than $250 plus an amount equal to whichever of the following applies:

1. Six cents for each pound of total excess load when the total excess is less than 2,000 pounds.

2. Eight cents for each pound of total excess load if the excess is 2,000 pounds or more and not over 3,000 pounds.

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

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

5. Eleven cents for each pound of total excess load if the excess is over 5,000 pounds.

(b) For the 3rd and each subsequent conviction within a 12−month period, a forfeiture of not less than $500 nor more than $550, plus an amount equal to whichever of the following applies:

1. Twenty cents for each pound of total excess load when the total excess is 3,000 pounds or less.

2. Twenty−one cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds.

3. Twenty−two cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.

4. Twenty−three cents for each pound of total excess load if the excess is over 5,000 pounds.

(3r) In determining the number of prior convictions for purposes of subs. (3) and (3g), the court shall include convictions under both subsections.

(3t) (a) In the case of a violation of s. 348.15 (3) (g), the penalty shall be computed on the basis of the weights stated in s. 348.15 (3) (c).

(b) In the case of a violation of s. 348.15 (3) (b) involving an implement of husbandry or agricultural commercial motor vehicle or a 2−vehicle combination transporting an implement of husbandry or agricultural commercial motor vehicle, the penalty shall be computed on the basis of a permissible weight of 20,000 pounds.

(c) This subsection does not apply to violations committed after January 1, 2020.

(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; 2005 a. 167, 364; 2007 a. 20, 97; 2009 a. 28, 180, 222, 241; 2011 a. 279; 2013 a. 20, 377; 2015 a. 15.

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 local ordinance in conformity with 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; 2005 a. 167.

SUBCHAPTER IV

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) to (3r). 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 (2) to (7) and for those annual, consecutive month or multiple trip permits the granting of which is authorized by s. 348.27 (2) and (4) to (15). The department shall prescribe an electronic application process for permits the granting of which is authorized by ss. 348.26 (8) and 348.27 (17). The department shall prescribe an electronic application process for permits the granting of which is authorized by s. 348.27 (16). The department shall prescribe an electronic application process for permits the granting of which is authorized by s. 348.27 (18). 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 (4), (6), or (7) or 348.27 (3), (3m), (4m), (9), (9m), (9r), (9t), (10), (12), (15), (16), (18), or (19), 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) Subject to s. 348.27 (9m) (d), 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, 2005, 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, 2005, the fee is $22.

2m. For a vehicle or combination of vehicles which exceeds both width and height limitations, $25, 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, 2005, the fee is $28.

3. Except as provided in subd. 4., for a vehicle or combination of vehicles, the weight of which exceeds any of the provisions of s. 348.15 (3), 10 percent of the fee specified in par. (b) 3. for an annual permit for the comparable gross weight, rounded to the nearest whole dollar.

4. For a permit issued under s. 348.26 (8), $30.

(b) Except as provided in s. 348.27 (19) (c) 5., 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, 2005, 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, 2005, the fee is $99.

3. Except as provided in subds. 4. and 4m., 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, 2005, 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, 2005, 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, 2005, the fee is $385 plus $110 for each 10,000−pound increment or fraction thereof by which the gross weight exceeds 100,000 pounds.

4. For a permit issued under s. 348.27 (17), $300.

4m. For a permit issued under s. 348.27 (18), $300.

(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, 2005.

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, 2005.

(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. or 4., (b) 3., 4., or 4m., 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) Except as provided in s. 348.27 (19) (c) 5., the officer or agency authorized to issue a permit under s. 348.26 or 348.27 may require any applicant for a permit under s. 348.26 or 348.27 to pay the cost of any special investigation undertaken to determine whether a permit should be approved or denied.

(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) or to a permit issued under s. 348.27 (19).

(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 recogni-

tion 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; 2001 a. 78; 2003 a. 33; 2005 a. 167; 2007 a. 171; 2009 a. 28, 222; 2011 a. 55, 56, 57, 58, 243; 2013 a. 165 ss. 73 to 75, 114, 115; 2013 a. 168 s. 21; 2013 a. 377.

Cross−reference: See also chs. Trans 230, 250, and 252, Wis. adm. code.

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), 94−0610.

348.26 Single trip permits. (1) APPLICATIONS. All applications under subs. (2) to (7) 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. All applications under sub. (8) shall be made to the department utilizing an electronic process prescribed by the department.

(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.

Cross−reference: See also ch. Trans 275, Wis. adm. code.

(2) PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES OR LOADS. Except as provided in subs. (4) (b) 1. and (8), 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).

Cross−reference: See also ch. Trans 254, Wis. adm. code.

(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.

Cross−reference: See also ch. Trans 256, Wis. adm. code.

(4) FACTORY−BUILT HOME PERMITS. (a) In this subsection, "factory−built home" means a mobile home, manufactured home, or modular home.

(b) 1. Except as provided in subd. 2., single trip permits for the movement of oversize factory−built homes may be issued only by the department, regardless of the highways to be used.

2. Single trip permits for the movement of overweight factory−built homes that are not less than 16 feet in width may be issued by the department, for the use of state trunk highways, and by the officer in charge of maintenance of the highways to be used, for the use of other highways.

(c) 1. Every permit issued under this subsection shall designate the route to be used by the permittee.

2. No permit may be issued under this subsection for operation of a vehicle combination exceeding 110 feet in overall length or for movement of a factory−built home exceeding 80 feet in length.

3. A permit may be issued under this subsection for the movement of more than one modular home section on a carrier if each home section is a component of the same home as evidenced by serial numbers or other distinguishing marks and the overall dimensions of the load will not exceed statutory weight limits or the size limits specified in the permit. A permit may be issued under this subsection only if at least one portion of the load under this permit would require a permit had it been transported on a separate carrier.

(4m) PERMITS FOR VEHICLES TRANSPORTING CERTAIN BUILDINGS. (a) In this subsection:

1. "Building" has the meaning given in s. 348.27 (12m) (a) 1.

2. "Vehicle" has the meaning given in s. 348.27 (12m) (a) 2.

(b) The requirements for issuance of a permit under s. 348.27 (12m) (c) shall also apply to issuance of a permit under sub. (2) for a vehicle transporting a building on the highways, and the department and those local officials who are authorized to issue permits under sub. (2) may not issue a permit under sub. (2) for a vehicle transporting a building unless these requirements are satisfied. The department and those local officials who are authorized to issue permits under sub. (2) may deny a permit under sub. (2) for a vehicle transporting a building if the department or local official finds that any of the circumstances specified in s. 348.27 (12m) (d) applies. The provisions of this subsection apply in addition to any other requirement imposed under this chapter, chs. 194, 343, 346, and 347, and federal law.

(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.

Cross−reference: See also ch. Trans 262, Wis. adm. code.

(7) SPECIALIZED HAULING RIG PERMITS. (a) In this subsection, "specialized hauling rig" means a vehicle, or combination of vehicles, that exceeds 100 feet in length and that is designed to transport nondivisible cargo that is exceptionally heavy. A specialized hauling rig is a nondivisible vehicle within the meaning of 23 CFR 658.5.

(b) The department and those local officials who are authorized to issue permits under sub. (2) may issue single trip permits for the operation of overweight or oversize specialized hauling rigs whose unladen cargo−bearing component units are loaded or stacked on one or more of the specialized hauling rig's cargo−bearing component units. A permit issued under this paragraph is valid only while the specialized hauling rig is in transit to the site where the cargo to be transported will be loaded onto the specialized hauling rig, and while in transit from the site where the specialized hauling rig delivered its cargo. Every permit issued under this paragraph shall designate the route to be used by the permittee. No permit issued under this paragraph may authorize the operation of a specialized hauling rig that exceeds 120 feet in length or that exceeds the height limitations under s. 348.06.

(8) PERMITS FOR THE TRANSPORTATION OF SEALED LOADS IN INTERNATIONAL TRADE. (a) The department may issue single trip

permits for the transportation of a sealed load, as defined in s. 348.27 (17) (a), to applicants eligible for an annual or consecutive month permit under s. 348.27 (17), subject to the same requirements and limitations for annual and consecutive month permits described in s. 348.27 (17). A permit under this subsection may be issued only by the department, regardless of the highways to be used.

(b) A person issued a permit under this subsection shall use the automated routing system specified in s. 348.25 (11).

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; 2001 a. 78; 2005 a. 170, 250; 2007 a. 11; 2011 a. 55, 57, 243; 2015 a. 241.

Cross−reference: See also chs. Trans 230 and 250, Wis. adm. code.

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 (15) shall be made upon forms prescribed by the department. All applications under sub. (16) shall be made utilizing an electronic process prescribed by the department. All applications under sub. (17) shall be made utilizing an electronic process prescribed by the department. All applications under sub. (18) shall be made utilizing an electronic process 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.

Cross−reference: See also chs. Trans 251 and 255, Wis. adm. code.

(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. A permit issued by the department under this subsection may authorize transportation of a divisible load on the I 41 corridor but may not authorize transportation of a divisible load on any other interstate highway.

(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 the I 39 corridor and the I 41 corridor, 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.

(4m) PERMITS FOR THE TRANSPORTATION OF LOADS ON STH 31 AMONG MANUFACTURING PLANTS, DISTRIBUTION CENTERS, AND WAREHOUSES. (a) Subject to pars. (b) and (c), the department may issue annual or consecutive month permits for the transportation of loads in vehicle combinations that exceed the maximum gross weight limitations under s. 348.15 (3) (c) by not more than 18,000 pounds if the vehicle combination has 6 or more axles and the gross weight imposed on the highway by the wheels of any one axle of the vehicle combination does not exceed 18,000 pounds, except that the gross weight imposed on the highway by the wheels of any steering axle on the power unit may not exceed the greater of 13,000 pounds or the manufacturer's rated capacity, but not to exceed 18,000 pounds. Notwithstanding s. 348.15 (8), any axle of a vehicle combination that does not impose on the highway at least 8 percent of the gross weight of the vehicle combination may not be counted as an axle for the purposes of this paragraph. A permit issued under this subsection does not authorize the operation of any vehicle combination at a maximum gross weight in excess of 98,000 pounds.

(b) A permit under this subsection is valid only for the transportation of loads between or among any of the following:

1. A manufacturing plant located in Racine County.
2. A distribution center located in Kenosha County.
3. A warehouse located in Kenosha County.
4. A warehouse located in Racine County.

(c) 1. Except as provided in subds. 2. and 3., and subject to par. (d), a permit under this subsection is valid only on STH 31 and on local highways designated in the permit that provide access to STH 31.

2. A permit under this subsection is not valid on any interstate highway designated under s. 84.29 (2) or on any highway or bridge with a posted weight limitation that is less than the vehicle combination's gross weight.

3. Except as provided in subd. 2., if any portion of STH 31 in Kenosha County or Racine County is closed, a permit under this subsection is valid on any highway providing a detour around this closed portion of STH 31.

(d) If the routes desired to be used by the applicant involve highways under the jurisdiction of local authorities, the department shall, prior to issuing the permit, submit the permit application to the officers in charge of maintenance of the local highways to be used, for their approval. The department may issue the permit, notwithstanding the objections of these officers, if, after consulting with these officers, the department determines that their objections lack merit.

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

(9) TRANSPORTATION OF LOADS NEAR THE MICHIGAN–WISCONSIN STATE LINE. (a) 1. The department may issue annual or consecutive month permits, for the transportation of loads on a vehicle or combination of vehicles exceeding statutory length or weight limitations and for the unladen operation of such vehicles returning from the delivery of a load or operating to or from a point of fueling, servicing, or purchase or sale of the vehicle, that authorize all of the following:

a. The transportation of loads over any class of highway for a distance not to exceed 11 miles from the Michigan−Wisconsin state line if the vehicle or combination of vehicles does not violate length or weight limitations under Michigan law.

b. The transportation of raw forest products, lumber, or forestry biomass anywhere upon USH 2 in Iron County, Florence County, or Ashland County or upon USH 2 in Bayfield County

from the Ashland County line through Hart Lake Road if the vehicle or combination of vehicles does not violate length or weight limitations under Michigan law.

d. The transportation of raw forest products, lumber, or forestry biomass on any highway route specified in subd. 3. if the vehicle or combination of vehicles does not violate length or weight limitations under Michigan law.

2. If the roads desired to be used by an applicant for a permit under this paragraph 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.

3. Subdivision 1. d. applies only on the following highway routes:

b. STH 77, from 2nd Avenue in the city of Hurley to Olson Road in the city of Mellen, in Iron and Ashland counties.

c. USH 51, from the USH 2/51 interchange north of the city of Hurley to Maple Ridge Road in the town of Mercer in Iron County.

d. USH 45, from the Wisconsin−Michigan border to Sunnyside Road south of the city of Antigo, in Vilas, Oneida, and Langlade counties.

e. STH 139, from the Wisconsin−Michigan border to USH 8, in Florence and Forest counties.

f. USH 8, from the Wisconsin−Michigan border in Marinette County to USH 45 in Oneida County.

(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.

(d) A permit issued under this subsection does not authorize the operation of any vehicle or vehicle combination at a maximum gross weight in excess of 164,000 pounds.

Cross−reference: See also ch. Trans 253, Wis. adm. code.

(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 the I 39 corridor and the I 41 corridor.

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.

4. Raw forest products in vehicle combinations that exceed the maximum gross weight limitations under s. 348.15 (3) (c) by not more than 18,000 pounds if the vehicle combination has 6 or more axles and the gross weight imposed on the highway by the wheels of any one axle of the vehicle combination does not exceed 18,000 pounds, except that the gross weight imposed on the highway by the wheels of any steering axle on the power unit may not exceed the greater of 13,000 pounds or the manufacturer's rated capacity, but not to exceed 18,000 pounds. Notwithstanding s. 348.15 (8), any axle of a vehicle combination that does not impose on the highway at least 8 percent of the gross weight of the vehicle combination may not be counted as an axle for the purposes of this subdivision. Subject to par. (c), a permit under this subdivision is not valid on any interstate highway designated under s. 84.29 (2) except for the I 41 corridor and that portion of the I 39 corridor between STH 34 in the town of Knowlton and STH 29 south of the city of Wausau, any highway or bridge with a posted weight limitation that is less than the vehicle combination's gross weight, and any part of the state trunk highway system that the department has designated by rule as a route on which a permit issued under this subsection is not valid.

(b) A permit issued under par. (a) 1. to 3. does not authorize the operation of any vehicle or vehicle combination at a maximum gross weight in excess of 90,000 pounds. A permit issued under par. (a) 4. does not authorize the operation of any vehicle combination at a maximum gross weight in excess of 98,000 pounds.

(c) A permit issued under par. (a) 4. shall expressly authorize the vehicle combination to exceed, on state trunk highways and connecting highways, any special weight limitation imposed under ss. 348.17 (1) and 349.16 (1) (a) and (2) in connection with the thawing of frozen highways and to be operated at the full weight allowable under par. (a) on state trunk highways and connecting highways. Notwithstanding s. 348.25 (3), a permit issued under par. (a) 4. may not be suspended by the department, or contain any condition or limitation imposed by the department, in connection with the thawing of frozen highways that are not state trunk highways or connecting highways, except that the operation of the vehicle combination is subject to posted weight limitations on these local highways.

(d) 1. The department shall suspend a permit issued under par. (a) 4. if the person operating under the permit does any of the following:

a. Violates any weight limitation specified in the permit more than 2 times during the valid period of the permit.

b. Violates any weight limitation specified in the permit by exceeding the weight limitation by 10,000 or more pounds.

2. The suspension under subd. 1. shall be for a period of 6 months. If the remaining valid period of the permit at the time of the suspension is less than 6 months, the person may not apply for, or operate under, any other permit issued under par. (a) 4. for a period of 6 months from the suspension.

Cross−reference: See also ch. Trans 259, Wis. adm. code.

(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 the I 39 corridor and the I 41 corridor.

Cross−reference: See also ch. Trans 269, Wis. adm. code.

(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.

Cross−reference: See also ch. Trans 258, Wis. adm. code.

(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. 126.01 (13), 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 any of the following loads to exceed the width limitation under s. 348.05 (1) if the total outside width does not exceed 12 feet 5 inches and the height does not exceed 14 feet 6 inches:

1. Baled hay, baled straw, baled cornstalks, or baled stover if the hay, straw, cornstalks, or stover is to be used for feed or bedding.

2. From September 15 to December 15 of each year, Christmas trees from the point of harvesting or staging to a Christmas tree yard or point of commercial shipment.

(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 size 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 or delivery 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.

Cross−reference: See also ch. Trans 269, Wis. adm. code.

(12m) PERMITS FOR VEHICLES TRANSPORTING CERTAIN BUILDINGS. (a) In this subsection:

1. a. "Building" means a dwelling or other structure or portion of a dwelling or other structure that, when measured as provided in subd. 1. b., is more than 12 feet wide, more than 14 feet 3 inches in height, or more than 100 feet long; that is transportable as a whole or in sections; and that is raised and supported from an existing foundation to be moved and placed on a permanent foundation at a new location where the dwelling or other structure is to be delivered. "Building" does not include a modular housing unit, a manufactured building as defined in s. 101.71 (6), or a manufactured home as defined in s. 101.91 (2).

b. For purposes of subd. 1. a., width shall be measured from the farthest extremity of the vehicle and load on each side, height shall be measured from the ground to the highest point of the vehicle and load, and length shall be measured from the rearmost point of the vehicle and load to the frontmost point of the vehicle.

2. "Vehicle" includes a combination of vehicles.

(b) The department may issue annual or consecutive month permits for vehicles transporting buildings on the highways. A permit under this subsection may be issued only by the department, regardless of the highways to be used.

(c) The department may not issue a permit under this subsection unless the department determines that all of the following requirements are met:

1. The applicant identifies each potential operator of a vehicle under the permit and provides proof that each such operator holds a valid commercial driver license, with any endorsement required under ch. 343 for operation of the class and type of vehicle to be used to transport a building under the permit.

2. The applicant provides proof of a valid motor carrier certificate or license of authority issued under ch. 194 or under federal law applicable for each vehicle to be used to transport a building under the permit.

3. The applicant provides proof, by a certificate of insurance filed with the department, that the applicant, in addition to satisfying the insurance requirements described in s. 346.924 (2), maintains a policy of comprehensive general liability insurance, issued by an insurer authorized to transact business in this state, that provides bodily injury liability coverage and property damage liability coverage, including for underground property damage, with a total limit of not less than $500,000 for each occurrence.

(d) The department may deny any application for a permit under this subsection if the department finds any of the following:

1. That the applicant, or any potential operator identified in par. (c) 1., has been convicted, within 3 years immediately preceding the date of application, of a violation of s. 346.924.

2. That the applicant, or any potential operator identified in par. (c) 1., has engaged in conduct endangering the safety of persons using the highways.

3. That the applicant has failed to provide reimbursement for damage, which is not paid for by the applicant's insurer, to a highway caused while transporting a building under a permit under this subsection.

4. That the applicant, or any potential operator identified in par. (c) 1., has abandoned a building on a highway or on public or private property without permission of the property owner.

(e) The provisions of this subsection apply in addition to any other requirement imposed under this chapter, chs. 194, 343, 346, and 347, and federal law.

(15) MULTIPLE TRIP PERMITS. (a) The department shall issue to qualifying applicants multiple trip permits for the transportation of granular roofing material 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 issued under this subsection does not authorize the operation of any vehicle or vehicle combination at a maximum gross weight in excess of 90,000 pounds. A permit under this subsection may be issued only by the department, regardless of the highways to be used. A permit under this subsection is not valid on highways designated as part of the national system of interstate and defense highways except that a permit may be issued that is valid on not more than 2.5 miles of any state trunk highway if such issuance of the permit is consistent with federal law.

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

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

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

2. A permit issued under this subsection shall include as conditions of the permit the information specified in subd. 1. a. and b.

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

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

Cross−reference: See also ch. Trans 263, Wis. adm. code.

(16) TRANSPORTATION OF HAY OR STRAW. (a) The department may issue annual or consecutive month permits for the transportation of loads of hay or straw on a vehicle or combination of vehicles that exceeds the height limitations under s. 348.06.

(b) If the roads desired to be used by an applicant for a permit under this subsection involve 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.

(c) A permit under this subsection does not authorize the operation of any vehicle or vehicle combination having an overall height in excess of 14 feet 6 inches if the vehicle or vehicle combination is being operated on a highway in an urban area or 15 feet if the vehicle or vehicle combination is being operated on any other highway. The department shall, by rule, define "urban area" for purposes of this paragraph and shall provide, with each permit issued under this subsection, information to the permit holder as to the meaning of this term.

(d) The department may promulgate rules regulating the configuration of the loads carried under permits issued under this subsection and how these loads are to be secured for safe travel.

(17) PERMITS FOR THE TRANSPORTATION OF SEALED LOADS IN INTERNATIONAL TRADE. (a) In this subsection, "sealed load" means a load consisting of a container or vehicle, being transported in international trade, that has been sealed with a tamper−evident seal affixed at the time of initial loading.

(b) The department may issue annual or consecutive month permits for the transportation of a sealed load in a vehicle or vehicle combination that has 6 or more axles and that exceeds the maximum gross weight limitations under s. 348.15 (3) (c) if the vehicle or vehicle combination does not exceed the maximum gross weight limitations under s. 348.29. Notwithstanding s. 348.15 (8), any axle of a vehicle or vehicle combination that does not impose on the highway at least 8 percent of the gross weight of the vehicle or vehicle combination may not be counted as an axle for the purposes of this paragraph. A permit issued under this subsection does not authorize the operation of any vehicle or vehicle combination at a maximum gross weight in excess of 90,000 pounds.

(18) PERMITS FOR THE TRANSPORTATION OF CERTAIN AGRICULTURAL PRODUCTS. (a) In this subsection:

1. "Agricultural product" means any of the following or any combination of the following:

a. Fruit.

b. Vegetables.

c. Grain, including distillers' grain.

d. Live livestock, as defined in s. 95.51 (1), feed for livestock, or nutritional supplements for livestock.

2. "Agricultural product" does not include liquid milk or liquid milk by−products, manure or animal waste, or raw forest products:

(b) Subject to par. (c), the department may issue annual or consecutive month permits for the transportation of agricultural products in vehicles or vehicle combinations that have 6 or more axles and that exceed the maximum gross weight limitations under s. 348.15 (3) (c) if the vehicle or vehicle combination does not exceed the maximum gross weight limitations under s. 348.295. Notwithstanding s. 348.15 (8), any axle of a vehicle or vehicle combination that does not impose on the highway at least 8 percent of the gross weight of the vehicle or vehicle combination may not be counted as an axle for the purposes of this paragraph. A permit issued under this subsection does not authorize the operation of any vehicle or vehicle combination at a maximum gross weight in excess of 90,000 pounds.

(c) A permit under this subsection is valid only for the transportation of agricultural products to a farm or from a field or farm to a storage facility on the grower's owned or leased land, a facility for initial storage that is not on the grower's owned or leased land, or a facility for initial processing.

(d) If the roads desired to be used by an applicant for a permit under this subsection involve 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.

(e) A permit under this subsection is not valid on any interstate highway designated under s. 84.29 (2) except to the extent allowed by federal law without any loss or reduction of federal aid or other sanction.

(19) NO−FEE PERMITS FOR IMPLEMENTS OF HUSBANDRY AND AGRICULTURAL COMMERCIAL MOTOR VEHICLES THAT EXCEED LENGTH OR WEIGHT LIMITATIONS. (a) In this subsection, "maintaining authority" means the following:

1. The department or its designee, with respect to state trunk highways and bridges crossing over state trunk highways.

2. The municipality or county responsible for maintenance of the highway or its designee, with respect to any highway that is not a state trunk highway, including any connecting highway. This subdivision does not apply to any bridge crossing over a state trunk highway.

(b) 1. Subject to subds. 3. and 5. b. and par. (c), a person may apply to the maintaining authority of a highway for an annual or consecutive month, no−fee permit to operate an implement of husbandry or agricultural commercial motor vehicle that exceeds limitations on length or weight, or both, imposed by this chapter. Subject to subds. 3. and 5. b. and par. (c), a person may also apply to the maintaining authority of a highway for an annual or consecutive month, no−fee permit to operate a 2−vehicle combination transporting by trailer or semitrailer an implement of husbandry or agricultural commercial motor vehicle that exceeds limitations on length or weight, or both, imposed by this chapter and that is being transported on the highway to or from a farm−related destination. Upon receiving a complete application for a no−fee permit under this subsection, the maintaining authority shall provide the applicant with a final decision on the application within 3 weeks of its receipt. If the maintaining authority fails to approve

or deny the application within this 3−week period, the application is considered approved until the applicant receives a denial meeting the requirements under subd. 4. or until 6 weeks from receipt of the application. If the maintaining authority fails to approve or deny the application within 6 weeks of its receipt, the application is approved.

2. Subject to subd. 3. and par. (c), any person to whom a no−fee permit has been issued under this subsection may, at any time, apply for an amendment to the permit to reflect a change in the applicant's circumstances or information, including a change in the listing or map of highways to be traveled. Upon receiving a complete application for amendment under this subdivision, the maintaining authority shall provide the applicant with a decision on the application within 5 business days of its receipt. If the maintaining authority fails to approve or deny the application within this period of 5 business days, the application is considered approved until the applicant receives a denial meeting the requirements under subd. 4. or until 10 business days from receipt of the application. If the maintaining authority fails to approve or deny the application within 10 business days of its receipt, the application is approved. This subdivision does not apply if the permit is a resolution or ordinance adopted under subd. 5. This subdivision does not apply with respect to a replacement vehicle as described in par. (c) 10.

3. Except as provided in subd. 5. b., an application under subd. 1. or 2. shall be made on the form prescribed by the department under par. (d) 1.

4. After receiving a complete permit application under subd. 1. or 2., if a maintaining authority denies the application, it shall notify the applicant in writing of the denial and the notice shall include a reasonable and structurally based explanation of the denial that relates to the preservation of the roadway.

4m. a. If a maintaining authority receives a complete permit application, or a complete application to amend a permit, for an implement of husbandry described in s. 340.01 (24) (a) 1. b. or for an agricultural commercial motor vehicle used as described in s. 340.01 (1o) (e) 1., the maintaining authority may not deny the application. However, the maintaining authority may modify the application to include an alternate route or map of highways other than those specified by the applicant under par. (c) 3. for operation or transportation of the implement of husbandry or agricultural commercial motor vehicle and shall approve the application.

b. For a maintaining authority under par. (a) 2., the alternate route or map of highways under subd. 4m. a. may include highways that are not under the jurisdiction of the maintaining authority issuing the permit only upon prior approval of the maintaining authority having jurisdiction over those highways, except that no prior approval is required with respect to a highway on which the implement of husbandry or agricultural commercial motor vehicle may be legally operated or transported without a permit or as authorized by a resolution or ordinance serving as a permit under subd. 5. b. For a maintaining authority under par. (a) 1., the alternate route or map of highways under subd. 4m. a. may not include highways that are not under the jurisdiction of the maintaining authority issuing the permit.

5. a. The governing body of a municipality or county may, by resolution or ordinance, authorize operation on any or all highways under the municipality's or county's jurisdiction of implements of husbandry and agricultural commercial motor vehicles that exceed limitations on length or weight, or both, imposed by this chapter. The governing body of a municipality or county may also, by resolution or ordinance, authorize operation on any or all highways under the municipality's or county's jurisdiction of 2−vehicle combinations transporting by trailer or semitrailer an implement of husbandry or agricultural commercial motor vehicle that exceeds limitations on length or weight, or both, imposed by this chapter and that is being transported to or from a farm−related destination. If the governing body of a municipality or county adopts a resolution or ordinance under this subd. 5. a., the resolution or ordinance shall be valid for at least one calendar year. For a resolution or ordinance under this subd. 5. a. to be effective in any calendar year, the resolution or ordinance must be adopted on or before November 30 of the prior year. No amendment to a resolution or ordinance is effective in a calendar year unless the amendment was adopted on or before November 30 of the prior year.

b. If the governing body of a municipality or county adopts a resolution or ordinance under subd. 5. a., then subd. 3. and par. (c) 3. do not apply, no permit application is required, and the resolution or ordinance shall serve as the permit under this subsection. The governing body of the municipality or county shall make copies of the resolution or ordinance readily available to the public at multiple locations within the municipality or county.

c. If the governing body of a municipality or county adopts a resolution or ordinance under subd. 5. a. that applies to fewer than all of the highways under the municipality's or county's jurisdiction or that authorizes operation or transportation of implements of husbandry and agricultural commercial motor vehicles but imposes conditions, restrictions, or limitations on this operation or transportation, then a person may apply for a permit under subd. 1. for operation or transportation of an implement of husbandry or agricultural commercial motor vehicle on any highway or under any circumstance not authorized by the resolution or ordinance.

d. No later than January 20 of the year after it adopts or amends a resolution or ordinance under this subdivision, each municipality or county that adopts a resolution or ordinance under this subdivision shall forward to the department a copy of the resolution or ordinance, and the department shall publish the resolution or ordinance on the department's Internet site.

(c) 1. With respect to any highway under its jurisdiction, and as provided in subd. 8. and par. (b) 4m. b., a maintaining authority may issue an annual or consecutive month, no−fee permit authorizing operation on the highway of an implement of husbandry or agricultural commercial motor vehicle that exceeds limitations on length or weight, or both, imposed by this chapter if the applicable requirements of this subsection are satisfied.

1m. With respect to any highway under its jurisdiction, and as provided in subd. 9. and par. (b) 4m. b., a maintaining authority may issue an annual or consecutive month, no−fee permit authorizing operation on the highway of a 2−vehicle combination transporting by trailer or semitrailer an implement of husbandry or agricultural commercial motor vehicle that exceeds limitations on length or weight, or both, imposed by this chapter and that is being transported to or from a farm−related destination, if the applicable requirements of this subsection are satisfied.

2. A no−fee permit issued under this subsection does not exempt any implement of husbandry or agricultural commercial motor vehicle from complying with all equipment and other requirements for an implement of husbandry or agricultural commercial motor vehicle specified in ch. 347.

3. Except as provided in par. (b) 5. b., an application for a no−fee permit under this subsection shall be accompanied by a listing or map of the highways that may potentially be traveled under authorization of the permit.

4. A no−fee permit issued under subd. 1. or 1m. is not valid on any highway that is a part of the national system of interstate and defense highways.

5. No fee may be charged for issuance or amendment of a permit under this subsection, or for any study, investigation, or other review in connection with an application for a permit or amendment of a permit under this subsection.

6. A maintaining authority under par. (a) 2. may issue permits under this subsection having a valid period that is longer than one year or for which there is no expiration.

7. Permits issued under this subsection by a maintaining authority under par. (a) 1., including amended permits for which

an application has been approved under par. (b) 2., shall automatically renew each year unless there is a material change to any roadway for which the permit applies.

8. In addition to the authorization under subd. 1., a no−fee permit issued under this subsection authorizes an implement of husbandry or agricultural commercial motor vehicle being operated in compliance with the permit to cross any highway that intersects with a highway under the jurisdiction of the maintaining authority that issued the permit. This subdivision does not apply to a bridge crossing over a state trunk highway.

9. In addition to the authorization under subd. 1m., a no−fee permit issued under this subsection authorizes a 2−vehicle combination transporting an implement of husbandry or agricultural commercial motor vehicle in compliance with the permit to cross any highway that intersects with a highway under the jurisdiction of the maintaining authority that issued the permit. This subdivision does not apply to a bridge crossing over a state trunk highway.

10. If an implement of husbandry or agricultural commercial motor vehicle for which a permit has been issued under this subsection is removed from service or sold, the permit authorizes the permittee to operate or transport a replacement vehicle of equal or lesser axle weight and gross weight, or of equal or lesser length, for the remainder of the valid period of the permit. The original terms of the permit, including any requirements imposed by the maintaining authority for issuance of the permit, apply to the permittee's operation or transportation of the replacement vehicle under the permit. If the replacement vehicle is of greater axle weight or gross weight, or of greater length, than that for which the permit was issued, the replacement vehicle may not be operated or transported under the permit and application must be made under par. (b) 1. and a new no−fee permit issued for the replacement vehicle before its operation or transportation is authorized.

11. If an application for a no−fee permit identifies multiple identical implements of husbandry or agricultural commercial motor vehicles to be operated on the same highways, as provided in par. (d) 1m., the maintaining authority shall issue a no−fee permit that identifies, and authorizes operation of, each implement of husbandry or agricultural commercial motor vehicle identified in the application. The permittee may make copies of the no−fee permit and, for purposes of s. 348.28, carry a copy of the permit, in lieu of the original, on any implement of husbandry or agricultural commercial motor vehicle identified in the no−fee permit.

(cm) If a no−fee permit is issued under this subsection authorizing a 2−vehicle combination to transport by trailer or semitrailer an implement of husbandry, the permit shall require the person transporting the implement of husbandry to comply with s. 347.24 (3) (b) 1. For purposes of this paragraph, the requirements under s. 347.24 (3) (b) 1. shall apply to an implement of husbandry being transported to the same extent as if the implement of husbandry were being operated.

(cr) If a no−fee permit is issued under this subsection authorizing a 2−vehicle combination to transport by trailer or semitrailer an agricultural commercial motor vehicle exceeding 8 feet 6 inches in total outside width, the permit shall require the person transporting the agricultural commercial motor vehicle to comply with s. 348.09 (3) (b).

(d) 1. The department shall prescribe an application form for no−fee permits, and amendments to no−fee permits, under this subsection. Except with respect to permits under par. (b) 5. b., this form shall be used by each maintaining authority. Subject to subd. 1m., the application form shall require the applicant to provide, on the form or as an attachment, all of the following information:

a. The applicant's contact information.

b. A listing or map of the highways that may potentially be traveled under authorization of the permit.

c. Identification of the types of implements of husbandry or agricultural commercial motor vehicles for which the application is made; the length, number of axles, make, model, and estimated weight of the implements of husbandry or agricultural commercial motor vehicles; and the time of year and frequency that these implements of husbandry or agricultural commercial motor vehicles are expected to be operated on the highway.

cm. If the application is for operation of a 2−vehicle combination transporting by trailer or semitrailer an implement of husbandry or agricultural commercial motor vehicle, a description of the power unit and trailer or semitrailer of the 2−vehicle combination, including make, model, estimated vehicle weight, and vehicle registration number, if applicable.

d. Changes to the original application when requesting an amendment to a previously issued no−fee permit.

e. Any other information considered necessary by the department to determine the acceptability of the application.

1m. The application form under subd. 1. for a no−fee permit shall provide the applicant an opportunity to identify, in one application, multiple identical vehicles or vehicle combinations constituting implements of husbandry or agricultural commercial motor vehicles for which application is made if each such implement of husbandry or agricultural motor vehicle will be operated on the same highways identified by the applicant under par. (c) 3.

2. The department shall prescribe a procedure for the submission of applications to the maintaining authority under par. (b) 1. and 2. The procedure shall allow an application to be submitted by mail, including certified mail, by electronic transmission, or in person, and shall include a method for accurately documenting the date of receipt of the application regardless of which delivery method is used.

3. a. Except as provided in subd. 3. b., c., d., and e., a maintaining authority shall keep confidential all information provided by an applicant for a permit under this subsection and this information is not open to public inspection, copying, or disclosure under s. 19.35.

b. A maintaining authority described in par. (a) 2. shall disclose to the department, upon its request, information provided by an applicant for a permit under this subsection, but the department shall keep the information confidential, and this information is not open to public inspection, copying, or disclosure under s. 19.35.

c. A maintaining authority shall, upon request, disclose to a law enforcement agency, for use only for law enforcement purposes, information provided by an applicant for a permit under this subsection.

d. This subdivision does not prohibit a maintaining authority from disclosing on a permit under this subsection the information necessary to carry out the purpose of the permit.

e. This subdivision does not prohibit a maintaining authority from disclosing information to the permit applicant or the applicant's agent or from disclosing, in any court proceeding, information necessary for judicial review of the maintaining authority's decision.

4. In making its initial determination on an application for a no−fee permit under this subsection, a municipality is not subject to the requirements under subch. V of ch. 19.

(e) 1. In this paragraph, "adverse determination" means the denial of an application for issuance or amendment of a no−fee permit under this subsection.

2. Notwithstanding s. 348.25 (9), any person aggrieved by an adverse determination by a municipality or county may obtain review of the adverse determination in the manner provided in ch. 68 or as provided under an ordinance or resolution adopted under s. 68.16. However, review of the initial determination of the municipality or county, under s. 68.09 or 68.10 or under the equivalent provision of an ordinance or resolution adopted by a municipality under s. 68.16, shall be made by, respectively, the governing body of the municipality or the county highway committee of the county. Notwithstanding ss. 19.83 (1) and 19.85 (1), any deliberation or proceeding, at a meeting of the governing body of a municipality or county or any of its committees, related to review of an adverse determination shall be conducted in closed session, with the permit applicant and any agent of the applicant present

for any evidentiary hearing or argument. The municipality or county shall keep confidential all information provided by or on behalf of the permit applicant during the proceeding and this information is not open to public inspection, copying, or disclosure under s. 19.35, except that this information may be included in the written decision provided to the permit applicant or applicant's agent and may be disclosed in any court proceeding for judicial review of the decision.

3. Any person aggrieved by an adverse determination by the department may petition as provided in s. 348.25 (9).

(f) 1. Except as provided in subd. 2., this subsection does not apply after January 1, 2020, and any permit issued under this subsection or resolution or ordinance adopted under par. (b) 5. a. on or before January 1, 2020, is void after January 1, 2020.

2. The confidentiality requirements under par. (d) 3. continue to apply after January 1, 2020, to all application information provided on or before January 1, 2020.

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; 2001 a. 16; 2003 a. 210, 241; 2005 a. 119, 167, 250; 2007 a. 11, 16, 171; 2009 a. 28, 222, 229; 2011 a. 20, 32, 53, 55, 56, 58, 59, 117, 243; 2013 a. 20, 34, 48; 2013 a. 165 ss. 76, 114; 2013 a. 216, 377; 2015 a. 15, 55, 232, 360.

Cross−reference: See also chs. Trans 230 and 250, Wis. adm. code.

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, 98−2851.

348.28 Permits to be carried. (1) (a) Permits issued under ss. 348.25, 348.26 and 348.27, other than a permit described in s. 348.27 (19) (b) 5. b., shall be carried on the vehicle during operations so permitted. This paragraph does not apply after January 1, 2020, with respect to a permit issued under s. 348.27 (19).

(b) Permits issued under s. 348.27 (19) that are required to be carried on the vehicle under par. (a) may be carried and produced in either printed or electronic format, including by display of electronic images on a cellular telephone or other electronic device. If the permit is displayed in electronic format on any cellular telephone or other electronic device, a traffic officer or inspector under s. 110.07 (3) may not view, and producing the permit in electronic format is not considered consent for the traffic officer or inspector to view, any content on the telephone or other device except the permit. This paragraph does not apply after January 1, 2020.

(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; 2005 a. 250; 2007 a. 171, 2011 a. 55, 56, 58, 243; 2013 a. 377.

348.29 Weight limitations for certain permits. Notwithstanding s. 348.15 (3) (c), for any vehicle or vehicle combination operating under a permit issued under s. 348.26 (8) or 348.27 (17), the gross weight imposed on the highway by any group of 6 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 348.29 following]

Figure 348.29:

	Maximum gross weight in pounds on a group of—		
Distances in feet between foremost and rearmost axles of a group	**6 consecutive axles of any combination of vehicles 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**
28			82,000
29			82,500
30			83,000
31			83,500
32			84,500
33			85,000
34			85,500
35		80,500	86,000
36		81,000	86,500
37		81,500	87,000
38		82,000	87,500
39		82,500	88,500
40		83,500	89,000
41		84,000	89,500
42		84,500	90,000
43		85,000	
44	80,500	85,500	
45	81,000	86,000	
46	81,500	87,000	
47	82,000	87,500	
48	83,000	88,000	
49	83,500	88,500	
50	84,000	89,000	
51	84,500	89,500	
52	85,000	90,000	
53	86,000		
54	86,500		
55	87,000		
56	87,500		
57	88,000		
58	89,000		
59	89,500		
60	90,000		

History: 2011 a. 55.

348.295 Weight limitations for certain permits. Notwithstanding s. 348.15 (3) (c), for any vehicle or vehicle combination operating under a permit issued under s. 348.27 (18), the gross weight imposed on the highway by any group of 6 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 348.295 following]

Figure 348.295:

	Maximum gross weight in pounds on a group of—		
Distances in feet between foremost and rearmost axles of a group	**6 consecutive axles of any combination of vehicles 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**
28			82,000
29			82,500
30			83,000
31			83,500
32			84,500
33			85,000
34			85,500
35		80,500	86,000
36		81,000	86,500
37		81,500	87,000
38		82,000	87,500
39		82,500	88,500
40		83,500	89,000
41		84,000	89,500
42		84,500	90,000
43		85,000	
44	80,500	85,500	
45	81,000	86,000	
46	81,500	87,000	
47	82,000	87,500	
48	83,000	88,000	
49	83,500	88,500	
50	84,000	89,000	
51	84,500	89,500	
52	85,000	90,000	
53	86,000		
54	86,500		
55	87,000		
56	87,500		
57	88,000		
58	89,000		
59	89,500		
60	90,000		

History: 2011 a. 56 s. 9; 2013 a. 165 s. 114.