

# State of Wisconsin



2007 Senate Bill 435

Date of enactment: **March 26, 2008**

Date of publication\*: **April 9, 2008**

## 2007 WISCONSIN ACT 171

AN ACT to amend 348.25 (3), 348.25 (4) (intro.), 348.27 (1) and 348.28 (1); and to create 348.27 (15) of the statutes; relating to: multiple trip permits for overweight vehicles transporting granular roofing material, providing an exemption from emergency rule procedures, and granting rule-making authority.

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

**SECTION 1.** 348.25 (3) of the statutes is amended to read:

348.25 (3) The department shall prescribe forms for applications for all single trip permits the granting of which is authorized by s. 348.26 and for those annual, consecutive month or multiple trip permits the granting of which is authorized by s. 348.27 (2) and (4) to ~~(4)~~ (15). 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.

**SECTION 2.** 348.25 (4) (intro.) of the statutes is amended to read:

348.25 (4) (intro.) Except as provided under s. 348.26 (5), (6), or (7) or 348.27 (3m), (9), (9m), (9r), (9t), (10), (12), ~~or (13)~~, or (15) 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:

**SECTION 3.** 348.27 (1) of the statutes is amended to read:

348.27 (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 ~~(4)~~ (15) shall be made upon forms prescribed by the department.

**SECTION 4.** 348.27 (15) of the statutes is created to read:

348.27 (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

\* Section 991.11, WISCONSIN STATUTES 2005-06 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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.

(e) No permit may be issued under this subsection after the first day of the 36th month beginning after the effective date of this paragraph .... [revisor inserts date].

**SECTION 5.** 348.28 (1) of the statutes is amended to read:

348.28 (1) Permits issued under ss. 348.25, 348.26 and 348.27 (1) to (10) ~~and~~, (12) to (13), and (15) shall be carried on the vehicle during operations so permitted.

**SECTION 6. Nonstatutory provisions.**

(1) The department of transportation shall submit in proposed form the rules required under section 348.27 (15) (d) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 4th month beginning after the effective date of this subsection.

(2) Using the emergency rules procedure under section 227.24 of the statutes, the department of transportation shall promulgate the rules required under section 348.27 (15) (d) of the statutes, as created by this act, for purposes of implementing this act, for the period before the effective date of the rules submitted under subsection (1). The department shall promulgate these emergency rules no later than the first day of the 4th month beginning after the effective date of this subsection. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these emergency rules may remain in effect until July 1, 2009, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

**SECTION 7. Effective dates.** This act takes effect on the first day of the 4th month beginning after publication, except as follows:

(1) SECTION 6 of this act takes effect on the day after publication.