

State of Wisconsin



2011 Assembly Bill 248

Date of enactment: **November 9, 2011**
Date of publication*: **November 23, 2011**

2011 WISCONSIN ACT 58

AN ACT to amend 348.25 (3), 348.25 (4) (intro.), 348.27 (1) and 348.28 (1); and to create 348.27 (16) of the statutes; relating to: annual or consecutive month permits for vehicles transporting overheight loads of hay or straw and other vehicles, 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 (15). The department shall prescribe an electronic application process for permits the granting of which is authorized by s. 348.27 (16). 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 (3), (3m), (4m), (9), (9m), (9r), (9t), (10), (12), (13), ~~or (15)~~, or (16), 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 (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.

SECTION 4. 348.27 (16) of the statutes is created to read:

348.27 (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

* Section 991.11, WISCONSIN STATUTES 2009-10 : 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].

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.

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), (12) to (13), ~~and (15), and (16)~~ 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

(16) (c) 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 3rd month beginning after the effective date of this subsection.

(2) Using the procedure under section 227.24 of the statutes, the department of transportation shall promulgate rules required under section 348.27 (16) (c) of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under section 348.27 (16) (c) of the statutes, as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), 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 public peace, health, safety, or welfare and is not required to provide a finding of an emergency for a rule promulgated under this subsection.

SECTION 7. Effective dates. This act takes effect on the first day of the 3rd month beginning after publication, except as follows:

(1) The treatment of SECTION 6 (1) and (2) of this act take effect on the day after publication.
