

## CHAPTER 348.

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## GENERAL PROVISIONS.

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

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

(a) "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.

348.02 Applicability of chapter. (1) The provisions of ch. 348 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 as are set forth in specific sections of the chapter.

(2) The provisions of ch. 348 restricting the size and weight of vehicles apply to the vehicle and any load which it is carrying.

(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 he had actually operated the vehicle himself.

(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, provided that the limitation on the number of vehicles in combination imposed by s. 348.08 may be exceeded only if the vehicles comprising the towed combination of vehicles cannot reasonably be separated so as to be transported singly, and that the emergency towing operation of a combination of vehicles in excess of statutory limitations on weight, length and number of vehicles in combination is permitted on a freeway only from the place of stalling or disablement on the freeway to the nearest feasible interchange exit from the freeway.

**History:** 1961 c. 205.

## 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, except as otherwise provided in this section.

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

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

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

(c) 12 feet for farm tractors, except that the total outside width of a farm tractor shall not exceed 9 feet when operated on any Wisconsin highway which is a part of the national system of interstate and defense highways;

(d) 10 feet 6 inches for snowplows attached to motor vehicles normally used for the transportation of milk;

(e) 8 feet 6 inches for loads of pulpwood, slabs and unplanned dimension material cut therefrom;

(f) 8 feet 8 inches for urban passenger busses;

(g) 8 feet 8 inches for busses operated as auxiliary to or as a part of a street railway system in counties of 500,000 population or more;

(h) 8 feet 8 inches for trackless trolley busses and passenger busses operated within or between counties of 500,000 or more population and counties contiguous thereto or such greater width for trackless trolley busses as has been expressly authorized by the public service commission with the consent of the municipality in which such trolley bus is operated;

(i) A realistic body width of 8 feet for mobile homes;

(j) 8 feet 6 inches for vehicles carrying concrete pipes or prefabricated or preassembled house-wall sections laid flat, when operated on highways not a part of the national system of interstate and defense highways.

(k) 9 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. The term "fender line" as used herein means as defined in s. 348.09. This paragraph shall not be applicable to transport on highways designated as parts of the national system of interstate and defense highways pursuant to s. 84.29. The exemptions provided by this paragraph shall apply only to single and tandem axle trucks.

(3) **OVERWIDTH FARM MACHINERY.** Farm tractors exceeding 12 feet in width and all other farm machinery and implements of husbandry exceeding 8 feet in width not being operated in the course of performance of its work may be moved, towed or hauled over the highways without special permit between one-half hour before sunrise and sunset on Mondays to Thursdays and from one-half hour before sunrise to 2 p.m. on Fridays. Such overwidth machinery shall not be moved on any Wisconsin highway which is part of the national system of interstate highways without special permit.

**History:** 1961 c. 108; 1963 c. 449, 548; 1965 c. 233.

**Note:** The federal law setting up the national system of interstate and defense highways provides for withholding federal aid funds for such highways if a state permits such highways to be used by vehicles exceeding 8 feet in width or the corresponding legal width limitation in effect in the state on July 1, 1956, whichever is greater. 23 USCA s. 127.

**348.06 Height of vehicles.** (1) No person, without a permit therefor, shall operate on a highway any motor vehicle, mobile home, trailer or semitrailer having an over-all height in excess of 13½ feet, except as otherwise provided in sub. (2).

(2) The following vehicles may be operated without a permit for excessive height if the over-all height does not exceed the indicated limitations:

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

(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:** 1963 c. 6.

**348.07 Length of vehicles.** (1) No person, without a permit therefor, shall operate on a highway any single vehicle with an over-all length in excess of 35 feet or any combination of 2 vehicles with an over-all length in excess of 55 feet, except as otherwise provided in subs. (2) and (2a).

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

(a) 40 feet for passenger busses other than trackless trolley busses;

(b) 40 feet for trolley busses, or such greater length as has been expressly authorized by the public service commission with the consent of the municipality in which such trolley bus is operated;

(c) 45 feet for mobile homes;

(d) 60 feet for a combination of mobile home and towing vehicle, except that no

mobile home and towing vehicle having a combined length in excess of 50 feet shall be operated during the hours of 12 m. to 12 p.m. on Sundays, New Year's, Memorial, Independence, Labor, Thanksgiving and Christmas days;

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

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

(3) The over-all length of a semitrailer or mobile home shall be measured from the rear thereof to the rear of the vehicle to which it is attached.

**History:** 1963 c. 337, 503; 1965 c. 152, 249.

**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 vehicles may, without such permit, be drawn or attached when such vehicles are being transported by the drive-away method in saddle-mount combination and the over-all length of such combination of vehicles does not exceed 55 feet; or

(b) Two trailers used primarily as implements of husbandry in connection with seasonal agricultural activities or one such trailer and any other implement of husbandry may, without such permit, be drawn by a farm tractor if the operation of such combination of vehicles is exclusively a farming operation and not for the transportation of property for hire and if the overall length of such combination of vehicles does not exceed 55 feet.

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

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

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

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.

(2) Whenever any train of agricultural vehicles being operated under authority of sub. (1) (b) is about to cross an intersection with a through highway, the operator of the train shall cause the intersection to be flagged at points on the through highway approximately 125 feet in each direction from the place of crossing. Such trains of agricultural vehicles shall be equipped as provided in s. 347.21 and trailer hitches shall be of a positive nature so as to prevent accidental release.

**History:** 1963 c. 337, 503.

**348.09 Projecting loads on side of vehicles.** (1) No person, without a permit therefor, shall 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. In the case of motor trucks, "fender line" means the outermost limits of the rear fenders, flare boards or floor of the body, whichever projects outward the farthest.

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

**348.10 Special limitations on load.** (1) No person, without a permit therefor, shall 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 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 shall operate on a highway any motor vehicle, trailer or semitrailer carrying logs unless the logs are securely fastened to the vehicle by chains or unless the vehicle is equipped with stakes which are securely fastened by chains and the top of the load is lower than the top of the stakes.

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

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

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

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

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

**History:** 1967 c. 292.

**348.11 Penalty for violating size and load limitations.** (1) Any person violating any provision of s. 348.09 or 348.10 may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

(2) Any person violating any provision of ss. 348.05 to 348.08 may be fined not less than \$50 nor more than \$100 for the first offense and may be fined not less than \$100 nor more than \$200 or imprisoned not less than 10 nor more than 30 days, or both, for the second and each subsequent conviction within one year.

#### WEIGHT.

**348.15 Weight limitations on class "A" highways.** (1) In this section:

(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 42 inches apart, extending across the full width of vehicle and load;

(b) "Class 'A' highway" includes all state trunk highways and connecting streets and those county trunk highways, town highways and city and village streets, or portions thereof, which have not been designated as class "B" highways pursuant to s. 349.15.

(2) Subject to the enforcement tolerances specified in sub. (3) and subject to any modifications made by a city of the first class pursuant to s. 349.15 (3), no person, without permit therefor, shall operate on a class "A" highway any vehicle or combination of vehicles which does not comply with the following weight limitations:

(a) The gross weight imposed on the highway by any wheel or wheels supporting one end of an axle shall not exceed 10,000 pounds;

(b) The gross weight imposed on the highway by the wheels of any one axle shall not exceed 18,000 pounds;

(c) The gross weight imposed on the highway by any group of 2 or more consecutive axles of a vehicle or combination of vehicles shall not exceed 95 per cent of the maximum gross weights listed in the tabulations set forth in sub. (3) (c) for the respective distances in feet between the foremost and rearmost axles of a group and the respective numbers of axles in the group under consideration;

(d) The gross weight imposed on the highway by all axles of a vehicle or combination of vehicles shall not exceed 69,350 pounds.

(3) For enforcement purposes only and in recognition of 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, no summons or complaint shall be issued, served or enforced under sub. (2) unless:

(a) The gross weight imposed on the highway by any one wheel or multiple wheels supporting one end of an axle exceeds 11,000 pounds; or

(b) The gross weight imposed on the highway by the wheels of any one axle exceeds 21,000 pounds, in the case of a 2-axle motor truck transporting peeled or unpeeled forest products cut crosswise, or 19,500 pounds in the case of any other vehicle; or

1. The gross weight imposed on the highway by the wheels of any one axle exceeds 21,000 pounds in the case of a 2-axle motor truck 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 when operated on highways not a part of the national system of interstate and defense highways.

(c) The gross weight imposed on the highway by any group of 2 or more consecutive axles of a vehicle or combination of vehicles exceeds 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:

Distances in feet between foremost and rearmost axles of a group	Maximum gross weight in pounds on a group of—		
	2 consecutive axles of a 2-axle vehicle or of 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	32,000		
5	32,000		
6	32,000		
7	33,000	37,000	
8	35,000	38,500	
9	37,000	39,900	
10	38,000	41,200	42,500
11	39,000*	42,400	44,300
12		43,500	46,000
13	* Maximum at	44,500	47,600
14	11 or more	45,500	49,100
15	feet between	46,500	50,500
16	axles	47,500	51,800
17		48,500	53,000
18		49,500	54,100
19		50,500	55,100
20		51,500	56,000
21		52,200	56,800
22		52,900	57,600
23		53,600	58,400
24		54,300	59,200
25		55,000	60,000
26		55,700	60,800
27		56,400	61,600
28		57,100	62,400
29		57,800	63,200
30		58,500**	64,000**
		** Maximum at 30 or more feet between axles	** Maximum at 30 or more feet between axles

(d) The gross weight imposed on the highway by all axles of a vehicle or combination of vehicles exceeds 73,000 pounds.

(4) The maximum weights set forth in sub. (3) include absolutely all tolerances allowable for enforcement purposes and in judging violations of the law.

(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 scales in good working order which are

tested periodically by the department of agriculture 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 herein prescribed, includes all statutory tolerances and represents the momentary load force or reaction imposed on the scale at the time of weighing. Such tolerances include any variation due to (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.

(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.

**History:** 1961 c. 452.

The corporate owner of an overloaded State v. Dried Milk Products Co-operative, truck could be found guilty without a finding of knowledge. 989.05 does not apply. 16 W (2d) 357, 114 NW (2d) 412.

**348.16 Weight limitations on class "B" highways.** (1) In this section:

(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 42 inches apart;

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

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

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

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

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

**348.175 Seasonal operating rights for vehicles hauling peeled or unpeeled forest products cut crosswise.** The transportation of peeled or unpeeled forest products cut crosswise shall not be restricted because of gross weight limitations 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 upon a class "A" highway in such frozen condition then he may likewise use a class "B" highway without other limitation, except that chains and other traction devices are prohibited on class "A" highways but such chains and devices may be used in cases of necessity. The officers or agencies in charge of maintenance of highways, upon determination of such frozen condition and freedom of damage to such highways by transportation, forthwith shall grant such operating right. Any person transporting any such product over any highway of this state under this section is liable to the state for any damage caused to such highway.

Interpretation by the commission that this section requires individual application for permit to operate overweight vehicle sustained. *State v. Fischer*, 17 W (2d) 141, 115 NW (2d) 553. Vehicle hauling overweight loads by virtue of a special permit pursuant to 348.175 are liable for registration fee set forth in 341.25 for such permitted excess loads. 54 Atty. Gen. 179.

**348.18 Weight limitations apply to publicly-owned vehicles; exceptions.** (1) Except as provided in sub. (2), ss. 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.

(2) State, county or municipal vehicles purchased prior to January 1, 1954, and having a manufacturers gross vehicle weight rating, as established by the motor truck division of the automobile manufacturers' association, of 26,000 pounds or more may be operated for any purpose until July 1, 1963.

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

**History:** 1963 c. 188.

**348.19 Traffic officers may weigh vehicles and require removal of excess load.** (1) 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 stationary scales and may require that such vehicle be driven to the nearest usable certified scale.

(2) 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 or 348.16 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 or 348.16 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.

(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. 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.

**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 public service commission or motor vehicle 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, co-partnership or corporations whose principal business is leasing of vehicles including trailers and semitrailers as described in s. 194.44, 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.

(3) When a vehicle or combination of vehicles is transporting livestock and a violation of a single axle or a group of axles over the limits set forth in ss. 348.15 (3) (b) or (c) and 348.16 is detected, there shall be no prosecution provided that the axles under consideration can be made legal by shifting the load but no shifting of load shall be required unless the overload is more than 1,500 pounds per axle or group of axles. The

21,000 pound axle weight specified in s. 348.15 (3) (b) is not applicable to this section. This shall not apply to the national interstate and defense highway system.

**History:** 1961, c. 589.

Both the owner and operator may be charged with violating the weight laws and required to post bond. The vehicle and load cannot be held for the purpose of forcing the posting of a bond by the owner but it may be held as evidence of the criminal violation. 54 Atty. Gen. 45.

**348.21 Penalty for violating weight limitations.** (1) Any person violating s. 348.185 may be fined not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the second and each subsequent conviction within one year.

(2) (a) Any person who violates s. 348.17 (2) or 348.19 (3) may be fined not less than \$50 nor more than \$100 for the first offense and, for the second or each subsequent conviction within a 12-month period, may be fined not less than \$100 nor more than \$200 or imprisoned not less than 10 nor more than 30 days or both.

(b) If the load on any wheel axle or group of axles does not exceed the weight prescribed in s. 348.15 (3) (a), (b) or (c) or 348.16 by more than 1,000 pounds and provided 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 tolerated limits, the official shall direct the operator to reload. If such reloading is accomplished and all axles or group of axles are within the legal limits, a fine of \$10 shall be imposed. This fine shall be paid upon the basis of the citation issued by the official to the court named in the citation. Failure to pay shall subject the operator to the penalty in par. (a) or sub. (3) (a). Violations under this section shall not be considered as violations or prior convictions under par. (a), sub. (3) (a) or (3) (b).

(3) Any person violating s. 348.15 or 348.16 or any weight limitation posted as provided in s. 348.17 (1) 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), a fine of not less than \$50 nor more than \$100 for the first offense and, for the second and each subsequent conviction within a 12-month period, a fine of not less than \$100 nor more than \$200 or imprisonment for not less than 10 nor more than 30 days or both.

(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), the fine shall be computed according to the following schedule and, in the case of violation of s. 348.175, shall be computed on the basis of the weight stated in the permit:

1. For the first conviction, a fine of not less than \$50 nor more than \$200 plus an amount equal to: 1 cent for each pound of total excess load when the total excess is not over 2,000 pounds; 2 cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds; 3 cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds; 5 cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds; 7 cents for each pound of total excess load if the excess is over 5,000 pounds.

2. For the second and each subsequent conviction within a 12-month period, a fine of not less than \$100 nor more than \$300 or imprisonment for not less than 10 nor more than 30 days or both, plus an amount equal to: 2 cents for each pound of total excess load when the total excess is not over 2,000 pounds; 4 cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds; 6 cents for each pound of total excess load if the excess is over 3,000 and not over 4,000 pounds; 8 cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds; 10 cents for each pound of total excess load if the excess is over 5,000 pounds.

(4) For the purpose of determining a repetitious violator, receipt of a certificate of conviction by the department is prima facie evidence of conviction. In determining whether a second or subsequent conviction has occurred within a given 12-month period, either the original judgment of conviction in justice or trial court or the affirmance of the judgment by an appellate court, if such 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 bail or appearance money or payment of a fine is a conviction within the meaning of this section.

**History:** 1965 c. 522.

(2) (b) applies where vehicle is overweight on an axle or wheel because of shifting of load. If excess is not more than 1,000 pounds over allowed tolerances and can be reloaded on same vehicle to bring weight within tolerated limits, a special fine of \$10 applies. The defendant has the burden of proving that the load shifted. 49 Atty. Gen. 186.

**348.22 Courts to report weight violation convictions.** Whenever any owner or operator is convicted of violating any provision of ss. 348.15 to 348.17 or any ordinance enacted pursuant to s. 349.15 (3), the clerk of the court in which such conviction occurred, or the judge, justice or magistrate if the court has no clerk, shall, within 48 hours after the conviction, forward a certificate thereof to the department upon a suitable form to be devised and furnished by the department. Forfeiture of bail or appearance money or payment of a fine is a conviction within the meaning of this section.

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) 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. Any person who violates a condition of a permit under which he is operating is subject to the same penalties as would be applicable if he were operating without a permit.

(3) The state highway commission shall prescribe forms for applications for all single trip permits the granting of which is authorized by s. 348.26 and for those annual or multiple trip permits the granting of which is authorized by s. 348.27 (2), (4), (5), (6) and (7). The commission 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. Local officials granting permits may impose such additional reasonable conditions as they deem necessary in view of local conditions.

(4) 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 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.

(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. Proof of such insurance shall be required in the case of annual permits for transportation of oversize mobile homes.

(7) The officer or agency which issued a permit may, for good cause, suspend or revoke such permit after having given the permittee reasonable opportunity for a hearing.

**History:** 1963 c. 35.

**348.26 Single trip permits.** (1) **APPLICATIONS.** All applications for single trip permits for the movement of oversize or overweight vehicles or loads shall be made upon the form prescribed by the state highway commission 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.

(2) **PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES OR LOADS.** Except as provided in sub. (4), single trip permits for oversize or overweight vehicles or loads may be issued by the state highway commission 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 accompany the vehicle through his municipality or county, a reasonable charge for such traffic officer's services shall be paid by the permittee.

(3) TRAILER TRAIN PERMITS. The state highway commission 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 state highway commission. No permit shall be issued for any train exceeding 100 feet in total length. Every permit issued pursuant to this subsection shall designate the route to be used by the permittee.

(4) MOBILE HOME PERMITS. Single trip permits for the movement of oversize mobile homes may be issued only by the state highway commission, regardless of the highways to be used. Every such permit shall designate the route to be used by the permittee and shall authorize use of the highways only between sunrise and sunset on days other than Saturdays, Sundays and holidays.

**348.27 Annual or multiple trip permits.** (1) APPLICATIONS. All applications for annual 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), (4), (5), (6) and (7) shall be made upon forms prescribed by the state highway commission.

(2) ANNUAL PERMITS. Annual permits for oversize or overweight vehicles or loads may be issued by the state highway commission, regardless of the highways involved. A separate permit is required for each oversize or overweight vehicle to be operated upon a highway.

(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.

(4) INDUSTRIAL INTERPLANT PERMITS. The state highway commission 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 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 from plant to state line for vehicles or loads of width exceeding 96 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. A separate permit is required for each oversize vehicle to be operated.

(5) POLE, PIPE AND VEHICLE TRANSPORTATION PERMITS. The state highway commission may issue an annual permit to pipeline companies or operators or public service corporations for transportation of poles, pipe, girders and similar materials used in its business and to auto carriers operating "haulaways" specially constructed to transport motor vehicles and which exceed the maximum limitations on length of vehicle and load imposed by this chapter. Such permits issued to auto carriers shall limit the length of vehicle and load to a maximum of 10 feet in excess of the limitations in s. 348.07 (1) and shall be valid only on a class "A" highway as defined in s. 348.15 (1) (b).

(6) TRAILER TRAIN PERMITS. Annual permits for the operation of trains consisting of truck tractors, tractors, trailers, semitrailers or wagons which do not exceed a total length of 100 feet may be issued by the state highway commission 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. No trailer train permit issued by the local officials for use of highways outside the corporate limits of a city or village is valid until approved

by the state highway commission. Every permit issued pursuant to this subsection shall designate the route to be used by the permittee.

(7) **MOBILE HOME PERMITS.** The state highway commission may issue annual state-wide permits to licensed mobile home transport companies and to licensed mobile home manufacturers and dealers authorizing them to transport oversize mobile homes over any of the highways of the state in the ordinary course of their business. Every such permit shall authorize use of the highways only between sunrise and sunset on days other than Saturdays, Sundays and holidays.

**History:** 1961 c. 595; 1965 c. 445; 1967 c. 123.

**348.28 Permits to be carried.** (1) Permits issued under ss. 348.25 to 348.27 shall be carried on the vehicle during operations so permitted.

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