

1999 DRAFTING REQUEST

Bill

Received: **09/24/98**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Judy**

This file may be shown to any legislator: NO

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **TNF**

Topic:

transporting bulk materials; covers and mudflaps

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nilsepe 09/28/98	gilfokm 11/23/98		_____			S&L
/1			ismith 11/24/98	_____	lrb-docadmin 11/24/98	lrb-docadmin 11/30/98	

FE Sent For:

01-14-99

<END>

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/1			ismith 11/24/98	_____	lrb_docadmin 11/24/98		

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<END>

1999 DRAFTING REQUEST

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Received: 09124198

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Judy**

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/?	nilsepe	1-11-23 dmg	IS 11/24	IS/HH 11/24			

FE Sent For:

<END>

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Judy Schneider

9/24/98

1) 97-0615 for Krusick
bulk material on highways

97-0311

also mandate mud flaps on bulk transporters

~~2) eliminate prohibition against flashing
hi-beam lights on oncoming cars~~

~~97-0309~~

~~3) no tar & gravel repair of roads
(D-note: want to specify distance?)~~

~~97-0312~~

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KG
-0311/1

1997 ASSEMBLY BILL 161

in sen

D-note

March 6, 1997 - Introduced by Representatives HARSDORF and NOTESTEIN, cosponsored by Senator GROBSCHMIDT. Referred to Committee on Highways and Transportation.

Sen Cat.

1 **AN ACT** *to amend* 347.46 (2) (intro.), 347.46 (2) (a) and 347.46 (2) (b); and **to**
2 **create** 347.46 (2) (d) of the statutes; **relating to:** ~~requiring~~ mudguards on road
3 tractors, truck tractors, trailers, semitrailers and farm trailers and ~~minimum~~
4 ~~ground clearance for mudguards.~~ *+ transporting bulk materials^s on a highway*

Analysis by the Legislative Reference Bureau

Current law requires every privately owned motor truck and most semitrailers operated on a highway between cities to be equipped with fenders or mudguards to minimize the amount of water, mud and debris thrown by the rear wheels. This requirement does not apply to motor trucks and semitrailers that have dump bodies.

This bill requires every motor truck, road tractor, truck tractor trailer, semitrailer and farm trailer, except farm trucks equipped with dump bodies, whether owned publicly or privately, operated upon a highway to be equipped with fenders or mudguards. The bill reduces the maximum ground clearance of acceptable fenders or mudguards from one-third of the horizontal distance from the center of the rearmost axle to the fender or mudguard to one-fifth of that distance. The bill also establishes a maximum ground clearance of ~~8~~ inches for fenders or mudguards on vehicles equipped with dump bodies that are transporting sand, gravel or similar material.

six

ASSEMBLY BILL 161

Insert
A

For further information *see* the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 347.46 (2) (intro.) of the statutes is amended to read:

347.46 (2) (intro.) No person shall may operate on a highway ~~in intercity movement any privately owned~~ any motor truck ~~or privately owned, road tractor, trailer, farm trailer, semitrailer drawn by a~~ or truck tractor, except ~~those motor farm trucks and semitrailers~~ equipped with dump bodies, unless ~~such motor truck or semitrailer~~ the vehicle is equipped with rear fenders or mudguards of such material and so constructed and placed as to restrict to a minimum the splashing of water, mud or other material which may be thrown by the rear wheels. ~~Such~~ The rear fenders or mudguards shall meet all of the following minimum specifications:

SECTION 2. 347.46 (2) (a) of the statutes is amended to read:

347.46 (2) (a) The fenders or mudguards shall cover the tire or multiple tires they are protecting starting at the top from a line drawn vertically through the center of the axle and extending rearward and downward so that the fender or mudguard under any condition of operation or loading of the vehicle has a ground clearance of not more than ~~one-third~~ one-fifth of the horizontal distance from the center of the rearmost axle to the fender or mudguard;.

SECTION 3. 347.46 (2) (b) of the statutes is amended to read:

347.46 (2) (b) The fenders or mudguards shall be at least as wide as the tire or multiple tires they are protecting;.

SECTION 4. 347.46 (2) (d) of the statutes is created to read:

Prop w/ notes

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ASSEMBLY BILL 161

1 347.46 (2) (d) Notwithstanding any other requirement of this subsection, a
2 motor truck or semitrailer equipped with a dump body that dumps through the floor
3 of the cargo body and that is transporting sand, gravel, dirt, rock or similar material
4 shall be equipped with mudguards that are mounted to the rear of the axles, cover
5 the entire width of the vehicle and have a ground clearance of not more than 6 inches
6 when the vehicle is loaded.

Insert
3-6
7 **SECTION 5. Effective date.**

8 (1) This act takes effect on the first day of the 4th month beginning after
9 publication.

10

(END)

1997 ASSEMBLY BILL 94

February 12, 1997 – Introduced by Representatives KRUSICK, SCHNEIDER, BLACK, BOCK, BOYLE, CARPENTER, CULLEN, GROTHMAN, KAUFERT, MURAT, NOTESTEIN, R POTTER, ROBSON, SPRINGER, TURNER, URBAN, WILLIAMS and R. YOUNG, cosponsored by Senators ADELMAN, COWLES, DARLING, GROBSCHMIDT, WINEKE and WIRCH. Referred to Committee on Highways and Transportation.

AN ACT to renumber and amend 348.10 (2); and to create 348.10 (2) (b) and (c) of the statutes; relating to: transporting bulk materials on a highway.

2

Analysis by the Legislative Reference Bureau

(P) Also Under current law, no person is permitted to operate a vehicle on a highway unless the vehicle is so constructed and loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping from the vehicle. A forfeiture of not less than \$10 nor more than \$200 may be imposed for violating this provision.

This bill specifies that a load of bulk material, such as sand, gravel or dirt, that is not in containers must be covered when being transported on a highway to prevent the load from dropping or sifting from the vehicle. Failure to comply with this provision also may result in a forfeiture of not less than \$10 nor more than \$200.

The bill specifies that both of these provisions do not apply to bulk material being applied to a highway for highway construction or maintenance.

*insert
A*

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

3

SECTION 1. 348.10 (2) of the statutes is renumbered 348.10 (2) (a) and amended

4

to read:

insert



ASSEMBLY BILL 94

1 348.10 (2) (a) No person ~~shall~~ may operate a vehicle on a highway unless such
2 vehicle is so constructed and loaded as to prevent its contents from dropping, sifting,
3 leaking or otherwise escaping therefrom.

4 **SECTION 2.** 348.10 (2) (b) and (c) of the statutes are created to read:

5 348.10 (2) (b) Notwithstanding par. (a), no person may operate on a highway
6 a vehicle loaded with bulk material, such as sand, gravel or dirt, that is not in
7 containers unless the vehicle is so loaded and covered as to prevent the load from
8 dropping or sifting from the vehicle.

9 (c) This subsection does not apply to the application of a bulk material to a
10 highway for the purpose of maintenance or construction of the highway.

11 ~~(END)~~

(end insert 3-6)

Handwritten marks or symbols in the top right corner.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1873/1dn
PEN: ~~kat~~:kat
Amy - 0311/1dn

~~Monday, February 3, 1997~~

Mon., Sept. 28, 1998

Ⓟ - The provisions of this bill relating to covering bulk materials are identical to 1997 Assembly Bill 94.

Ⓟ - The provisions of this bill relating to mudguards are modeled on Minnesota law. See Minn. Stat. § 169.733 (1996).

Paul E. Nilsen
Legislative Attorney
261-6926

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0311/1dn
PEN:kg:ijs

November 24, 1998

The provisions of this bill relating to covering bulk materials are identical to 1997 Assembly Bill 94.

The provisions of this bill relating to mudguards are modeled on Minnesota law. See Minn. Stat. § 169.733 (1996).

Paul E. Nilsen
Legislative Attorney
261-6926

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**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 11/24/98

To: Representative Schneider

Relating to LRB drafting number: LIB-03 11

Topic

transporting bulk materials; covers and mudflaps

Subject(s)

Transportation - traffic laws

1. **JACKET** the draft for introduction _____

MAS

in the Senate _____ **or the Assembly** (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney
Telephone: (608) 261-6926