

1999 SENATE BILL 77

March 10, 1999 – Introduced by Senators BRESKE, ZIEN, FARROW, DRZEWIECKI, LAZICH, SCHULTZ and BAUMGART, cosponsored by Representatives SYKORA, GUNDERSON, RYBA, AINSWORTH, PETTIS, OLSEN, PORTER, PLOUFF, LADWIG, HANDRICK, ALBERS, MUSSER, VRAKAS, POWERS, GRONEMUS, BRANDEMUEHL, SERATTI, SUDER, KESTELL, KREIBICH and BALOW. Referred to Committee on Insurance, Tourism, Transportation and Corrections.

- 1 **AN ACT to amend** 349.16 (3) of the statutes; **relating to:** exempting certain
2 vehicles transporting material pumped from a septic or holding tank from
3 special or seasonal weight limitations imposed by local highway authorities.

Analysis by the Legislative Reference Bureau

Under current law, local highway authorities may impose special or seasonal weight limitations on highways which, because of deterioration or climatic conditions, would likely be seriously damaged or destroyed if such limitations were not imposed. For vehicles carrying certain commodities or being used to perform certain services, including services related to pumping waste from septic or holding tanks, local highway authorities may set different weight limitations or exempt such vehicles from the special or seasonal weight limitations if an exemption or limitation is in the interest of public health, safety and welfare.

This bill provides that any special or seasonal weight limitations imposed by a highway authority do not apply to any vehicle used to transport material pumped from a septic or holding tank if, because of health concerns, the material needed to be removed from the septic or holding tank within 24 hours after the vehicle owner or operator is notified and the vehicle is operated on the most direct route. The bill requires the vehicle owner or operator to notify local highway authorities within 72 hours after operating such a vehicle in excess of the special or seasonal weight limitations.

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., the department of transportation, as required by law, will prepare a report to be printed as an appendix to this bill.

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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:

1 **SECTION 1.** 349.16 (3) of the statutes is amended to read:

2 349.16 (3) The authority in charge of the maintenance of the highway may
3 exempt vehicles carrying certain commodities specified by the authority or which are
4 used to perform certain services specified by the authority, ~~including but not limited~~
5 ~~to pumping septic or holding tanks~~, from the special weight limitations which are
6 imposed under sub. (1) (a), or may set different weight limitations than those
7 imposed under sub. (1) (a) for vehicles carrying those commodities or which are used
8 to perform those services, if such exemption or limitation is reasonable and necessary
9 to promote the public health, safety and welfare. The authority in charge of the
10 maintenance of the highway shall exempt from the special or seasonal weight
11 limitations imposed under sub. (1) (a) any vehicle that is transporting material
12 pumped from a septic or holding tank if, because of health concerns, the material
13 needed to be removed from the septic or holding tank within 24 hours after the
14 vehicle owner or operator is notified and if the vehicle is travelling on the most direct
15 route between the septic or holding tank and the location where the vehicle's contents
16 are to be unloaded. Within 72 hours after operating a vehicle that transported
17 material pumped from a septic or holding tank and that exceeded special or seasonal
18 weight limitations as authorized by this subsection, the owner or operator of the
19 vehicle shall notify the authority in charge of maintenance of the highways over
20 which the vehicle was operated.

21 **SECTION 2. Initial applicability.**

