

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 1999 SENATE BILL 265**

March 28, 2000 – Offered by COMMITTEE ON INSURANCE, TOURISM, TRANSPORTATION  
AND CORRECTIONS.

1 **AN ACT** *to renumber* 346.94 (7); *to renumber and amend* 348.10 (2); *to amend*  
2 347.46 (2) (intro.); and *to create* 346.94 (7) (b), 347.46 (2) (d) and 348.10 (2) (b)  
3 and (c) of the statutes; **relating to:** transporting bulk materials on a highway,  
4 liability for spilling waste or foreign matter upon or along a highway and  
5 mudguards on motor trucks and semitrailers transporting bulk materials.

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

6 **SECTION 1.** 346.94 (7) of the statutes is renumbered 346.94 (7) (a).

7 **SECTION 2.** 346.94 (7) (b) of the statutes is created to read:

8 346.94 (7) (b) Any person who violates par. (a) is liable for any harm to another  
9 person using the highway or to another vehicle resulting from the violation.

10 **SECTION 3.** 347.46 (2) (intro.) of the statutes is amended to read:

11 347.46 (2) (intro.) No person shall may operate on a highway in intercity  
12 movement any privately owned motor truck or privately owned semitrailer drawn

1 by a truck tractor, except those motor trucks and semitrailers equipped with dump  
2 bodies, unless such motor truck or semitrailer is equipped with rear fenders or  
3 mudguards or, except for those motor trucks and semitrailers transporting sand,  
4 gravel, dirt, rock, refuse or similar bulk material, rear fenders of such material and  
5 so constructed and placed as to restrict to a minimum the splashing of water, mud  
6 or other material which may be thrown by the rear wheels. Such rear fenders or  
7 mudguards shall meet the following minimum specifications:

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

9 347.46 (2) (d) Notwithstanding pars. (a) to (c), the mudguards on a motor truck  
10 or semitrailer transporting sand, gravel, dirt, rock, refuse or similar bulk material  
11 shall be mounted to the rear of the axles, cover the entire width of the vehicle and  
12 have a ground clearance of not more than 6 inches when the vehicle is loaded.

13 **SECTION 5.** 348.10 (2) of the statutes is renumbered 348.10 (2) (a) and amended  
14 to read:

15 348.10 (2) (a) No person shall may operate a vehicle on a highway unless such  
16 vehicle is so constructed and loaded as to prevent its contents from dropping, sifting,  
17 leaking or otherwise escaping therefrom.

18 **SECTION 6.** 348.10 (2) (b) and (c) of the statutes are created to read:

19 348.10 (2) (b) Notwithstanding par. (a), no person may operate on a highway  
20 a vehicle loaded with sand, gravel, dirt, rock, refuse or similar bulk material that is  
21 not in containers, unless the vehicle is so loaded and covered as to prevent the load  
22 from dropping or sifting from the vehicle. “Bulk material” does not include plants,  
23 plant parts, animals, or animal products produced by a person primarily for sale,  
24 consumption, propagation or other use by humans or animals.

