1999 SENATE BILL 310

December 22, 1999 – Introduced by Senator Darling, cosponsored by Representatives Sykora, Staskunas, Owens, Spillner, Underheim, Plouff and Plale. Referred to Committee on Insurance, Tourism, Transportation and Corrections.

AN ACT *to amend* 340.01 (18) (b) of the statutes; **relating to:** considering vehicles used in the operation of greenhouses and other similar structures as "farm trucks".

Analysis by the Legislative Reference Bureau

Under current law, farm trucks may be registered for roughly one-seventh to one-half the registration fee required for other motor trucks. A "farm truck" is any motor truck used primarily or, for motor trucks weighing 38,000 pounds or more, exclusively for the transportation of supplies, farm equipment and products on the owner's farm or between his or her farms, for the transportation of farm products from the owner's farm to market and for the transportation of supplies to the owner's farm. A registered farm truck may not be used in furtherance of any nonfarm occupation, trade, profession or other employment, including commuting to or from the place of such nonfarm occupation, trade, profession or employment. Any motor truck that is classified as a "farm truck" is exempted from motor vehicle emission limitations and emission inspections and from the prohibition against transporting children under 16 years of age in open cargo areas of the truck when it is operated in conjunction with farm operations and such a motor truck may be operated by persons at least 14 years of age who hold a restricted license. Current law considers greenhouses and similar structures as "farms" for purposes of farm truck registration only if the structures are used principally for the production of food and farm plants. Holton & Hunkel Greenhouse Co. v. State, 274 Wis. 337, 342 (Ct. App. 1957).

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This bill classifies a motor truck used in the production of agricultural, horticultural, arboricultural, livestock, wildlife or aquatic life commodities in a greenhouse or similar structure as a "farm truck". This classification makes such a motor truck eligible for registration as a farm truck, if the greenhouses or similar structures are used directly or indirectly for producing a commodity for market, regardless of whether the greenhouses or similar structures are used principally for the production of food and farm plants. The restrictions on the use of farm trucks apply to any greenhouse motor truck registered as a farm truck.

For further information see the *state* 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. 340.01 (18) (b) of the statutes is amended to read:

340.01 (18) (b) In this subsection, the term "farmer" includes persons who are engaged in those activities specified in the definition of "operation of farm premises" contained in s. 102.04 (3), including operating greenhouses or other similar structures regardless of whether the greenhouses or other similar structures are used principally for the production of food and farm plants, provided that such activities are directly or indirectly for the purpose of producing a commodity or commodities for market, or as an accessory to such production. In this subsection, "leased" means that the farmer has entered into a written agreement with a person in the business of leasing vehicles to lease the motor truck for a period of one year or more.

12 (END)