

1999 DRAFTING REQUEST

Bill

Received: **10/5/98**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB: **97-3447**

For: **Administration-Budget**

By/Representing: **Etzler**

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies:

Topic:

DOA:.....Etzler - Portable scale certification

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 10/5/98	gilfokm 10/9/98		_____			S&L
/P1			lpaasch 10/12/98	_____	lrb_docadmin 10/12/98		

FE Sent For:

<END>

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1/?	nilsepe 10/5/98	lrb_editor <i>PI-109 King</i>	10-12 LP.	10-12 LP. JP	<i>Yes</i>		

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-0427

**Department of Transportation
1999-2001 Biennial Budget Request
STATUTORY MODIFICATIONS**

DIN NUMBER: 5604

TOPIC: Portable Scale Certification

DESCRIPTION OF CHANGE:

The Department requests s. 348.15 (5) be amended to require re-certification of portable scales once every 190 days for accuracy, instead of the current 90 days.

JUSTIFICATION:

Current law requires that portable scales used for the weighing of trucks at roadside locations be certified every 90 days. The State Patrol owns 92 portable scales, which are used in groups of four. The accuracy of these scales is sufficient for the issuance of citations.

In order to certify the portable scales, a calibration press is transported to each of the seven State Patrol Districts. At each District, the PAT scales are brought in to a central location for certification with this press. This involves considerable officer time.

The State Patrol has operated portable scales for several years and experience has shown these scales to be quite reliable. Each scale performs self-diagnostic functions and indicates, via the readout, if there is any malfunction. During a recent re-certification process, 3 of the 92 scales were not certified. Two scales indicated a malfunction, while the third exceeded tolerances. It is anticipated that the failure rate would not change if the PAT scales were re-certified twice each year, instead of four times a year.

Each re-certification cycle is estimated to require 126 staff hours. Extending the re-certification period to 190 days would save 252 hours each year. These hours would be reallocated to more effectively carry out such activities as motor carrier safety inspections, motor carrier size/weight enforcement, or school bus inspections.

Each scale is annually certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection, at the DATCP testing facilities in Madison. That certification process would not be affected by this proposed change.

1997 BILL

- 0427/PI

1999 Bill

TNF + PEN:KMG

DOA - Bud.

NO CAT



1 AN ACT ~~to amend 348.15 (5) (intro.); and to create 348.01 (2) (aj) of the statutes;~~
2 relating to: the testing of portable scales used for the enforcement of vehicle
3 weight limitations.

Anal: head Transportation
Ancl: sub DRIVERS AND MOTOR VEHICLES

Analysis by the Legislative Reference Bureau

Under current law, the enforcement of vehicle weight limitations requires weighing of the vehicles and loads on either a portable scale or a certified stationary scale. If a portable scale is used in any weighing operation, the portable scale must be in good working order and tested in comparison to a certified stationary scale within the previous 90 days by the department of agriculture, trade and consumer protection (DATCP)

This bill requires that the portable scale have been tested within the 190-day period (instead of the 90-day period) immediately prior to its use in any weighing operation and allows the testing to be performed with a certified portable testing device.

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:

4 SECTION 1. 348.01 (2) (aj) of the statutes is created to read:

BILL

1 348.01 (2) (aj) "Certified portable testing device" means a portable testing
 2 device which is tested and inspected periodically for accuracy by the department of
 3 agriculture, trade and consumer protection or other authorized testing agency in
 4 accordance with specifications, tolerances, standards and procedures established by
 5 the national institute of standards and technology and the department of
 6 agriculture, trade and consumer protection for the testing and examination of scales.

7 **SECTION 2.** 348.15 (5) (intro.) of the statutes is amended to read:

8 348.15 (5) (intro.) For enforcement of weight limitations specified by this
 9 chapter the gross weight, measured in pounds, imposed on the highway by any wheel
 10 or any one axle or by any group of 2 or more axles shall be determined by weighing
 11 the vehicles and load, either by single draft or multiple draft weighing on certified
 12 stationary scales or on portable scales in good working order which are tested in
 13 comparison to certified stationary scales or with certified portable testing devices
 14 within ~~90~~ 190 days immediately prior to any weighing operation by the department
 15 of agriculture, trade and consumer protection or other authorized testing agencies
 16 for accuracy to within standard accepted tolerances. The weighing operation shall
 17 be performed in accordance with and under conditions accepted as good weighing
 18 technique and practice. In multiple draft weighing the sum of the weight of
 19 respective components shall be used to establish the weight of a combination of the
 20 components. It is recognized that the weight, determined in accordance with
 21 methods prescribed in this chapter, includes all statutory weights and represents the
 22 momentary load force or reaction imposed on the scale at the time of weighing. Such
 23 weights include any variation due to the following factors:

May w/ stats.

24 **SECTION 3.** ⁹³⁵⁰ **Initial applicability,** [;] *transportation*

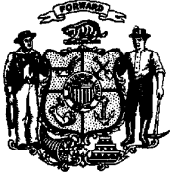
BILL

PORTABLE SCALE CERTIFICATION.

1 (1) ~~This~~ ^{It} first applies to offenses committed on the effective date of this
 2 subsection, but does not preclude the counting of other convictions as prior
 3 convictions for purposes of imposing a penalty.

(END)

The treatment of sections 348.01 (2) (aj) and 348.15 (5) (intro.) of the statutes



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0427/P1
TNF&PEN:kmg:lp

DOA:.....Etzler - Portable scale certification

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

- 1 **AN ACT ...; relating to:** the testing of portable scales used for the enforcement of
2 vehicle weight limitations.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Under current law, the enforcement of vehicle weight limitations requires weighing of the vehicles and loads on either a portable scale or a certified stationary scale. If a portable scale is used in any weighing operation, the portable scale must be in good working order and tested in comparison to a certified stationary scale within the previous 90 days by the department of agriculture, trade and consumer protection (DATCP).

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22 methods prescribed in this chapter, includes all statutory weights and represents the
23 momentary load force or reaction imposed on the scale at the time of weighing. Such
24 weights include any variation due to the following factors:

25 **SECTION 9350. Initial applicability; transportation.**

5

1

NOTE TO DRAFTING FILE for LRB-0427:

Per the drafter, this draft has been redrafted to a “/1” as no problems remain in the draft that require resolution before introduction of the budget bill. There are no changes between the “/PX” and the “/1.”

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