

1999 DRAFTING REQUEST

Bill

Received: **11/25/98**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Etzler**

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

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - highways**

Extra Copies: **TNF**

Topic:

DOA:.....Etzler - Weight limits for milk trucks; axle distances

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>
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FE Sent For:

<END>

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				JP			

FE Sent For:

<END>

CORRESPONDENCE MEMORANDUM

**STATE OF WISCONSIN
Department of Administration**

Date: November 24, 1998

To: Steve Miller
Legislative Reference Bureau

From: John M. Etzler *JME*
Budget and Policy Analyst

Subject: Statutory Language Changes

Please draft legislation for the budget that would allow for the following:

1. Amend s.349.16 to give the Department of Transportation the authority to promulgate rules regarding signing of roads for seasonal weight limitations and require jurisdictions desiring to impose seasonal weight limitations to give 30-days notice of seasonal weight restrictions in the Wisconsin Administrative Register or other appropriate form of public notice. -1047
2. Amend s.380.20 to exclude carriers from being responsible for weight citations received by independent contractors. -1048
3. Currently, 2-vehicle trailer combinations are limited to 65' off the designated highway system. The fact that a carrier may operate with no overall length requirement on the designated highway system and that conventional tractors are used to pulling 48' and 53' trailers may result in vehicles being overlength when beyond the provisions of the system. Amend s.348.07 to put the length limit on the semitrailer rather than the 2-vehicle combination. -1049
4. Amend s.438.15(3)(bg) to clarify axle distance for milk trucks by deleting the reference to s.348.15(5m), which defines entitlement to an additional 2,000 pounds for vehicles based on axle distance. -1050
5. Draft changes that would exempt moving companies from seasonal overweight ordinances. -1051

▷ chan

12/9/98 called John Etzler to clarify
Motor CAMERS request under 11/24/98 Etzler
memo, point 4.

Under 348.15 (3)(b), 2000 pound allowance
only applies if axle distance is 9 feet or more.

Under 5.348.15 (5m), the axle distance is only 9 feet
or more if measurement under (5m) is 9'1" or more.
Under 348.15 (5m), the following axle measurements and resulting axle distances:
8'4" = 8' ; 8'6" = 9' ; 8'8" = 10' ; 9'0" = 10'
9'1" = 10'

Axle measurement must be 8'7" or greater to result
in an axle distance 9 feet or more

-PEN



State of Wisconsin
1999 - 2000 LEGISLATURE

SOON

LRB-1050
PEN.....

Handwritten initials and a large scribble.

DOA:.....Etzler - Weight limits for milk trucks; axle distances

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

d-note

do not gen

- 1 AN ACT ...; relating to: maximum gross vehicle weight of motor trucks
- 2 transporting exclusively milk.

Analysis by the Legislative Reference Bureau

TRANSPORTATION ✓

DRIVERS AND MOTOR VEHICLES ✓

Current law prohibits any person from driving upon a highway any motor vehicle that exceeds the maximum permissible gross vehicle weight or the maximum permissible weight per axle. Current law allows additional weight, beyond the weight limits ordinarily applicable, for vehicles transporting exclusively milk from the point of production to the primary market and the return of dairy supplies and dairy products from such primary market to the farm. On such a vehicle, for groups of ^{three} ~~3~~ or more consecutive axles more than ^{nine} ~~8~~ feet apart, an additional weight of 2,000 pounds is allowed if the gross vehicle weight does not exceed 80,000 pounds. To determine the distance between axles, the distance is measured between axle centers to the nearest even foot, and when a fraction is exactly one-half foot, the nearest larger whole number shall be used. An axle measurement of eight feet, six inches is considered ^{nine} ~~8~~ feet. Under this measurement system, only milk vehicles having axle measurements of ~~8~~ feet, ^{one} ~~8~~ inch or greater qualify for the additional 2,000 pound axle weight.

This bill extends the 2,000 pound weight limit applicable to certain milk trucks to vehicles having an axle distance considered to be ^{nine} ~~8~~ feet or more. With this change,

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1050/200

PEN.....

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Aldy

As suggested in my analysis, s. 348.15 (5m)[✓], stats., seems ambiguous at best. It appears to me that under that existing language: an axle distance of 8' 5" is considered 8'; a distance of 8' 6" is considered 9'; *a distance of 8' 7" is considered 8'* (unless "even foot" is understood to mean whole-numbered foot, instead of even-numbered foot). Perhaps that section should be amended to read: "The distances between axles and between the foremost and rearmost of a group of axles shall be measured between axle centers to the nearest ~~even~~ whole-numbered foot, and when a fraction is exactly one-half foot, the nearest larger ~~whole-number~~ whole-numbered foot shall be used." Would you like to include that change in this bill?

Paul E. Nilsen
Legislative Attorney
261-6926

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1050/P1dn
PEN:jlg:lp

December 16, 1998

As suggested in my analysis, s. 348.15 (5m), stats., seems ambiguous at best. It appears to me that under that existing language: an axle distance of 8' 5" is considered 8'; a distance of 8' 6" is considered 9'; *a distance of 8' 7" is considered 8'* (unless "even foot" is understood to mean whole-numbered foot, instead of even-numbered foot). Perhaps that section should be amended to read: "The distances between axles and between the foremost and rearmost of a group of axles shall be measured between axle centers to the nearest ~~even~~ whole-numbered foot, and when a fraction is exactly one-half foot, the nearest larger ~~whole-number~~ whole-numbered foot shall be used." Would you like to include that change in this bill?

Paul E. Nilsen
Legislative Attorney
261-6926



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1050/P1
PEN:jlg:lp

DOA:.....Etzler - Weight limits for milk trucks; axle distances

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

- 1 **AN ACT ...; relating to:** maximum gross vehicle weight of motor trucks
2 transporting exclusively milk.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Current law prohibits any person from driving upon a highway any motor vehicle that exceeds the maximum permissible gross vehicle weight or the maximum permissible weight per axle. Current law allows additional weight, beyond the weight limits ordinarily applicable, for vehicles transporting exclusively milk from the point of production to the primary market and the return of dairy supplies and dairy products from such primary market to the farm. On such a vehicle, for groups of three or more consecutive axles more than nine feet apart, an additional weight of 2,000 pounds is allowed if the gross vehicle weight does not exceed 80,000 pounds. To determine the distance between axles, the distance is measured between axle centers to the nearest even foot, and when a fraction is exactly one-half foot, the nearest larger whole number shall be used. An axle measurement of eight feet, six inches is considered nine feet. Under this measurement system, only milk vehicles having axle measurements of nine feet, one inch or greater qualify for the additional 2,000 pound axle weight.

This bill extends the 2,000 pound weight limit applicable to certain milk trucks to vehicles having an axle distance considered to be nine feet or more. With this

NOTE TO DRAFTING FILE for LRB-1050:

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.”

DOA:.....Etzler - Weight limits for milk trucks; axle distances

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

- 1 AN ACT ...; relating to: maximum gross vehicle weight of motor trucks
2 transporting exclusively milk.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Current law prohibits any person from driving upon a highway any motor vehicle that exceeds the maximum permissible gross vehicle weight or the maximum permissible weight per axle. Current law allows additional weight, beyond the weight limits ordinarily applicable, for vehicles transporting exclusively milk from the point of production to the primary market and the return of dairy supplies and dairy products from such primary market to the farm. On such a vehicle, for groups of three or more consecutive axles more than nine feet apart, an additional weight of 2,000 pounds is allowed if the gross vehicle weight does not exceed 80,000 pounds. To determine the distance between axles, the distance is measured between axle centers to the nearest even foot, and when a fraction is exactly one-half foot, the nearest larger whole number shall be used. An axle measurement of eight feet, six inches is considered nine feet. Under this measurement system, only milk vehicles having axle measurements of nine feet, one inch or greater qualify for the additional 2,000 pound axle weight.

This bill extends the 2,000 pound weight limit applicable to certain milk trucks to vehicles having an axle distance considered to be nine feet or more. With this

change, milk vehicles transporting milk and having an actual axle distance of eight feet, six inches or more will qualify for the additional 2,000 pounds.

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.** 348.15 (3) (bg) of the statutes is amended to read:

2 348.15 (3) (bg) In the case of a vehicle or combination of vehicles transporting
3 exclusively milk from the point of production to the primary market and the return
4 of dairy supplies and dairy products from such primary market to the farm, the gross
5 weight imposed on the highway by the wheels of any one axle may not exceed 21,000
6 pounds or, for 2 axles 8 or less feet apart, 37,000 pounds or, for groups of 3 or more
7 consecutive axles ~~more than 9 feet~~ or more apart, a weight of 2,000 pounds more than
8 is shown in par. (c), but not to exceed 80,000 pounds. This paragraph does not apply
9 to the national system of interstate and defense highways, except for that portion of
10 USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51
11 and the I 90/94 interchange near Portage upon their federal designation as I 39.

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

13 (1) **WEIGHT LIMITS FOR MILK TRUCKS.** The treatment of section 348.15 (3) (bg) of
14 the statutes first applies to motor vehicles operated on the effective date of this
15 subsection.

16

(END)