

2001 DRAFTING REQUEST

Bill

Received: 10/31/2000

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Alt. Drafters:

Subject: Transportation - motor vehicles

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Fenders and mudguards

Instructions:

redraft 99-0311/1; replaces lrb-0808

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>
/?	phurley 11/07/2000	gilfokm 11/20/2000		_____			S&L
/1			pgreensl 11/21/2000	_____	lrb_docadmin 11/21/2000	lrb_docadmin 01/17/2001	

FE Sent For:

<END>

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1?	phurley	1-11/20 King	DG 11/21	PG/RS 11/21			

FE Sent For:

<END>

Hurley, Peggy

From: Miller, Steve
Sent: Thursday, October 26, 2000 2:26 PM
To: Hurley, Peggy
Subject: Redraft request for Marlin Schneider

Rep. Schneider has requested the following redrafts.
He understands that our priority at this time is drafting the Governor's budget.

99-0311/1

99-1381/1

0863/1

PSY: kg:js

FA
11-700

1999 ASSEMBLY BILL 3

January 14, 1999 - Introduced by Representatives SCHNEIDER and BOYLE. Referred to Committee on Transportation.

Gen. Cat.

1 AN ACT to renumber and amend 348.10 (2); to amend 347.46 (2) (intro.),
 2 347.46 (2) (a) and 347.46 (2) (b); and to create 347.46 (2) (d) and 348.10 (2) (b)
 3 and (c) of the statutes; relating to: mudguards on road tractors, truck tractors,
 4 trailers, semitrailers, and farm trailers, and transporting bulk materials on a
 5 highway, and providing a penalty

Analysis by the Legislative Reference Bureau

Current law requires every privately owned motor truck and most semitrailers operated on a highway between cities to be equipped with fenders or mudguards to minimize the amount of water, mud, and debris thrown by the rear wheels. This requirement does not apply to motor trucks and semitrailers that have dump bodies.

This bill requires every motor truck, road tractor, truck tractor, trailer, semitrailer, and farm trailer, except farm trucks equipped with dump bodies, whether owned publicly or privately, operated upon a highway to be equipped with fenders or mudguards. The bill reduces the maximum ground clearance of acceptable fenders or mudguards from one-third of the horizontal distance from the center of the rearmost axle to the fender or mudguard to one-fifth of that distance. The bill also establishes a maximum ground clearance of six inches for fenders or mudguards on vehicles equipped with dump bodies that are transporting sand, gravel, or similar material.

Also under current law, no person is permitted to operate a vehicle on a highway unless the vehicle is so constructed and loaded as to prevent its contents from

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ASSEMBLY BILL 3

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dropping, sifting, leaking or otherwise escaping from the vehicle. A forfeiture of not less than \$10 nor more than \$200 may be imposed for violating this provision.

This bill specifies that a load of bulk material, such as sand, gravel or dirt, that is not in containers must be covered when being transported on a highway to prevent the load from dropping or sifting from the vehicle. Failure to comply with this provision also may result in a forfeiture of not less than \$10 nor more than \$200.

The bill specifies that both of these provisions do not apply to bulk material being applied to a highway for highway construction or maintenance.

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:

SECTION 1. 347.46 (2) (intro.) of the statutes is amended to read:

347.46 (2) (intro.) No person shall may operate on a highway in ~~intercity movement any privately owned~~ any motor truck or ~~privately owned, road tractor, trailer, farm trailer, semitrailer drawn by a~~ or truck tractor, except those motor farm trucks and ~~semitrailers~~ equipped with dump bodies, unless ~~such motor truck or semitrailer~~ the vehicle is equipped with rear fenders or mudguards of such material and so constructed and placed as to restrict to a minimum the splashing of water, mud or other material which may be thrown by the rear wheels. Such The rear fenders or mudguards shall meet all of the following minimum specifications:

SECTION 2. 347.46 (2) (a) of the statutes is amended to read:

347.46 (2) (a) The fenders or mudguards shall cover the tire or multiple tires they are protecting starting at the top from a line drawn vertically through the center of the axle and extending rearward and downward so that the fender or mudguard under any condition of operation or loading of the vehicle has a ground clearance of not more than ~~one-third~~ one-fifth of the horizontal distance from the center of the rearmost axle to the fender or mudguard.

SECTION 3. 347.46 (2) (b) of the statutes is amended to read:

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ASSEMBLY BILL 3

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347.46 (2) (b) The fenders or mudguards shall be at least as wide as the tire or multiple tires they are protecting;

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

347.46 (2) (d) Notwithstanding any other requirement of this subsection, a motor truck or semitrailer equipped with a dump body that dumps through the floor of the cargo body and that is transporting sand, gravel, dirt, rock or similar material shall be equipped with mudguards that are mounted to the rear of the axles, cover the entire width of the vehicle and have a ground clearance of not more than 6 inches when the vehicle is loaded.

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

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

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

348.10 (2) (b) Notwithstanding par. (a), no person may operate on a highway a vehicle loaded with bulk material, such as sand, gravel or dirt, that is not in containers unless the vehicle is so loaded and covered as to prevent the load from dropping or sifting from the vehicle.

(c) This subsection does not apply to the application of a bulk material to a highway for the purpose of maintenance or construction of the highway.

SECTION 7. Effective date.

(1) This act takes effect on the first day of the 4th month beginning after publication.

25

(END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

November 21, 2000

MEMORANDUM

To: Representative Schneider

From: Peggy J. Hurley, Legislative Attorney

Re: LRB-0863 Fenders and mudguards

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-8906 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.