

2001 DRAFTING REQUEST

Bill

Received: 05/01/2001

Received By: fasttn

Wanted: As time permits

Identical to LRB:

For: Mark Gundrum (608) 267-5158

By/Representing: Jolene (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles

Extra Copies: TNF, PJH

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Scales for measuring vehicle weight

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>
/1	agary 05/07/2001	wjackson 05/08/2001	jfrantze 05/08/2001	_____	lrb_docadmin 05/08/2001		
/2	agary 06/11/2001	wjackson 06/12/2001	pgreensl 06/12/2001	_____	lrb_docadmin 06/12/2001	lrb_docadmin 08/02/2001	

FE Sent For:

↳ Not Needed

<END>

↳ For Assembly
See email
copy in back

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12 Wlj 6/12

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1?	agary	1 WJ 5/8	65/8	3/8 3/8			

FE Sent For:

<END>

presumption of reasonable accuracy is incorrect. We believe that, in order to assure that the enforcement system works fairly and in accordance with legislative intent, the overweight law should require that the scales used to determine overweights comply with standards promulgated by the Department of Agriculture, Trade and Consumer Protection. This would require that sec. 348.01(2)(am) be amended to read as follows:

A

"Certified stationary scale" means a stationary scale which is tested and inspected annually for accuracy by the department of agriculture, trade and consumer protection or other authorized testing agency in accordance with specifications, tolerances, standards and procedures established by the national institute of standards and technology and the department of agriculture, trade and consumer protection for the testing and examination of scales and which complies with such specifications, tolerances, standards and procedures.

in fact

include.

Tim,

Please include the above language
for Rep. Sundrum. Thanks!

Oliver
267-5158
19. North



2001 BILL

D-Note

GEN

1 AN ACT ...; relating to: modifying the definition of certified stationary scale for
2 measuring vehicle weight.

Analysis by the Legislative Reference Bureau

Under current law, any traffic officer having reason to believe that the gross weight of a vehicle is unlawful or in excess of the gross weight for which the vehicle is registered may require the operator of the vehicle to drive to the nearest certified stationary scale for weighing of the vehicle and any load. A certified stationary scale is a stationary scale that is tested and inspected for accuracy, in accordance with certain guidelines, by the department of agriculture, trade and consumer protection (DATCP) or another authorized testing agency.

* delete comma

This bill clarifies that a certified stationary scale must not only be tested and inspected for accuracy, but must also be determined to be accurate under the applicable testing and inspection guidelines.

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

3 SECTION 1. 348.01 (2) (am) of the statutes is amended to read:
4 348.01 (2) (am) "Certified stationary scale" means a stationary scale ~~which~~ that
5 is tested and inspected annually for accuracy by the department of agriculture, trade

BILL

SECTION 1

1 and consumer protection or other authorized testing agency in accordance with
2 specifications, tolerances, standards, and procedures established by the national
3 institute of standards and technology and the department of agriculture, trade and
4 consumer protection for the testing and examination of scales, and that is
5 determined to be accurate under these specifications, tolerances, standards, and
6 procedures.

7

(END)

D - Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3220/1dn

ARG:f:...

Wlj

It is my understanding that you want s. 348.01 (2) (am),[↓] stats., amended to clarify that certified stationary scales must not only be tested for accuracy, but that the test results must be satisfactory. I have made changes to the language suggested in the request to accomplish this objective, as the term "specifications, tolerances, standards, and procedures" in the existing statute refers to standards for the testing rather than standards for the scale.

If you have any questions, please feel free to call or e-mail.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3220/1dn
ARG:wljjf

May 8, 2001

It is my understanding that you want s. 348.01 (2) (am), stats., amended to clarify that certified stationary scales must be not only tested for accuracy, but that the test results must be satisfactory. I have made changes to the language suggested in the request to accomplish this objective, as the term "specifications, tolerances, standards, and procedures" in the existing statute refers to standards for the testing rather than standards for the scale.

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Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

6/6/01 Telephone conference with Rep. Gundrum. Draft does not capture intent. Constituent's attorney's experience is that courts presume scales comply with requirements when they do not. Does not want to make all scales tested or require accuracy, just wants to give truck business opportunity to prove that scale does not meet requirements - does not want to require DATCP to test or inspect scales or otherwise create more bureaucracy. Would like me to speak with constituent's attorney.

6/7/01 Telephone conference with Attorney Kevin Sjostrom, 414-259-0010. DATCP does not test the scales; a private contractor does, and then certifies that the scale has been inspected. Attorney's experience is that some certified scales are off as much as 50% from DATCP requirements for the scales, yet they are certified, and some courts will not allow evidence that the scale does not meet requirements if it is certified. Wants to require that scales meet DATCP specifications and tolerances and allow truckers opportunity to make challenge in court that, despite inspection, testing, or certification, scale did not meet DATCP requirements. However, does not want to include any language relating to admissibility of evidence or treatment of evidence or court procedure in the draft. Agreed that language in /2 draft meets intent and needs.

6/7/01 Telephone conference with Rep. Gundrum. Requested that I prepare /2 draft with language discussed with Attorney Sjostrom that Attorney Sjostrom agreed meets intent and needs of bill.

ARG



RMR

2001 BILL

comply with specifications, tolerances, and standards established by DATCP for any such scale

REGEN

1 AN ACT **to amend** 348.01 (2) (am) of the statutes; **relating to:** modifying the
2 definition of certified stationary scale for measuring vehicle weight.

Analysis by the Legislative Reference Bureau

Under current law, any traffic officer having reason to believe that the gross weight of a vehicle is unlawful or in excess of the gross weight for which the vehicle is registered may require the operator of the vehicle to drive to the nearest certified stationary scale for weighing of the vehicle and any load. A certified stationary scale is a stationary scale that is tested and inspected for accuracy, in accordance with certain guidelines, by the department of agriculture, trade and consumer protection (DATCP) or another authorized testing agency.

This bill clarifies that a certified stationary scale must be not only tested and inspected for accuracy, but must ~~also be determined to be accurate under the applicable testing and inspection guidelines.~~

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BILL

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1 and consumer protection or other authorized testing agency in accordance with
 2 specifications, tolerances, standards, and procedures established by the national
 3 institute of standards and technology and the department of agriculture, trade and
 4 consumer protection for the testing and examination of scales, and that ~~is~~

5 ~~determined to be accurate and these~~ specifications, tolerances, ^{and} standards, ~~and~~

6 ~~procedures~~ established by the department of agriculture, trade and

7 (END) consumer protection for
any such scale.

Emery, Lynn

From: Gary, Aaron
Sent: Wednesday, August 01, 2001 4:58 PM
To: Emery, Lynn
Subject: FW: Could you send us the bill jacket for LRB 3320/2 Scales for measuring vehicle weight. We would like to submit that bill to the Chief Clerk's office ASAP. Thanks

This should be LRB-3220/2. Thanks. Aaron

-----Original Message-----

From: Churchill, Jolene
Sent: Wednesday, August 01, 2001 4:34 PM
To: Gary, Aaron
Subject: Could you send us the bill jacket for LRB 3320/2 Scales for measuring vehicle weight. We would like to submit that bill to the Chief Clerk's office ASAP. Thanks