

**2003 DRAFTING REQUEST**

**Bill**

Received: 01/05/2004

Received By: agary

Wanted: Soon

Identical to LRB:

For: David Zien (608) 266-7511

By/Representing: Phil Cardis - LC

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: **Transportation - highways**  
**Transportation - motor vehicles**

Extra Copies: **PJH**

Submit via email: YES

Requester's email: **Sen.Zien@legis.state.wi.us**

Carbon copy (CC:) to: **Philip.Cardis@legis.state.wi.us**  
**Peter.Hanson@legis.state.wi.us**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Overweight vehicles; road building equipment

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**Instructions:**

See Attached

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**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>
/?				_____			State Vehicle
/P1	agary 01/22/2004	jdyer 01/27/2004 jdyer	jfrantze 01/27/2004	_____	sbasford 01/27/2004		State Vehicle

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		01/27/2004		_____			
/1	agary 02/17/2004	jdye 02/18/2004	pgreensl 02/18/2004	_____	lnorthro 02/18/2004	lnorthro 02/18/2004	

FE Sent For:

<END>

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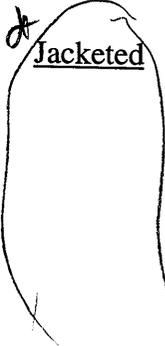
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See Attached

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/?		1 2/18 jld					State Vehicle
/P1	agary 01/22/2004	jdyer 01/27/2004 jdyer	jfrantze 01/27/2004	2/18 sld	sbasford 01/27/2004		

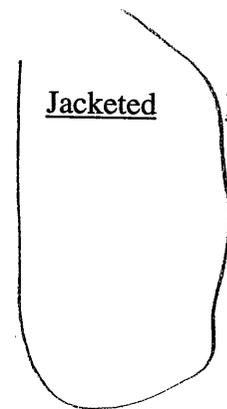
Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

01/27/2004

\_\_\_\_\_

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\* PAc: please send  
11 out jacketed.  
Thab. AMB

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/?	agary	1/1 1/27 JLD	1/27	Self 1/27			State Vehicle

FE Sent For:

<END>

1/5/03

Mc w/ Phil Cardis

- weight limits for road building equip.

→  
- septage used as model

- for Sen. Zien ⇒ want it soon

- Pete in Zien's ofc.

- will send over his stab at draft

**Gary, Aaron**

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**From:** Cardis, Philip  
**Sent:** Monday, January 05, 2004 5:06 PM  
**To:** Gary, Aaron  
**Subject:** Zien draft request

Aaron-

Attached below is the information I provided to Sen. Zien's office.

Pete in Sen. Zien's office informed me that Option #2 language was what they wanted to do. The option #2 language is similar to the septage exception to weight limits in s. 348.15 (3)(bv), Stats.

If you have any questions about this Aaron, please feel free to give me a call.

Thanks

Phil



ZienDraft.doc

Philip G. Cardis  
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Wisconsin Legislative Council  
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Madison, WI 53701-2536  
(608) 267-0683 FAX (608) 266-3830  
philip.cardis@legis.state.wi.us

**An Act** to create 348.15 (3) (f) of the statutes; relating to permitting vehicles that are hauling road-building materials to exceed weight limits on certain highways.

**Option #1**

348.15(3)(f)

(f) In the case of a vehicle or combination of vehicles transporting [primarily][exclusively] road-building materials, the gross weight imposed on the highway by the wheels of any one axle may not exceed 21,000 pounds or, for 2 axles 8 or less feet apart, 37,000 pounds or, for groups of 3 or more consecutive axles more than 9 feet apart, a weight of 2,000 pounds more than is shown in par. (c), but not to exceed 80,000 pounds. In this subsection, "road building materials" means any material being transported that will be used in construction, maintenance, or repair of roads. This paragraph does not apply to the national system of interstate and defense highways, except for that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39.

**Comment:** The Option #1 language is similar to the milk exception to weight limits in s. 348.15 (3)(bg), Stats. The words [primarily] or [exclusively] are bracketed to indicate a word choice. The word "exclusively" is currently used in the milk exception, whereas "primarily" is used in the septage exception (Option #2).

A requirement that the "road building materials" being transported actually be used in construction, maintenance, or repair of roads could be added to narrow the proposed weight limit exception.

**Option #2**

348.15(3)(f)

(f) In the case of a vehicle or combination of vehicles used **primarily** for the transportation of road-building materials, the gross weight imposed on the highway by the wheels of any one axle may not exceed 21,500 pounds or, for 2 axles 8 or less feet apart, 37,000 pounds or, for groups of 3 or more consecutive axles more than 9 feet apart, a weight of 4,000 pounds more than is shown in par. (c) or, for groups of 4 or more consecutive axles more than 10 feet apart, a weight of 6,000 pounds more than is shown in par. (c) or, for groups of 5 or more consecutive axles more than 14 feet apart, a weight of 7,000 pounds more than is shown in par. (c), but not to exceed 80,000 pounds. In this subsection, "road building materials" means any material being transported that will be used in construction, maintenance, or repair of roads. This paragraph does not apply to the national system of interstate and defense highways, except for that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39.

**Comment:** The Option #2 language is similar to the septage exception to weight limits in s. 348.15 (3)(bv), Stats.

1/5 klc from phil - include highway salt  
as bldg. material

A requirement that the "road building materials" being transported actually be used in construction, maintenance, or repair of roads could be added to narrow the proposed weight limit exception.

soon  
turned  
in 1/22

Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

Gen

- 1 AN ACT ...; relating to: permitting vehicles that are hauling road building and
- 2 maintenance materials to exceed weight limits on certain highways. ✓

*Analysis by the Legislative Reference Bureau*

Under current law, with limited exceptions, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory weight limits unless that person obtains a permit issued by the Department of Transportation (DOT). ✓ Certain exceptions allow a vehicle or a combination of vehicles that is transporting exclusively milk under specified circumstances, peeled or unpeeled forest products cut crosswise, or scap metal, or that is used primarily for the transportation of septage, to operate without a permit on certain highways at different, higher per-axle weight limits if the vehicle or combination of vehicles does not exceed a gross weight of 80,000 ✓ pounds. A vehicle or combination of vehicles operating under any of these exceptions may not operate without a permit on Class B highways or on the national system of interstate and defense highways, except for the portion of I 39 between USH 51 and I 90/94.

This bill allows a vehicle or a combination of vehicles that is used primarily for the transportation of road building and maintenance materials to operate without a permit on certain highways at different, higher per-axle weight limits if the vehicle or combination of vehicles does not exceed a gross weight of 80,000 pounds. The bill does not allow these vehicles to operate without a permit on Class B highways or on the national system of interstate and defense highways, except for the portion of I 39 between USH 51 and I 90/94.

the Department of Transportation

\* Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., ~~but~~, as required by law, will prepare a report to be printed as an appendix to this bill.

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. 348.15 (3) (bt) <sup>x</sup> of the statutes is created to read:

348.15 (3) (bt) <sup>A2.</sup> Notwithstanding pars. (a), (b), and (c), in the case of a vehicle or combination of vehicles used primarily for the transportation of road building and maintenance materials, the gross weight imposed on the highway by the wheels of any one axle may not exceed 21,500 pounds or, for 2 axles 8 or less feet apart, 37,000 pounds or, for groups of 3 or more consecutive axles more than 9 feet apart, a weight of 4,000 pounds more than is shown in par. (c) or, for groups of 4 or more consecutive axles more than 10 feet apart, a weight of 6,000 pounds more than is shown in par. (c) or, for groups of 5 or more consecutive axles more than 14 feet apart, a weight of 7,000 pounds more than is shown in par. (c), but not to exceed 80,000 pounds. In this

<sup>paragraph</sup> ~~subsection~~, "road building and maintenance material" means any material that will be used in construction, repair, or maintenance of roads, including highway salt.

This paragraph does not apply to the national system of interstate and defense highways, except for that portion of I 39 between USH 51 and I 90/94.

(END)

D-Note

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3968/P1dn

ARG:....

Handwritten initials and an arrow pointing upwards.

ATTN: Peter Hanson and Phil Cardis

The attached draft is prepared according to the suggested language provided, with minor changes.

I recommend modifying the language in created s. 348.15 (3) (bt) to refer to a vehicle "transporting" rather than a vehicle "used primarily for the transportation of ....," which would track the language used in s. 348.15 (3) (bg) and (br). While s. 348.15 (3) (bv) uses language similar to this bill, a vehicle used for hauling septage is a fairly specialized vehicle, unlikely to be used for hauling very many other loads. However, many vehicles could be used to haul road building and maintenance materials. The attached draft could be construed rather broadly to allow a vehicle or combination of vehicles to frequently exceed existing weight limits while hauling loads other than road machinery and maintenance materials, since authority to exceed the weight limits is tied to the vehicle and not to the actual transportation of the road building and maintenance materials.

I note that road machinery, as defined in s. 340.01 (52), is already exempt from weight limits when engaged in construction or maintenance of a highway. s. 348.02 (4).

If the attached draft meets with your approval, please let me know and I will convert it to an introducible "/1" draft.

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-3968/P1dn  
ARG:jld:jf

January 27, 2004

ATTN: Peter Hanson and Phil Cardis

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



State of Wisconsin  
2003 - 2004 LEGISLATURE

needed  
2/18

LRB-3968/1  
ARG:jld:jf

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

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