

2003 DRAFTING REQUEST

Bill

Received: **05/07/2003**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Samantha Kerkman (608) 266-2530**

By/Representing: **Melissa Gilbert (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: **YES**

Requester's email: **Rep.Kerkman@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Permissible length and width of mobile homes and motor homes without a permit

Instructions:

Wants redraft of 01-4429, maximum length/width of mobile homes, but take out s. 348.08 provision

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>
/?	agary 05/08/2003	jdye 05/12/2003		_____			State
/1			chaskett 05/12/2003	_____	amentkow 05/12/2003		State
/2	agary	jdye	jfrantze	_____	amentkow		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	07/09/2003	07/10/2003 jdye 07/11/2003	07/11/2003	_____	07/11/2003		
/3	agary 07/25/2003	jdye 07/25/2003	pgreensl 07/25/2003	_____	amentkow 07/25/2003	mbarman 09/03/2003	

FE Sent For:

<END>

At
intro.

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Jacketed (circled)
↓
Per Rep. Kerkman (circled)

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Handwritten notes: 37/0 jld, 7/25/03, 10/10/03

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Handwritten signatures and dates: 7/11, 7/11

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/?	agary	1 5/12 jcd	1 5/12 cph	rs/cph 5/12			

FE Sent For:

<END>

Gary, Aaron

From: Gary, Aaron
Sent: Thursday, May 08, 2003 10:38 AM
To: Gilbert, Melissa
Subject: LRB-2679

Hi Melissa,

I am working on your request of yesterday for Rep. Kerkman to redraft 2001 LRB-4429. After we spoke I looked at the file - because this bill was un-introduced last session and Rep. Kerkman was not the requester, the bill is officially "confidential". To prepare this draft, I will need for you to do one of two things: (1) either fax to me or send by inter-D mail a copy of the bill (fax number below), OR (2) have the original requester notify me that your office is authorized to have the redraft prepared. I know this seems like an unnecessary burden, but it is strict LRB policy implemented in order to comply with our statutory duty of confidentiality to all requesters.

Also, could you please tell me again which bill section you wanted to remove from the redraft? After looking at the draft, I'm not sure if I noted the right provision. Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

Gary, Aaron

From: Gilbert, Melissa
Sent: Thursday, May 08, 2003 11:01 AM
To: Gary, Aaron
Subject: FW: RV length and width



01-44291.pdf

Will this work? Also, the section we need removed is 348.08. Thanks.

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

From: Kerkman, Samantha
Sent: Thursday, May 08, 2003 10:58 AM
To: Gilbert, Melissa
Subject: FW: RV length and width

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

From: Christianson, Peter C. [mailto:PCC@quarles.com]
Sent: Wednesday, May 07, 2003 3:22 PM
To: Rep.Kerkman@legis.state.wi.us
Subject: RV length and width

Here is the bill draft from last session. The RVIA proposes to take the length and width provisions from this bill and lay aside the three vehicle provision.

<<01-44291.pdf>>

Gary, Aaron

From: Gary, Aaron
Sent: Thursday, May 08, 2003 11:17 AM
To: Gilbert, Melissa
Subject: RE: RV length and width

This is perfect.

I had section 348.08 written in my notes, but wondered if I wrote it down wrong because this provision is s. 348.27 (7m) renumbered to s. 348.08 (1) (am) (relating to 3-vehicle combinations). I see from the e-mail below that this is indeed the provision to be removed. Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

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

From: Gilbert, Melissa
Sent: Thursday, May 08, 2003 11:01 AM
To: Gary, Aaron
Subject: FW: RV length and width

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<<01-44291.pdf>>

2679/1
LRB-~~4201~~
ARG: ~~jd~~
↑
jld

2001 BILL

Reger

1 AN ACT *to repeal* 348.27 (7m) (title); *to renumber and amend* 348.27 (7m); and
 2 *to amend* 348.05 (2) (i) and 348.07 (2) (c) of the statutes; **relating to:** the
 3 maximum permissible length and width of mobile homes and motor homes
 4 operated without a permit, [✓] and ~~operation of 3 vehicle combinations on the~~
 5 ~~highways~~

Analysis by the Legislative Reference Bureau

Under current law, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory limits on size, weight, or load unless that person possesses a permit issued by the department of transportation (DOT). Current law generally prohibits a person from operating on a highway, without a permit, any vehicle having a total outside width in excess of 8 feet 6 inches. An exception to this prohibition allows a person to operate without a permit a mobile home with a "realistic body width" that does not exceed 8 feet 6 inches.

This bill allows a person to operate without a permit a mobile home[✓] or motor home that has a realistic body width[✓] not exceeding 8 feet 6[✓] inches and that has a mechanical device, such as a retracted awning installed upon the vehicle by a manufacturer or dealer, that extends up to an additional 3[✓] inches on the driver side and 6 inches on the passenger side of the vehicle.

Current law generally prohibits a person from operating on a highway, without a permit, any single vehicle with an overall length in excess of 40[✓] feet. An exception to this prohibition allows a person to operate without a permit a mobile home that does not exceed 45 feet in overall length.

BILL

This bill allows a person to operate without a permit a motor home that does not exceed 45 feet in overall length. This has the effect of increasing the maximum length limit for motor homes, without a permit, from 40 feet to 45 feet.

Current law generally prohibits any person from driving a vehicle on a highway while towing two or more vehicles unless the driver possesses a permit issued by DOT. DOT may issue annual or consecutive month permits for certain three-vehicle combinations that consist of the following vehicles:

1. A towing vehicle.
2. A mobile home or camping trailer.
3. A boat trailer, motorcycle trailer, personal watercraft trailer, or all-terrain vehicle trailer.

Under current law, the overall length of the combination of vehicles may not exceed 60 feet.

This bill increases the maximum permissible overall length of the combination of vehicles from 60 feet to 65 feet, requires that the middle vehicle in the three-vehicle combination be equipped with brakes, and eliminates the permit requirement for three-vehicle combinations meeting the specified criteria.

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. 348.05 (2) (i) of the statutes is amended to read:

348.05 (2) (i) A realistic body width of 8 feet 6 inches for mobile homes and motor homes, and up to an additional 3 inches on the left side and 6 inches on the right side of such vehicles for mechanical devices related to the structure of the vehicle, including retracted awnings, installed upon the vehicle by a manufacturer or dealer.

SECTION 2. 348.07 (2) (c) of the statutes is amended to read:

348.07 (2) (c) Forty five feet for mobile homes, motor homes, and motor buses.

SECTION 3. 348.27 (7m) (title) of the statutes is repealed.

SECTION 4. 348.27 (7m) of the statutes is renumbered 348.08 (1) (am) and amended to read:

PWJF

1
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11

BILL

1 348.08 (1) (am) ~~The department may issue an annual or consecutive month~~
 2 ~~permit for the movement of a~~ A 3-vehicle combination consisting of a towing vehicle
 3 and, in order by weight, with the lighter of the towed vehicles as the 3rd vehicle in
 4 the 3-vehicle combination unless not structurally possible, a mobile home or
 5 camping trailer and a boat trailer, motorcycle trailer, personal watercraft trailer, or
 6 all-terrain vehicle trailer, may without such permit, be operated on a highway if the
 7 overall length of the combination of vehicles does not exceed 60 65 feet, the 2nd
 8 vehicle in the 3-vehicle combination is equipped with brakes adequate to control the
 9 movement of and to stop and hold it, and the towed vehicles are for the use of the
 10 operator of the towing vehicle. ~~A permit under this subsection may be issued only~~
 11 ~~by the department, regardless of the highways to be used. The department may~~
 12 ~~designate the routes that may be used by the permittee. The fee for an annual permit~~
 13 ~~under this subsection is \$40. The fee for a consecutive month permit under this~~
 14 ~~subsection shall be determined in the manner provided in s. 348.25 (8) (bm), except~~
 15 ~~that the \$40 fee for an annual permit under this subsection shall be used in the~~
 16 ~~computation.~~

SECTION 5. Initial applicability.

17 (1) ~~The treatment of sections 348.05 (2) (i) and 348.07 (2) (c) of the statutes first~~
 18 ~~applies to violations under sections 348.05 (1) and 348.07 (1) of the statutes occurring~~
 19 ~~on the effective date of this subsection, but does not preclude the counting of other~~
 20 ~~violations as prior violations for sentencing a person.~~
 21

22 (2) ~~The renumbering and amendment of section 348.27 (7m) of the statutes first~~
 23 ~~applies to 3-vehicle combinations operated on the effective date of this subsection.~~
 24

(END)

This act

Gary, Aaron

From: Christianson, Peter C. [PCC@quarles.com]
Sent: Tuesday, July 08, 2003 1:13 PM
To: aaron.gary@legis.state.wi.us
Cc: Gilbert, Melissa
Subject: LRB-2679/1 -- Length and width of recreation vehicles



C__Program
Files_RightFax_RFax...

Aaron -

I have the permission of Melissa Gilbert in Rep. Kerkman's office to submit revised drafting instructions for the above-referenced bill draft.

Attached is a copy of the bill draft with some suggested changes penned in. I am in Madison today and would like to stop in to discuss the proposal with you, if you have the time.

I have a 2:00 meeting which will run about 90 minutes. I will call you thereafter. Thanks!

<<C__Program Files_RightFax_RFaxGate_IN_A5dd2664d-a0e4-490b-a7be-f319753c2303.TIF>>

2003 - 2004 Legislature

- 2 -

LRB-2679/1
ARG:jld:cph

BILL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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1 SECTION 1. 348.05 (2) (i) of the statutes is amended to read:

2 348.05 (2) (i) A realistic body width of 8 feet 6 inches for mobile homes ^{and}
3 motor homes, and up to an additional ⁴ inches on the ^{driver} left side and 6 inches on the
4 ^{passenger} right side of such vehicles for ^{appurtenances} mechanical devices related to the structure of the
5 vehicle, ~~including retracted awnings~~ installed upon the vehicle by a manufacturer
6 or dealer. ^{recreational vehicles}

7 SECTION 2. 348.07 (2) (c) of the statutes is amended to read:

8 348.07 (2) (c) Forty five feet for mobile homes, motor homes, and motor buses.

9 SECTION 3. Initial applicability.

10 (1) This act first applies to violations under sections 348.05 (1) and 348.07 (1)
11 of the statutes occurring on the effective date of this subsection, but does not preclude
12 the counting of other violations as prior violations for sentencing a person.

13 For the purposes of this ^(END) section, the term "appurtenances" shall mean items or mechanical devices, including but not limited to retracted awning assemblies, vent grates, electrical outlet covers or door handles, that are related to the structure of the vehicle and are

An appurtenance that extends to the maximum allowable width of 4 inches on the driver side or 6 inches on the passenger side must be located not less than 8 feet above the road surface. This section does not apply to mobile homes that are required to be permitted under 348.26 (4) and 348.27 (7).

7/8/03
4:00 pm

Me w/ Pete Christensen - Madison

283-2492

- negotiated w/ DOT
- try to keep consistent w/
language

- worked w/ Loralee and Carson

- DOT likes it as is \Rightarrow want to
get it as close as possible

- like term "appurtenance"

\Rightarrow

- wider : issue for overtaking another
vehicle

- at 8', not a danger

- usually installed items are beyond
standard width

- RV term : wanted by industry
& DOT both

- will forward e-mail \Rightarrow

Gary, Aaron

From: Christianson, Peter C. [PCC@quarles.com]
Sent: Tuesday, July 08, 2003 4:05 PM
To: aaron.gary@legis.state.wi.us
Subject: FW: Here's what the bill draft might look like with your suggestions and Bob Schmitt's suggestions rolled in!

Importance: High



Fax Image.TIF

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

From: Brumund, Lorelee [mailto:loralee.brumund@dot.state.wi.us]
Sent: Thursday, July 03, 2003 11:53 AM
To: Christianson, Peter C.
Cc: Romanski, Randy; Nichols, Kathleen; Frazier, Carson; Hansen, Patricia
Subject: FW: Here's what the bill draft might look like with your suggestions and Bob Schmitt's suggestions rolled in!
Importance: High

The language changes you note in this email appear fine; that is why we ask drafters to do the exact wording. The only reason for noting "passenger" and "driver" side is to ensure that the motorist/driver knows on which side of the vehicle he/she may have the appurtenances. I can envision each one interpreting "left" and "right" different from the intent.

I have passed on your previous email to my folks here, asking for a response early next week. I think it looks fine, you addressed all of the points we made in our May 27, 2003, memo, but I need to hear from DMV and other DOT folks before you get a final answer from us on your concept. Of course, we do not offer official positions until we see the exact language in LRB, AB, or SB form.

Be aware, however, that 2003 LRB 2046 attempts to clarify "manufactured housing" and in that effort, recommends changes in the term "recreational vehicle" to "recreational trailer" in some instances. It also amends ss.348.07(2)(c) to eliminate "mobile homes" to reflect other definition changes in the proposal. I recommend you get a copy of LRB 2046 to see how it may further affect your efforts, before you send your language to the drafter. DOT is just currently reviewing LRB 2046 so we do not have definitive comments for you as this time; Carson Frazier will have to address the definitions in relation to your proposal. In any case, LRB 2046 is not a "sure thing" but you may need to coordinate your language with it. If you cannot get a copy of LRB 2046 (I don't know the author), I can send you a copy (it's 81 pages long).

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

From: Christianson, Peter C. [mailto:PCC@quarles.com]
Sent: Thursday, July 03, 2003 11:41 AM
To: Brumund, Lorelee
Cc: Schmitt, Bob
Subject: Here's what the bill draft might look like with your suggestions and Bob Schmitt's suggestions rolled in!

Lorelee -

Take a look at the attached and tell me what you think. Bob has attempted to roll everything into one.

I don't think that the drafter will "buy" the "driver side" and "passenger side" verbiage, but the rest looks like it will work.

2003 - 2004 Legislature

- 2 -

LRB-2679/1
ARG:jld:cph

BILL

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Gary, Aaron

From: Gary, Aaron
Sent: Tuesday, July 08, 2003 4:27 PM
To: 'Christianson, Peter C.'
Cc: Gilbert, Melissa
Subject: RE: LRB-2679/1 -- Length and width of recreation vehicles

Pete,

As I mentioned in our telephone conversation a few minutes ago, inclusion of "recreational vehicle" (RV) raised a red flag in my mind, but I couldn't remember why. I just looked at the definition of RV in ch. 340 and remembered why. RV is defined as a mobile home that does not exceed the size limits under 348.07 (2). Since RV is defined as a (specific category of) mobile home, does it add anything to amended s. 348.05 (2) (i) to include the term RV? (As I recall, a similar issue came up in last session's draft in the context that the term RV could not be added to s. 348.07 (2) without creating a circular definition under s. 340.01 (48r).) I think that adding the term has no substantive effect and is a little confusing when s. 348.05(2)(i) and 348.07(2)(c) are read together.

Aaron R. Gary
Legislative Attorney
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<<C__Program Files_RightFax_RFaxGate_IN_A5dd2664d-a0e4-490b-a7be-f319753c2303.TIF>>



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-26791# Z
ARG:jld:cph

5002

turned in
7/9

KMR

J-Note

2003 BILL

related to the structure of the vehicle and

Regen

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2 maximum permissible length and width of mobile homes and motor homes
3 operated without a permit.

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This bill allows a person to operate without a permit a mobile home or motor home that has a realistic body width not exceeding 8 feet 6 inches and that has ~~mechanical device~~, such as a retracted awning, installed upon the vehicle by a manufacturer or dealer that extends up to an additional 8 inches on the driver side and 6 inches on the passenger side of the vehicle.

Current law generally prohibits a person from operating on a highway, without a permit, any single vehicle with an overall length in excess of 40 feet. An exception to this prohibition allows a person to operate without a permit a mobile home that does not exceed 45 feet in overall length.

This bill allows a person to operate without a permit a motor home that does not exceed 45 feet in overall length. This has the effect of increasing the maximum length limit for motor homes, without a permit, from 40 feet to 45 feet.

provided that, if the appurtenance extends to the maximum extent, it is located at a height of at least eight feet

BILL

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3 motor homes, and up to an additional ⁴ inches on the left side and ⁶ inches on the
4 right side of such vehicles for ~~mechanical devices~~ related to the structure of the
5 vehicle ^{and is} including retracted awnings, installed upon the vehicle by a manufacturer
6 or dealer.

7 **SECTION 2.** 348.07 (2) (c) of the statutes is amended to read:

8 348.07 (2) (c) Forty five feet for mobile homes, motor homes, and motor buses.

9 **SECTION 3. Initial applicability.**

10 (1) This act first applies to violations under sections 348.05 (1) and 348.07 (1)
11 of the statutes occurring on the effective date of this subsection, but does not preclude
12 the counting of other violations as prior violations for sentencing a person.

(END)

appurtenances provided that, if any appurtenance extends the
maximum ⁴ inches on the left side or 6 inches on the
right side, the appurtenance is located at a height of
not less than ⁸ feet from the ground. In this paragraph,
"appurtenance" means any mechanical or other device, including
retracted awning assemblies, vent grates, electrical outlet
covers, and door handles, that is

A - Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2679/2dn

ARG:.....

Jed

ATTN: Melissa Gilbert

As discussed in my e-mail, because s. 340.01 (48r) defines "recreational vehicle" as a certain category of mobile home, and a mobile home is already included in s. 348.05 (2) (i), I have not included "recreational vehicle" in amended s. 348.05 (2) (i).

The introduction to s. 348.05 (2) provides that the subsection identifies the extent to which certain vehicles are excepted from general width limitations without a permit. To the extent an overwidth vehicle does not meet the requirements under s. 348.05, the operator of the vehicle must obtain an oversize permit. (See s. 348.05 (1).) It is not necessary to add what is proposed as the last sentence to amended s. 348.05 (2) (i), and I believe doing so would create confusion in the statutes.

I have incorporated the 8-foot height requirement from the proposed language provided, which would allow appurtenances of 3 3/4" on the driver side and 5 3/4" on the passenger side mounted less than 8 feet from the ground.

I have retained the terms "left side" and "right side" as opposed to "driver side" and "passenger side" to maintain consistency in terms within s. 348.05 (see s. 348.05 (2) (k)) and because these are the customary statutory terms.

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-2679/2dn
ARG:jld:jf

July 11, 2003

ATTN: Melissa Gilbert

As discussed in my e-mail, because s. 340.01 (48r) defines "recreational vehicle" as a certain category of mobile home, and a mobile home is already included in s. 348.05 (2) (i), I have not included "recreational vehicle" in amended s. 348.05 (2) (i).

The introduction to s. 348.05 (2) provides that the subsection identifies the extent to which certain vehicles are excepted from general width limitations without a permit. To the extent an overwidth vehicle does not meet the requirements under s. 348.05, the operator of the vehicle must obtain an oversize permit. (See s. 348.05 (1).) It is not necessary to add what is proposed as the last sentence to amended s. 348.05 (2) (i), and I believe doing so would create confusion in the statutes.

I have incorporated the 8-foot height requirement from the proposed language provided, which would allow appurtenances of 3 3/4" on the driver side and 5 3/4" on the passenger side mounted less than 8 feet from the ground.

I have retained the terms "left side" and "right side," as opposed to "driver side" and "passenger side," to maintain consistency in terms within s. 348.05 (see s. 348.05 (2) (k)) and because these are the customary statutory terms.

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

Gary, Aaron

From: Gary, Aaron
Sent: Thursday, July 24, 2003 4:14 PM
To: Frazier, Carson; 'Bob Schmitt'; VanDeventer, Victoria; 'PCC@quarles.com'
Cc: Romanski, Randy
Subject: RE: LRB-2679/2 RVIA

I think Bob's general approach works. But if we change the definition of RV in s. 340.01 (48r) we'll need to change the definition in s. 218.10 (8m) also, and I don't know what spill over effect that will have with DOT or RV/mobile home dealers.

I think we're back to my e-mail of July 18. The language that Bob proposes is very similar to what is in that e-mail; I will try to track Bob's language while reflecting existing statutory terms as set out in my e-mail to the extent possible. I also think that we can accomplish the intent of this draft without actually changing the definition - all we need to do is use the applicable descriptive language in the provision at issue here. (In drafting we typically prefer a narrow approach over a broad approach to try to minimize the risk of unintended consequences, and here I think the narrower approach of not actually changing the definition works as well as the broader approach.)

With regard to other potential pending legislation, it is common for us to work on different bills that affect the same statutes in related but different ways. In drafting, it is generally too difficult and unpredictable to try to coordinate these different legislative efforts. If different legislation on a topic passes, there are various options for coordinating down the road: (1) the revisor can correct technical conflicts upon passage of both bills, (2) if a related bill passes first, an amendment can be made to correct conflicts between a pending bill and the new act, or (3) follow up legislation can correct conflicts if both bills pass. So it may be wise for a bill sponsor or proponent to follow other legislative efforts, but we generally don't try to coordinate the drafting of legislative efforts from different sources, particularly in a situation like this where the real intent of one bill is very narrow and there may be some other broad effort that, in its breadth, could potentially overlap with it.

Thank you for not suggesting changing the definition of "mobile home" - that would open the pandora's box I referred to earlier. (see, eg, s. 340.01 (18m), 342.40 (1m), 346.94 (8), 347.15 (1), 347.35 (4), etc.)

I will proceed as outlined here and if it doesn't work for everybody we can do yet another redraft when Pete returns. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

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

From: Frazier, Carson
Sent: Thursday, July 24, 2003 3:23 PM
To: 'Bob Schmitt'; Gary, Aaron; Frazier, Carson; VanDeventer, Victoria; PCC@quarles.com
Cc: Romanski, Randy
Subject: RE: LRB-2679/2 RVIA

I'll ask people here about Bob's wording. But, also, we may want to secure the concurrence of the Department of Commerce and the Wisconsin HOusing Alliance (formerly the Wisconsin Manufactured Housing Association). Since titling manufactured housing was transferred to the Department of Commerce a few years ago, we are aware that there are some mobile homes that are shorter than 45' but that are intended to be stationary and

placed for permanent use, such as in campgrounds -- in fact, I have heard them referred to as "park models". We are dealing with these by policy in our relationship with the Department of Commerce.

Further, I know that Commerce and WHA are working on possible legislation to clarify the definitional distinction between recreational vehicles and manufactured housing. Their proposal would incorporate the concept of temporary or recreational dwelling (they call it recreational trailer, and DOT is commenting on their bill draft which I see Aaron is participating in drafting of). So, I think it would be good to work in sync with them, if that's possible under the etiquette of drafting, Aaron?

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

From: Bob Schmitt [mailto:rschmitt@rvia.org]
Sent: Thursday, July 24, 2003 3:08 PM
To: Gary, Aaron; Frazier, Carson; VanDeventer, Victoria; PCC@quarles.com
Subject: RE: LRB-2679/2 RVIA

Aaron,

First off, I want to apologize for prolonging the confusion by not making myself more clear. I just reviewed the existing statutes, and I now think we may have a solution.

Section 340.01(48r) currently states: "Recreational vehicle" means a mobile home that does not exceed the statutory size under s. 348.07(2).

The statutory size under s. 348.07(2) is 45 feet in length. There are NO recreational vehicle camping trailers that equal or exceed 45 feet in length.

The problem arises because Wisconsin's definitions do not distinguish between recreational vehicle travel trailers, all of which are less than 45 feet in length, and short mobile homes of less than 45 feet in length. The latter are not built for recreational travel, are generally towed by special haulers, and are intended for use as permanent habitations. In contrast, the former are specifically built for ready towing by passenger cars, pick-up trucks or SUVs, and are only used for temporary recreational purposes.

Consequently, I don't see how we can address this problem without making a small but significant change in the "recreational vehicle" definition. Here is what I propose:

Include in the bill an amendment to s. 340.01(48r) to read: "Recreational vehicle" means a mobile home that does not exceed the statutory size under s. 348.07(2) and is intended only for short-term, recreational use as temporary living quarters.

This change will eliminate the possibility of a small mobile home (<45 ft.) being unintentionally considered a recreational vehicle. I'm not certain, but I also believe that this proposed change will have no impact on other statutory sections. Perhaps you or Carson can confirm this?

Then, restore to the s. 348.05(2)(i) amendment the words "recreational vehicle" in TWO places, so that it reads: "... A realistic body width of 8 feet 6 inches for mobile homes, motor homes and recreational vehicles, and up to an additional 4 inches on the left side and 6 inches on the right side of motor homes and recreational vehicles only, for appurtenances ..."

I think this takes care of all aspects of the problem. It more accurately defines recreational vehicle, and it eliminates the appurtenance variance from applying to any mobile home, regardless its length. I await both your and Carson's more expert opinions. Looking forward to hearing from you.

Bob Schmitt
Assistance General Counsel
RVIA
(703) 620-6003 ext 358

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]
Sent: Thursday, July 24, 2003 2:33 PM
To: Bob Schmitt; Gary, Aaron; Frazier, Carson; VanDeventer, Victoria;
PCC@quarles.com
Subject: RE: LRB-2679/2 RVIA

Bob,

Does your suggested change accomplish the objective here? The only difference (under the statutory definitions) between a mobile home and an RV is the length. I thought the problem was that we need to distinguish between "stationary" mobile homes and "traveling" (trailer) mobile homes (commonly called RVs), which I believe the suggested change would not do (the change simply distinguishes between "short" and "long" mobile homes). However, I am not familiar with the industry - perhaps all "stationary" mobile homes are more than 45 feet long and all "traveling" mobile homes (RVs) are 45 feet or less.

Also, as Carson pointed out in her follow up e-mail, we can't simply replace "mobile home" with "RV" because that would eliminate the width exception under current law for mobile homes.

Do you have any thoughts on this? Should I interpret your e-mail to mean that Carson's suggested changes in her last e-mail on July 17 are acceptable and all that you want?

Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

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

From: Bob Schmitt [mailto:rschmitt@rvia.org]
Sent: Thursday, July 24, 2003 1:04 PM
To: Gary, Aaron; Frazier, Carson; VanDeventer, Victoria; PCC@quarles.com
Subject: RE: LRB-2679/2 RVIA

Dear Aaron,

Pete Christianson is out of the country on vacation this week; so in an effort to keep this project moving, i'll respond to your request for further instruction.

In her email to you dated 7/17/03, Carson Frazier stated:

>On page 2, line 2, we actually DO want to limit the width to "recreational
>vehicles," not all mobile homes. You are exactly right that recreational
>vehicles are a subset of mobile homes, but the increased width for
>appurtenances should apply only to the subset which is recreational
>vehicles.

>

...

>

>However, as we read the current draft, all mobile homes (including all those

>that are not in the subset "recreational vehicles") may get the extra width
>for appurtenances, AND there's no exception for mobile homes that must get
>an oversize permit. We couldn't accept that.

>
>So, could we just change this draft to strike out "mobile homes" and
replace
>it with "recreational vehicles" in line 2?

I believe that is the only change that needs to be made prior to
finalization
of the bill.

Please feel free to contact me if you have any questions or concerns.

Bob Schmitt
Assistant General Counsel
RVIA
(703) 620-6003 ext. 358

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]
Sent: Thursday, July 24, 2003 9:48 AM
To: Frazier, Carson; VanDeventer, Victoria; Bob Schmitt;
'PCC@quarles.com'
Subject: RE: LRB-2679/2 RVIA

Thanks, Carson. I had overlooked Vikki's point re "motor vehicle" in
reading the definitions - thanks for correcting me on that. At this point I
don't need anything further from DOT on the redraft; I am simply waiting for
further instruction on the redraft from the requester's designee. Aaron

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

From: Frazier, Carson
Sent: Thursday, July 24, 2003 7:44 AM
To: VanDeventer, Victoria; 'Bob Schmitt'; Gary, Aaron; 'PCC@quarles.com'
Subject: RE: LRB-2679/2 RVIA

Hi, Aaron. I just wondered if you'd gotten what you need yet regarding the
distinction between recreational vehicles and mobile homes, and if you need
anything more from DOT right now? Pete and Bob, is there anything more you
need from us right now? thanks to all, and thanks to Vikki for taking up the
mantle in my absence last week.

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

From: VanDeventer, Victoria
Sent: Friday, July 18, 2003 11:51 AM
To: 'Bob Schmitt'; Gary, Aaron; Frazier, Carson; PCC@quarles.com
Cc: Romanski, Randy; Brumund, Lorelee; Nichols, Kathleen; VanDeventer,
Victoria; Klein, Rose; Hansen, Patricia
Subject: RE: LRB-2679/2 RVIA

Good Day,

I serve as Carson Frazier's back-up in her absence. Carson will be out of
the office until Tuesday, July 22nd. In the mean time perhaps I can clarify
Wisconsin's definitions. Bob Schmitt is exactly right that the challenge is
that our definitions don't conform to the terms used in the industry. In
Chapter 340, Wis. Stats, "recreational vehicle" is something that is towed,
and shorter than a mobile home (less than 45 feet long). "Motor home" is

defined separately as a "motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling." So, in essence, under our definitions as they currently exist, a motor home is self-propelled and a recreational vehicle is towed. Bob is also absolutely correct that the department doesn't want the width variances to apply to mobile homes. Recreational vehicles are a subset of mobile homes, and it is to that subset, plus motor homes that we would want the width variances to apply. I hope that is of some help. If I can be of further assistance before Carson returns, please call me directly at (608) 266-0965 or e-mail: victoria.vandeventer@dot.state.wi.us.

Vikki VanDeventer
Supervisor
Customer Service Unit, Dealer Section
(608) 266-0965
victoria.vandeventer@dot.state.wi.us

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

From: Bob Schmitt [mailto:rschmitt@rvia.org]
Sent: Friday, July 18, 2003 11:24 AM
To: Gary, Aaron; Frazier, Carson; PCC@quarles.com
Cc: Romanski, Randy; Brumund, Loralee; Nichols, Kathleen; VanDeventer, Victoria; Klein, Rose; Hansen, Patricia
Subject: RE: LRB-2679/2 RVIA

Dear Aaron,

Perhaps I can help to clarify the definitions for you. as used within the industry, reflected in the national ANSI standards and incorporated into most state statutes, the term "recreational vehicle" serves as an umbrella for several subcategories. These subcategories include: "motor homes," which are motorized self-propelled vehicles; "travel trailers," which are hard-sided towed vehicles; "fifth-wheel trailers," which are a type of travel trailer that are towed using a fifth-wheel hitch mounted on a pickup truck; "folding camping trailers," which are small, towable, pop-up tent-sided vehicles; and "truck campers," which are not really vehicles at all, but are rather inserts that slide into the bed of pickup trucks.

Our challenge in drafting this legislation arises because Wisconsin does not exactly follow these definitional conventions. The width variance we are seeking is needed not only for "motor homes" but also the various types of towable recreational vehicle trailers described above. Neither we nor the folks at the DOT desire or intend this amendment to apply to "mobile homes," which are permanent living quarters and not intended for easily mobile, temporary, recreational use.

Does this help? If anyone needs further clarification or information, please feel free to email me or give me a call [703-620-6003 ext. 358].

Bob Schmitt
Assistant General Counsel
Recreation Vehicle Industry Association
1896 Preston White Drive
Reston, VA 20195

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]
Sent: Friday, July 18, 2003 11:37 AM
To: Frazier, Carson; 'PCC@quarles.com'; Bob Schmitt
Cc: Romanski, Randy; Brumund, Loralee; Nichols, Kathleen; VanDeventer,

Victoria; Klein, Rose; Hansen, Patricia
Subject: RE: LRB-2679/2 RVIA

Pete,

Is Carson's approach acceptable? If it is, I think I can basically redraft it with the information she has provided. However, it's not clear to me whether her approach satisfies your objectives.

If Carson's approach is not what you're looking for, in response to your e-mail, one of the difficulties of drafting is that statutory terms are not always consistent with common or industry parlance. Because of existing statutory definitions, I believe that using the term "recreational vehicle" in amended s. 348.05 (2) (i) won't create a distinction between the recreational travel trailer and the stationary mobile home. What we would need to do is use the statutory definitions of recreational vehicle (340.01 (48r)) and then add descriptive language to narrow it down to the intended scope? So I would want to write it something like "recreational vehicle used only as a temporary or recreational dwelling" or "recreational vehicle used only for temporary or recreational habitation", etc. Do you have a suggestion for this language? But this brings me back to my earlier point. While the industry may call these things "recreational travel trailers" and not "motor homes", why don't they fit the statutory definition of "motor home" under s. 340.01 (33m)? I see no reason why these "recreational travel trailers" are not "motor homes" under the statutory definition, and would therefore be included within the changes made by the bill as currently drafted.

Thanks for your feedback. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

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

From: Frazier, Carson
Sent: Thursday, July 17, 2003 4:16 PM
To: Frazier, Carson; Gary, Aaron; 'PCC@quarles.com'; 'rschmitt@rvia.org'
Cc: Romanski, Randy; Brumund, Lorelee; Nichols, Kathleen; VanDeventer, Victoria; Klein, Rose; Hansen, Patricia
Subject: RE: LRB-2679/2 RVIA

It just occurred to me that our solution below may have the drawback of not allowing mobile homes that are larger than recreational vehicles to have "a realistic body width of 8'6\"", which they do now (whatever "realistic" body width means, if it's different from total width). So, maybe the wording has to be "A realistic body width for mobile homes, recreational vehicles, and motor homes, and, for recreational vehicles and motor homes, up to an additional 4 inches." But, hopefully, Aaron can see what we're shooting for?

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

From: Frazier, Carson
Sent: Thursday, July 17, 2003 4:08 PM
To: Gary, Aaron; 'PCC@quarles.com'; 'rschmitt@rvia.org'
Cc: Romanski, Randy; Brumund, Lorelee; Nichols, Kathleen; VanDeventer, Victoria; Klein, Rose; Hansen, Patricia; Frazier, Carson
Subject: LRB-2679/2 RVIA

Hello, Pete and Bob and Aaron. We've looked at the LRB draft below, and we do have one major problem.

On page 2, line 2, we actually DO want to limit the width to "recreational vehicles," not all mobile homes. You are exactly right that recreational vehicles are a subset of mobile homes, but the increased width for appurtenances should apply only to the subset which is recreational vehicles.

If you make that change, you are correct that the last sentence is probably superfluous. We had suggested it because we just wanted to be absolutely clear that mobile homes that must get an oversize permit may not have this extra width. But, if the phrase "mobile homes" will no longer be in the paragraph, you are right, there's no need for it.

However, as we read the current draft, all mobile homes (including all those that are not in the subset "recreational vehicles") may get the extra width for appurtenances, AND there's no exception for mobile homes that must get an oversize permit. We couldn't accept that.

So, could we just change this draft to strike out "mobile homes" and replace it with "recreational vehicles" in line 2?

Aaron, we'd be very glad to talk about this if my note is unclear. I will be out of the office Friday 7/18 and Monday 7/21, but all the rest of the DOT-ers can talk.

Thank you very much for your patience.

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

From: Christianson, Peter C. [mailto:PCC@quarles.com]
Sent: Tuesday, July 15, 2003 3:02 PM
To: Brumund, Lorelee
Cc: Schmitt, Bob
Subject: LRB-2679/2 RVIA

Try this!

TOBAY

RMR

2003 BILL

✓ and recreational vehicles

Regen

1

AN ACT to amend 348.05 (2) (i) and 348.07 (2) (c) of the statutes; relating to: the

2

maximum permissible length and width of ~~mobile homes and~~ motor homes

3

operated without a permit.

✓ or recreational vehicle

Analysis by the Legislative Reference Bureau

Under current law, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory limits on size, weight, or load unless that person possesses a permit issued by the Department of Transportation (DOT). Current law generally prohibits a person from operating on a highway, without a permit, any vehicle having a total outside width in excess of 8 feet 6 inches. An exception to this prohibition allows a person to operate without a permit a mobile home with a "realistic body width" that does not exceed 8 feet 6 inches.

insert anal

This bill allows a person to operate without a permit a mobile home or motor home that has a realistic body width not exceeding 8 feet 6 inches and that has an appurtenance, such as a retracted awning, related to the structure of the vehicle and installed upon the vehicle by a manufacturer or dealer that extends up to an additional 4 inches on the driver side and 6 inches on the passenger side of the vehicle provided that, if the appurtenance extends to the maximum extent, it is located at a height of at least eight feet.

Current law generally prohibits a person from operating on a highway, without a permit, any single vehicle with an overall length in excess of 40 feet. An exception to this prohibition allows a person to operate without a permit a mobile home that does not exceed 45 feet in overall length.

NO a motor home or recreational vehicle used only as a temporary or recreational dwelling

BILL

This bill allows a person to operate without a permit a motor home that does not exceed 45 feet in overall length. This has the effect of increasing the maximum length limit for motor homes, without a permit, from 40 feet to 45 feet.

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. 348.05 (2) (i) of the statutes is amended to read:

348.05 (2) (i) A realistic body width of 8 feet 6 inches for mobile homes and motor homes, and up to an additional 4 inches on the left side and 6 inches on the right side of such vehicles for appurtenances provided that, if any appurtenance extends the maximum 4 inches on the left side or 6 inches on the right side, the appurtenance is located at a height of not less than 8 feet from the ground. In this paragraph, "appurtenance" means any mechanical or other device, including retracted awning assemblies, vent grates, electrical outlet covers, and door handles, that is related to the structure of the vehicle and is installed upon the vehicle by a manufacturer or dealer.

SECTION 2. 348.07 (2) (c) of the statutes is amended to read:

348.07 (2) (c) Forty five feet for mobile homes, motor homes, and motor buses.

SECTION 3. Initial applicability.

(1) This act first applies to violations under sections 348.05 (1) and 348.07 (1) of the statutes occurring on the effective date of this subsection, but does not preclude the counting of other violations as prior violations for sentencing a person.

(END)

for motor homes and ^{for} recreational vehicles used only
as temporary or recreational dwellings,

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2679/3ins
ARG:.....

INSERT anal:

(no PR) Current law defines a "mobile home" ✓ as a vehicle, with walls of rigid uncollapsible construction, designed to be towed as a single unit or in sections upon a highway and equipped and used, or intended to be used, primarily for human habitation. A "recreational vehicle" is defined as a mobile home that is no more than 45 feet long. A "motor home" is defined as a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

(end ins)