

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 678**

1     **AN ACT** *to amend* 348.01 (2) (bt), 348.175, 348.21 (2) (b), 348.21 (3) (intro.),  
2           348.21 (3g) (intro.), 348.22, 348.25 (2) (b), 348.27 (9m) (a) 1., 348.27 (9m) (a) 1.  
3           and 348.27 (9m) (b); and *to create* 348.195, 348.21 (3g), 348.21 (3r) and 348.27  
4           (9m) (a) 4. of the statutes; **relating to:** annual or consecutive month permits  
5           for certain overweight vehicles or vehicle combinations, requiring certain  
6           persons to maintain weight records related to the transportation of raw forest  
7           products, vehicle weight limitation violations, and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

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

8           **SECTION 1.** 348.01 (2) (bt) of the statutes is amended to read:  
9           348.01 (2) (bt) “Raw forest products” means logs, pilings, posts, poles, cordwood  
10          products, wood chips, sawdust, pulpwood, intermediary lumber, fuel wood and

1 Christmas trees not altered by a manufacturing process off the land, sawmill or  
2 factory from which they are taken.

3 **SECTION 2.** 348.175 of the statutes is amended to read:

4 **348.175 Seasonal operation of vehicles hauling peeled or unpeeled**  
5 **forest products cut crosswise or abrasives or salt for highway winter**  
6 **maintenance.** The transportation of peeled or unpeeled forest products cut  
7 crosswise or of abrasives or salt for highway winter maintenance in excess of gross  
8 weight limitations under s. 348.15 shall be permitted during the winter months  
9 when the highways are so frozen that no damage may result thereto by reason of such  
10 transportation. If at any time any person is so transporting such products or  
11 abrasives or salt upon a class “A” highway in such frozen condition then that person  
12 may likewise use a class “B” highway without other limitation, except that chains  
13 and other traction devices are prohibited on class “A” highways but such chains and  
14 devices may be used in cases of necessity. The officers or agencies in charge of  
15 maintenance of highways, upon determination of such frozen condition and freedom  
16 of damage to such highways by transportation shall declare particular highways, or  
17 highways within areas of the state as eligible for increased weight limitations. Such  
18 declaration shall include the maximum weight on each axle, combination of axles  
19 and the gross weight allowed. Any person transporting any such product abrasives  
20 or salt over any highway of this state under this section is liable to the maintaining  
21 authority for any damage caused to such highway. This section does not apply to the  
22 national system of interstate and defense highways, except for that portion of  
23 USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51  
24 and the I 90/94 interchange near Portage upon their federal designation as I 39  
25 between USH 51 and I 90/94.

1           **SECTION 3.** 348.195 of the statutes is created to read:

2           **348.195 Weight records of raw forest products purchasers.** (1) Any  
3 purchaser of raw forest products transported by a vehicle or vehicle combination  
4 subject to the requirements of this subchapter that generates a weight scale record  
5 identifying the gross weight of the vehicle or vehicle combination or the weight of the  
6 load transported by the vehicle or vehicle combination shall retain the weight scale  
7 record for not less than 30 days from the date that the weight scale record is  
8 generated.

9           (2) Upon demand by any traffic officer in this state within the 30–day period  
10 specified in sub. (1), any person required to retain records under sub. (1) shall  
11 promptly provide such records to the requesting officer.

12           (3) For purposes of this section, a true, accurate, and legible copy of any weight  
13 scale record may be substituted for, and shall be given the effect of, an original.

14           (4) Any person required to retain records under sub. (1) or to produce records  
15 under sub. (2) who fails to retain or produce such records shall forfeit \$1,000. Each  
16 violation constitutes a separate offense.

17           (5) In any prosecution of a person for transporting raw forest products in  
18 violation of the requirements of this subchapter, the records required to be retained  
19 under sub. (1) and produced under sub. (2) may be relevant evidence under s. 904.01  
20 and admissible under s. 904.06.

21           **SECTION 4.** 348.21 (2) (b) of the statutes is amended to read:

22           348.21 (2) (b) If the load on any wheel, axle or group of axles does not exceed  
23 the weight prescribed in s. 348.15 (3) or 348.16 or in a declaration issued under s.  
24 348.175 by more than 2,000 pounds and if such excess can be reloaded within the  
25 normal load carrying areas, on any other wheel, axle or axles, so that all wheels and

1 axles are then within the statutory limits, the operator may reload as provided in this  
2 paragraph. A total of 2,000 pounds per vehicle or combination of vehicles may be  
3 reloaded under this subsection. If reloading is accomplished and all axles or group  
4 of axles are within the legal limits, no forfeiture may be imposed. A vehicle or  
5 combination of vehicles under this subsection which is not reloaded may continue to  
6 be operated upon the highway, but a forfeiture of \$50 shall be imposed for failure to  
7 reload. This forfeiture shall be paid upon the basis of the citation issued by the  
8 official to the court named in the citation. Failure to pay shall subject the operator  
9 to the penalty in par. (a) or sub. (3) (a) or (3g). Violations under this subsection shall  
10 not be considered as violations or prior convictions under par. (a) or sub. (3) ~~(a) or (b)~~  
11 to (3r).

12 **SECTION 5.** 348.21 (3) (intro.) of the statutes is amended to read:

13 348.21 (3) (intro.) Any Except as provided in sub. (3g), any person violating s.  
14 348.15 or 348.16 or any weight limitation posted as provided in s. 348.17 (1) or in a  
15 declaration issued under s. 348.175 or authorized under s. 348.17 (3) or (4) or in an  
16 overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

17 **SECTION 6.** 348.21 (3g) of the statutes is created to read:

18 348.21 (3g) Any person who, while operating a vehicle combination that has  
19 6 or more axles and that is transporting raw forest products, violates s. 348.15 or  
20 348.16 or any weight limitation posted as provided in s. 348.17 (1) or in a declaration  
21 issued under s. 348.175 or authorized under s. 348.17 (4) or in an overweight permit  
22 issued under s. 348.26 or 348.27 may be penalized as follows:

23 (a) For a first conviction or a 2nd conviction within a 12-month period, a  
24 forfeiture of not less than \$150 nor more than \$250 plus an amount equal to: 6 cents  
25 for each pound of total excess load when the total excess is less than 2,000 pounds;

1 8 cents for each pound of total excess load if the excess is 2,000 pounds or more and  
2 not over 3,000 pounds; 9 cents for each pound of total excess load if the excess is over  
3 3,000 pounds and not over 4,000 pounds; 10 cents for each pound of total excess load  
4 if the excess is over 4,000 pounds and not over 5,000 pounds; 11 cents for each pound  
5 of total excess load if the excess is over 5,000 pounds.

6 (b) For the 3rd and each subsequent conviction within a 12-month period, a  
7 forfeiture of not less than \$500 nor more than \$550, plus an amount equal to: 20 cents  
8 for each pound of total excess load when the total excess is 3,000 pounds or less; 21  
9 cents for each pound of total excess load if the excess is over 3,000 pounds and not  
10 over 4,000 pounds; 22 cents for each pound of total excess load if the excess is over  
11 4,000 pounds and not over 5,000 pounds; 23 cents for each pound of total excess load  
12 if the excess is over 5,000 pounds.

13 **SECTION 7.** 348.21 (3g) (intro.) of the statutes, as created by 2005 Wisconsin Act  
14 .... (this act), is amended to read:

15 348.21 (3g) (intro.) Any person who, while operating a vehicle combination that  
16 has 6 or more axles and that is transporting raw forest products, violates s. 348.15  
17 or 348.16 or any weight limitation posted as provided in s. 348.17 (1) or ~~in a~~  
18 ~~declaration issued under s. 348.175 or~~ authorized under s. 348.17 (4) or in an  
19 overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

20 **SECTION 8.** 348.21 (3r) of the statutes is created to read:

21 348.21 (3r) In determining the number of prior convictions for purposes of  
22 subs. (3) and (3g), the court shall include convictions under both subsections.

23 **SECTION 9.** 348.22 of the statutes is amended to read:

24 **348.22 Courts to report weight violation convictions.** Whenever any  
25 owner or operator is convicted of violating ss. 348.15 to 348.17 or any local ordinance

1 in conformity with ss. 348.15 to 348.17 or any ordinance enacted under s. 349.15 (3),  
2 the clerk of the court in which the conviction occurred, or the judge or municipal  
3 judge, if the court has no clerk, shall, within 48 hours after the conviction, forward  
4 a record of conviction to the department. Forfeiture of bail or appearance money or  
5 payment of a fine is a conviction within the meaning of this section.

6 **SECTION 10.** 348.25 (2) (b) of the statutes is amended to read:

7 348.25 (2) (b) If an overweight permit has been obtained under s. 348.26 or  
8 348.27, and the vehicle exceeds the weight stated in the permit, any overweight  
9 violation shall be computed on the basis of the weight authorized in the permit. The  
10 amount of the forfeiture for overweight violations determined under this paragraph  
11 shall be calculated as provided in s. 348.21 (3) to (3r). This paragraph does not apply  
12 if any other conditions of an overweight permit are violated.

13 **SECTION 12.** 348.27 (9m) (a) 1. of the statutes is amended to read:

14 348.27 (9m) (a) 1. Raw forest products or of fruits or vegetables from field to  
15 storage or processing facilities in vehicles or vehicle combinations that exceed the  
16 maximum gross weight limitations under s. 348.15 (3) (c) by not more than 10,000  
17 pounds. A permit under this subdivision is not valid on highways designated as part  
18 of the national system of interstate and defense highways, except on I 39 between  
19 STH 29 south of Wausau and the I 90/94 interchange near Portage in Marathon,  
20 Portage, Waushara, Marquette and Columbia counties. No permit authorizing the  
21 transportation of raw forest products issued under this subdivision is valid after  
22 January 1, 2011.

23 **SECTION 13.** 348.27 (9m) (a) 1. of the statutes, as affected by 2005 Wisconsin  
24 Act .... (this act), is amended to read:

1           348.27 **(9m)** (a) 1. ~~Raw forest products or of fruits~~ Fruits or vegetables from  
2 field to storage or processing facilities in vehicles or vehicle combinations that exceed  
3 the maximum gross weight limitations under s. 348.15 (3) (c) by not more than 10,000  
4 pounds. A permit under this subdivision is not valid on highways designated as part  
5 of the national system of interstate and defense highways, except on I 39 between  
6 STH 29 south of Wausau and the I 90/94 interchange near Portage in Marathon,  
7 Portage, Waushara, Marquette and Columbia counties. ~~No permit authorizing the~~  
8 ~~transportation of raw forest products issued under this subdivision is valid after~~  
9 ~~January 1, 2011.~~

10           **SECTION 14.** 348.27 (9m) (a) 4. of the statutes is created to read:

11           348.27 **(9m)** (a) 4. Raw forest products in vehicle combinations that exceed the  
12 maximum gross weight limitations under s. 348.15 (3) (c) by not more than 18,000  
13 pounds if the vehicle combination has 6 or more axles and the gross weight imposed  
14 on the highway by the wheels of any one axle of the vehicle combination does not  
15 exceed 18,000 pounds, except that the gross weight imposed on the highway by the  
16 wheels of any steering axle on the power unit may not exceed the greater of 13,000  
17 pounds or the manufacturer's rated capacity, but not to exceed 18,000 pounds.  
18 Notwithstanding s. 348.15 (8), any axle of a vehicle combination that does not impose  
19 on the highway at least 8 percent of the gross weight of the vehicle combination may  
20 not be counted as an axle for the purposes of this subdivision. A permit under this  
21 subdivision is not valid on any interstate highway designated under s. 84.29 (2), any  
22 highway or bridge with a posted weight limitation that is less than the vehicle  
23 combination's gross weight, and any part of the state trunk highway system that the  
24 department has designated by rule as a route on which a permit issued under this  
25 subsection is not valid.

1           **SECTION 15.** 348.27 (9m) (b) of the statutes is amended to read:

2           348.27 **(9m)** (b) A permit issued under par. (a) 1. to 3. does not authorize the  
3 operation of any vehicle or vehicle combination at a maximum gross weight in excess  
4 of 90,000 pounds. A permit issued under par. (a) 4. does not authorize the operation  
5 of any vehicle combination at a maximum gross weight in excess of 98,000 pounds.

6           **SECTION 16. Nonstatutory provisions.**

7           (2) The joint legislative council shall conduct a comprehensive study to review  
8 the system of motor vehicle weight limits on the state's highways and bridges. The  
9 study shall include the issues and interrelationships between economic impacts,  
10 truck configurations, expected compliance levels and enforcement constraints, and  
11 impacts on the public infrastructure, operational, and safety issues. The joint  
12 legislative council shall convene a committee to conduct the study, and  
13 representatives of local government, the department of transportation, the trucking  
14 industry, the raw forest products industry, and agricultural producers shall be  
15 invited to serve on the committee. The joint legislative council shall report its  
16 findings, conclusions, and recommendations to the legislature in the manner  
17 provided under section 13.172 (2) of the statutes by January 1, 2007.

18           **SECTION 17. Initial applicability.**

19           (1) This act first applies to motor vehicles operated on, and violations  
20 committed on, the effective date of this subsection, but does not preclude the counting  
21 of other violations as prior violations for purposes of sentencing a person.

22           **SECTION 18. Effective dates.** This act takes effect on the 45th day beginning  
23 after publication, except as follows:



