

(B)

2005 - 2006 LEGISLATURE

in 11/11

Needed by
Mon. 11/14
end of day

50293/1
LRB-4402/1
ARG:wlj:rs

SUBSTITUTE AMENDMENT,

TO 2005 ASSEMBLY BILL 678

stays
R M N R
ECS
Note

bill with
SMV

September 20, 2005 - Introduced by Representatives FRISKE, SHERMAN, GARD, GRONEMUS, AINSWORTH, PETROWSKI, MURSAU, HAHN, MUSSER, ALBERS, LEMAHEU, M. WILLIAMS, WOOD, SUDER, GUNDERSON and PETTIS, cosponsored by Senators ZIEN, BROWN, SCHULTZ, KANAVAS, LEIBHAM, GROTHMAN and JAUCH. Referred to Committee on Transportation.

related to the transportation of raw forest products,
~~and certain~~
vehicle weight limitation violations

1 AN ACT to amend 348.01 (2) (bt), 348.22, 348.27 (9m) (a) 1. and 348.27 (9m) (b);
2 and to create 25.40 (1) (in), 348.195, 348.215, 348.27 (9m) (a) 4., 814.75 (17m),
3 814.79 (6m) and 814.81 (7m) of the statutes; relating to: annual or consecutive
4 month permits for certain overweight vehicles or vehicle combinations,
5 ~~creating an overweight vehicle surcharge~~, requiring certain ^{persons} motor carriers to
6 maintain weight records, and providing a penalty.

Regen cat.

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 the person obtains a permit issued by the Department of Transportation (DOT) or a local authority. Any state traffic patrol officer, state motor vehicle inspector, or other traffic officer may issue a citation for an overweight violation to a person or motor carrier for the operation of a vehicle in excess of applicable weight limitations.

Under current law, with limitations, DOT may issue an annual or consecutive month permit (a raw forest products, fruits, and vegetables permit) for the transportation of raw forest products, fruits or vegetables from field to storage or processing facilities, or bulk potatoes from storage facilities to rail loading or food processing facilities in vehicles or vehicle combinations that exceed generally applicable statutory gross weight limitations by not more than 10,000 pounds. The

ASSEMBLY BILL 678

permit may not authorize the operation of any vehicle or vehicle combination at a maximum gross weight in excess of 90,000 pounds. A permit for the transportation of raw forest products or of fruits or vegetables is not valid on highways designated as part of the national system of interstate and defense highways except on a specified portion of I 39.

This bill modifies the raw forest products, fruits, and vegetables permit with respect to the transportation of raw forest products so that the current version of the permit will no longer be issued after January 1, 2011, a new version of the permit will be available shortly after the effective date of the bill, and in the interim an applicant may apply for either version of the permit. Under the new version of the permit, DOT may issue a raw forest products, fruits, and vegetables permit for the transportation of raw forest products in vehicle combinations that exceed generally applicable statutory gross weight limitations by not more than 18,000 pounds if all of the following apply:

- 1. The vehicle combination has six or more axles, at least three of which are on a trailer or semitrailer or, if at least one of the three axles has multiple wheels supporting each end of the axle and the axle either lifts or steers, are on the power unit.
- 2. The gross weight imposed on the highway by the wheels of any one axle of the vehicle combination does not exceed 18,000 pounds.
- 3. There is a distance of at least 9 feet between the foremost steering axle and the foremost axle of the drive axle on the power unit, at least 25 feet between the rearmost axle of the drive axle on the power unit and the foremost axle on the trailer or semitrailer, and at least 48 inches between any two consecutive axles of each tandem axle on the trailer or semitrailer.

The permit does not authorize the operation of any vehicle combination at a maximum gross weight in excess of 98,000 pounds. The permit is also not valid on interstate highways, on highways or bridges with posted weight limitations less than the vehicle combination's gross weight, and on state trunk highways that DOT has designated by rule as routes on which the permit is not valid.

The bill also changes the definition of "raw forest products" to include intermediary lumber.

The bill further requires raw forest product transporters to retain, for not less than 30 days from the date of receipt, any weight ticket, weight certification, or other document that identifies the gross weight of, or the weight of the load transported by, the vehicle or vehicle combination transporting the raw forest products. These records must be provided within ten days of the request to any prosecutor in this state who requests them within the 30-day period during which they are required to be retained. Any person who fails to retain or produce these records as required must forfeit \$1,000.

Current law imposes various surcharges against persons who violate certain laws; these surcharges must be paid in addition to any fine or forfeiture imposed and in addition to any other surcharge imposed. For example, current law imposes a railroad crossing improvement surcharge on persons convicted of violating certain traffic laws relating to railroad crossings, a truck driver education surcharge on

Substitute amendment

Insert ANAL-A

promptly

insert ANAL-B

purchasers that generate weight scale records

scale record

traffic officer

ASSEMBLY BILL 678

persons convicted of violating certain traffic laws while operating a commercial motor vehicle, and a driver improvement surcharge on persons convicted of violating certain laws relating to driving while intoxicated. With limited exceptions, a person convicted of a state or local traffic law violation must also pay other surcharges of general applicability.

This bill creates an overweight vehicle surcharge that must be imposed on any person convicted of any overweight violation committed while transporting raw forest products. The amount of the surcharge ranges from \$250 to \$750, depending on how many times the person has been previously convicted of overweight violations committed while transporting raw forest products within a preceding 24-month period. The money collected from the surcharge is deposited into the transportation fund.

Under current law, upon conviction of a person for an overweight violation in any court, the court must forward a record of the conviction to DOT. This bill clarifies that the record of conviction must be forwarded regardless of whether the conviction is for violation of a state statute or a local ordinance in conformity with a state statute.

substituted amendment

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

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:

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SECTION 1. 25.40 (1) (in) of the statutes is created to read:

25.40 (1) (in) All moneys forwarded by treasurers from overweight vehicle surcharges imposed under s. 348.215, as provided in ss. 59.25 (3)(f) 2. and 66.0114 (1) (bm).

SECTION 2. 348.01 (2) (bt) of the statutes is amended to read:

348.01 (2) (bt) "Raw forest products" means logs, pilings, posts, poles, cordwood products, wood chips, sawdust, pulpwood, intermediary lumber, fuel wood and Christmas trees not altered by a manufacturing process off the land, sawmill or factory from which they are taken.

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

insert 3-9

ASSEMBLY BILL 678

insert 4-1

1 **348.195 Weight records of raw forest products transporters.** (1) Any
 2 person transporting raw forest products by a vehicle or vehicle combination subject
 3 to the requirements of this subchapter shall retain, for not less than 30 days from the
 4 date of receipt, any weight ticket, weight certification, or other document that
 5 identifies the gross weight of the vehicle or vehicle combination or the weight of the
 6 load transported by the vehicle or vehicle combination.

7 (2) Upon demand by any ~~prosecutor~~ ^{traffic officer} in this state within the 30-day period
 8 specified in sub. (1), any person required to retain records under sub. (1) shall provide
 9 such records to the requesting ~~prosecutor~~ ^{officer} ~~within 10 days of the request.~~ promptly

10 (3) For purposes of this section, a true, accurate, and legible copy of any weight
 11 ~~ticket, weight certification, or other document~~ ^{scale record} may be substituted for, and shall be
 12 given the effect of, an original.

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

insert 4-15

SECTION 4. 348.215 of the statutes is created to read:

17 **348.215 Overweight vehicle surcharge.** (1) (a) In this section, "violation"
 18 means an overweight violation under this subchapter or under a local ordinance in
 19 conformity with this subchapter or enacted under s. 349.15 (3) committed while
 20 transporting raw forest products.

21 (b) If a court imposes a forfeiture for a violation, the court shall also impose
 22 under ch. 814 an overweight vehicle surcharge in the following amount:

23 1. If the person has not been convicted of another violation committed within
 24 the 24-month period immediately preceding the date of the violation for which the
 25 forfeiture is imposed, \$250.

ASSEMBLY BILL 678

1 2. If the person has been convicted of one violation committed within the
2 24-month period immediately preceding the date of the violation for which the
3 forfeiture is imposed, \$500.

4 3. If the person has been convicted of 2 or more violations committed within the
5 24-month period immediately preceding the date of the violation for which the
6 forfeiture is imposed, \$750.

7 (c) If multiple offenses are involved, the court shall impose an overweight
8 vehicle surcharge upon each forfeiture imposed.

9 (2) (a) Except as provided in par. (b), the clerk of the circuit court shall collect
10 and transmit the amount of the overweight vehicle surcharge under sub. (1) to the
11 county treasurer as provided in s. 59.40 (2) (m). The county treasurer shall then pay
12 this amount to the secretary of administration as provided in s. 59.25 (3) (f) 2.

13 (b) If a forfeiture is imposed by a municipal court, the court shall transmit the
14 amount of the overweight vehicle surcharge under sub. (1) to the treasurer of the city
15 or village as provided in s. 66.0114 (1) (bm) and the treasurer shall then pay this
16 amount to the secretary of administration as provided in s. 66.0114 (1) (bm).

17 (c) The secretary of administration shall deposit all amounts received under
18 this subsection into the transportation fund.

19 **SECTION 5.** 348.22 of the statutes is amended to read:

20 **348.22 Courts to report weight violation convictions.** Whenever any
21 owner or operator is convicted of violating ss. 348.15 to 348.17 or any local ordinance
22 in conformity with ss. 348.15 to 348.17 or any ordinance enacted under s. 349.15 (3),
23 the clerk of the court in which the conviction occurred, or the judge or municipal
24 judge, if the court has no clerk, shall, within 48 hours after the conviction, forward

ASSEMBLY BILL 678

SECTION 5

1 a record of conviction to the department. Forfeiture of bail or appearance money or
2 payment of a fine is a conviction within the meaning of this section.

3 **SECTION 6.** 348.27 (9m) (a) 1. of the statutes is amended to read:

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

13 **SECTION 7.** 348.27 (9m) (a) 4. of the statutes is created to read:

14 348.27 (9m) (a) 4. Raw forest products in vehicle combinations that exceed the
15 maximum gross weight limitations under s. 348.15 (3) (c) by not more than 18,000
16 pounds if the vehicle combination has 6 or more axles at least 3 of which are on a
17 trailer or semitrailer or, if at least one of the 3 axles has multiple wheels supporting
18 each end of the axle and the axle either lifts or steers, are on the power unit, the gross
19 weight imposed on the highway by the wheels of any one axle of the vehicle
20 combination does not exceed 18,000 pounds, and there is a distance of at least 9 feet
21 between the foremost steering axle and the foremost axle of the drive axle on the
22 power unit, at least 25 feet between the rearmost axle of the drive axle on the power
23 unit and the foremost axle on the trailer or semitrailer, and at least 48 inches
24 between any two consecutive axles of each tandem axle on the trailer or semitrailer.

25 A permit under this subdivision is not valid on any interstate highway designated

Insert 6-2

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PLAIN

Insert 6-12 from separate page

Insert 6-16

[Large handwritten box around the text of Section 7, lines 16-24]

ASSEMBLY BILL 678

1 under s. 84.29 (2), any highway or bridge with a posted weight limitation that is less
2 than the vehicle combination's gross weight, and any part of the state trunk highway
3 system that the department has designated by rule as a route on which a permit
4 issued under this subsection is not valid.

5 **SECTION 8.** 348.27 (9m) (b) of the statutes is amended to read:

6 348.27 (9m) (b) A permit issued under par. (a) 1. to 3. does not authorize the
7 operation of any vehicle or vehicle combination at a maximum gross weight in excess
8 of 90,000 pounds. A permit issued under par. (a) 4. does not authorize the operation
9 of any vehicle combination at a maximum gross weight in excess of 98,000 pounds.

10 **SECTION 9.** 814.75 (17m) of the statutes is created to read:

11 814.75 (17m) The overweight vehicle surcharge under s. 348.215. x

12 **SECTION 10.** 814.79 (6m) of the statutes is created to read: x

13 814.79 (6m) The overweight vehicle surcharge under s. 348.215.

14 **SECTION 11.** 814.81 (7m) of the statutes is created to read: x

15 814.81 (7m) The overweight vehicle surcharge under s. 348.215.

16 **SECTION 12. Initial applicability.**

17 (1) This act first applies to motor vehicles operated on, and violations
18 committed on, the effective date of this subsection, but does not preclude the counting
19 of other violations as prior violations for purposes of sentencing a person. 45th

20 **SECTION 13. Effective dates.** This act takes effect on the ~~first~~ ^{45th} day of the 4th

21 ~~month~~ beginning after publication, except as follows:

22 (1) The treatment of section 348.27 (9m) (a) 1. of the statutes takes effect on
23 January 1, 2011.

(END)

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7-15

INS
7-22

(9) and
348.175
348.21 (3g) and
(by SECTION 4m)
Note
use autoreb X from INS 6-12
(intro.)
use autoreb Z from page 5 insert
(by SECTION V)
CS

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0293/lins
ARG:.....

SAV ✓

INSERT ANAL-A:

(no R) and the gross weight imposed on the highway by the wheels of any one axle of the vehicle combination does not exceed 18,000 pounds, except that the gross weight imposed on the highway by the wheels of any steering axle on the power unit may not exceed the greater of 13,000 pounds or the manufacturer's rated capacity, but not to exceed 18,000 pounds. ✓

INSERT ANAL-B:

Under current law, DOT may issue an annual or consecutive month permit (known as a Michigan border permit) for an oversize or overweight vehicle or combination of vehicles transporting loads over any state highway within 11 miles of the Wisconsin-Michigan state line and, if previously approved by local highway authorities, on local highways within that 11-mile area, or transporting exclusively peeled or unpeeled forest products anywhere upon USH 2 in Ashland County or Iron County if the vehicle or combination of vehicles is traveling between Wisconsin and Michigan and does not violate length or weight limitations established under Michigan law. ✓

This substitute amendment limits the Michigan border permit in scope to that currently allowed for vehicles operated on USH 2 and provides that any previously issued Michigan border permit for other vehicles becomes invalid after the substitute amendment's effective date. ✓

Current law provides various exceptions that allow a person to operate upon a highway a vehicle or vehicle combination that exceeds generally applicable statutory weight limitations without an overweight permit. One exception allows DOT and local highway authorities to declare certain highways under their jurisdiction as frozen and eligible for increased weight limitations, and to establish increased weight limitations on these highways, for the transportation of certain forest products or of abrasives or salt for highway winter maintenance in excess of generally applicable statutory weight limitations.

This substitute amendment eliminates, effective January 1, 2011, the weight limitation exception associated with a frozen road declaration with respect to vehicles transporting certain forest products.

Under current law, any person violating generally applicable statutory weight limitations, lower special posted weight limitations, or higher weight limitations associated with a frozen road declaration or with an agricultural or energy emergency or included in an overweight permit is subject to specified penalties, depending on the severity of the overweight violation. The penalties generally apply not only to the operator but also to the owner of the violating vehicle and to the motor carrier under whose authority the vehicle is operated. If the overweight vehicle or vehicle combination exceeds by more than 1,000 pounds the applicable weight limitation, the total forfeiture is calculated according to a schedule that increases the amount of the forfeiture based on the number of pounds by which the vehicle or

vehicle combination exceeds the maximum allowable weight (total excess load). For a first conviction, the overweight violation may result in a forfeiture of not less than \$50 nor more than \$200, plus an escalating amount calculated from the schedule based upon the total excess load. For a second and each subsequent conviction within a 12-month period, the overweight violation may result in a forfeiture of not less than \$100 nor more than \$300, plus an escalating amount calculated from the schedule ranging from two cents per pound when the total excess load is not greater than 2,000 pounds to ten cents per pound when the total excess load exceeds 5,000 pounds.

Also under current law, special vehicle registration provisions are available for registration of a road tractor, motor truck, truck tractor, trailer, or equipment that is used exclusively in connection with the transportation of raw forest products (raw forest products-registered vehicle).

This substitute amendment creates a special category of penalty, similar in structure to existing penalties but different in amount, applicable to overweight violations committed during the operation of a raw forest products-registered vehicle. The substitute amendment increases the forfeitures for these offenses. For a first conviction or a ^{second} 2nd conviction within a 12-month period, the amount of the forfeiture is not less than \$150 nor more than \$250, plus an amount per pound for each pound of total excess load ranging from 6 cents per pound when the total excess load is less than 2,000 pounds to 11 cents per pound when the total excess load exceeds 5,000 pounds. For the ^{third} 3rd and each subsequent conviction within a 12-month period, the amount of the forfeiture is not less than \$500 nor more than \$550, plus an amount per pound for each pound of total excess load ranging from 20 cents per pound when the total excess load is 3,000 pounds or less to 23 cents per pound when the total excess load exceeds 5,000 pounds.

third

INSERT 3-9:

SECTION 1. 348.175 of the statutes is amended to read:

348.175 Seasonal operation of vehicles hauling peeled or unpeeled forest products cut crosswise or abrasives or salt for highway winter maintenance. The transportation of peeled or unpeeled forest products cut crosswise or of abrasives or salt for highway winter maintenance in excess of gross weight limitations under s. 348.15 shall be permitted during the winter months when the highways are so frozen that no damage may result thereto by reason of such transportation. If at any time any person is so transporting such products or

abrasives or salt upon a class "A" highway in such frozen condition then that person may likewise use a class "B" highway without other limitation, except that chains and other traction devices are prohibited on class "A" highways but such chains and devices may be used in cases of necessity. The officers or agencies in charge of maintenance of highways, upon determination of such frozen condition and freedom of damage to such highways by transportation shall declare particular highways, or highways within areas of the state as eligible for increased weight limitations. Such declaration shall include the maximum weight on each axle, combination of axles and the gross weight allowed. Any person transporting any such ~~product~~ abrasives or salt over any highway of this state under this section is liable to the maintaining authority for any damage caused to such highway. This section 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 between USH 51 and I 90/94.

History: 1983 a. 531; 1991 a. 316; 1995 a. 113.

INSERT 4-1:

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

INSERT 4-15:

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

348.21 (2) (b) If the load on any wheel, axle or group of axles does not exceed the weight prescribed in s. 348.15 (3) or 348.16 or in a declaration issued under s. 348.175 by more than 2,000 pounds and if such excess can be reloaded within the normal load carrying areas, on any other wheel, axle or axles, so that all wheels and axles are then within the statutory limits, the operator may reload as provided in this paragraph. A total of 2,000 pounds per vehicle or combination of vehicles may be reloaded under this subsection. If reloading is accomplished and all axles or group of axles are within the legal limits, no forfeiture may be imposed. A vehicle or combination of vehicles under this subsection which is not reloaded may continue to be operated upon the highway, but a forfeiture of \$50 shall be imposed for failure to reload. This forfeiture shall be paid upon the basis of the citation issued by the official to the court named in the citation. Failure to pay shall subject the operator to the penalty in par. (a) or sub. (3) (a) or (3g). Violations under this subsection shall not be considered as violations or prior convictions under par. (a) or sub. (3) ~~(a) or (b)~~ to (3r).

History: 1971 c. 164 s. 83; 1971 c. 278, 307; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a); 1981 c. 312; 1985 a. 201, 332; 1995 a. 348; 1997 a. 27.

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

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

History: 1971 c. 164 s. 83; 1971 c. 278, 307; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a); 1981 c. 312; 1985 a. 201, 332; 1995 a. 348; 1997 a. 27.

SECTION 4. 348.21 (3g) of the statutes is created to read:

348.21 (3g) Any person who, while operating a vehicle or vehicle combination any part of which is registered under s. 341.26 (3m), violates s. 348.15 or 348.16 or any weight limitation posted as provided in s. 348.17 (1) or in a declaration issued under s. 348.175 or authorized under s. 348.17 (4) or in an overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

(a) For a first conviction or a 2nd conviction within a 12-month period, a forfeiture of not less than \$150 nor more than \$250 plus an amount equal to: 6 cents for each pound of total excess load when the total excess is less than 2,000 pounds; 8 cents for each pound of total excess load if the excess is 2,000 pounds or more and not over 3,000 pounds; 9 cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds; 10 cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds; 11 cents for each pound of total excess load if the excess is over 5,000 pounds.

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

SECTION 5. 348.21 (3g) of the statutes, as created by 2005 Wisconsin Act ... (this act), is amended to read:

348.21 (3g) Any person who, while operating a vehicle or vehicle combination any part of which is registered under s. 341.26 (3m), violates s. 348.15 or 348.16 or any weight limitation posted as provided in s. 348.17 (1) or in a declaration issued

printed
and
revised

~~under s. 348.175 or~~ authorized under s. 348.17 (4) or in an overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

SECTION 6. 348.21 (3r) of the statutes is created to read:

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

INSERT 6-2:

SECTION 7. 348.25 (2) (b) of the statutes is amended to read:

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

History: 1973 c. 316, 333, 336; 1975 c. 66; 1977 c. 29 ss. 1488, 1654 (8) (a); 1979 c. 34, 221; 1981 c. 20, 69, 215, 312; 1981 c. 347 s. 80 (2), 1981 c. 391; 1983 a. 78 s. 37; 1985 a. 212; 1987 a. 27; 1989 a. 35, 130; 1991 a. 39, 316; 1993 a. 16; 1995 a. 163, 348; 1999 a. 9, 80; 2001 a. 78; 2003 a. 33.

SECTION 8. 348.27 (9) (a) of the statutes is amended to read:

348.27 (9) (a) The department may issue an annual or consecutive month permits ~~for the transportation on a vehicle or combination of vehicles of loads exceeding statutory length or weight limitations over any class of highway for a distance not to exceed 11 miles from the Michigan-Wisconsin state line, except that permit for a vehicle or combination of vehicles exceeding statutory length or weight limitations~~ transporting exclusively peeled or unpeeled forest products cut crosswise ~~may operate under such a permit operating~~ anywhere upon USH 2 in Iron County or Ashland County if the vehicle or combination of vehicles is traveling between this state and Michigan and does not violate length or weight limitations established, as of April 28, 2004, under Michigan law. ~~If the roads desired to be used by the~~

~~applicants involve streets or highways other than those within the state trunk highway system, the application shall be accompanied by a written statement of route approval by the officer in charge of maintenance of the other highway.~~ ✓

Cross Reference: See also ch. Trans 253, Wis. adm. code. **Cross Reference:**

History: 1973 c. 157, 316; 1973 c. 333 s. 190m; 1973 c. 336; 1975 c. 25, 285; 1977 c. 29 ss. 1488m, 1654 (8) (a); 1977 c. 30 s. 5; 1977 c. 191, 197, 272, 273, 418; 1979 c. 34, 315, 326; 1981 c. 20, 69, 163, 215, 391; 1983 a. 78 ss. 32 to 35, 37; 1983 a. 529; 1985 a. 29 s. 3202 (3); 1985 a. 202, 212; 1987 a. 27; 1989 a. 31, 35, 130, 305; 1991 a. 258; 1993 a. 62, 439; 1995 a. 113, 163, 227, 347, 348; 1997 a. 27, 35, 237; 1999 a. 85; 2001 a. 16; 2003 a. 210, 241.

INSERT 6-16:

(no P) and the gross weight imposed on the highway by the wheels of any one axle of the vehicle combination does not exceed 18,000 pounds, except that the gross weight imposed on the highway by the wheels of any steering axle on the power unit may not exceed the greater of 13,000 pounds or the manufacturer's rated capacity, but not to exceed 18,000 pounds. Notwithstanding s. 348.15 (8), any axle of a vehicle combination that does not impose on the highway at least ^{eight percent} 8% of the gross weight of the vehicle combination may not be counted as an axle for the purposes of this subdivision. *(no P)* ✓

*insert
6-12
is on
separate
page*

INSERT 7-15:

SECTION 9. Nonstatutory provisions. ✓

(1) No permit issued under section 348.27 (9), 2003 stats., for operation of a vehicle other than on USH 2 is valid after the effective date of this subsection. ✓

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Change hard number to
auto number

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SECTION 6m. 348.27 (9m) (a) 1. of the statutes, as affected by 2005 Wisconsin Act (this act), is amended to read:

create autoref "X"

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

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10. Page 7, line 22: after "(a) 1." insert "(by SECTION 6m)".

22

(END)

INS 7-22

use auto ref X
from INS
6-12

(#) The treatment of sections 348.175
and 348.27 (9m)(a)1. (by ^{CS} SECTION 1) of
the statutes and the amendment of section
348.21 (3g)(intro.) of the statutes take
effect on January 1, 2011.

NON STAT: EFF DATE

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0293/P1dn

ARG:.....

ATTN: Tim Gary

Please review the attached draft carefully to ensure that it is consistent with your intent.

As discussed, the phrase "purchaser of raw forest products" in created s. 348.195 would apply to more than just mills and could be read rather broadly, although I assume that only commercial purchasers would generate weight scale tickets and thereby fall within the scope of the provision.

I have drafted created s. 348.21 (3g) (intro.) as provided in the instructions. I believe that the owner of a log truck would have the option of avoiding these higher penalties by simply not taking advantage of the special registration provisions under s. 341.26 (3m) and registering such vehicles at a modestly higher annual fee. I am not certain of this, and you may want to discuss the matter with DOT. Also, created s. 348.21 (3g) (intro.) does not include a cross-reference to s. 348.17 (3) because that provision would never apply to a raw forest products-registered vehicle, but I have included the cross-reference to s. 348.17 (4) in case some raw forest products (particularly Christmas trees) might at times be considered a crop.

I have used the term "traffic officer" in created s. 348.195 (2); "traffic officer" is defined broadly in s. 340.01 (70).

In the attached draft, I made a slight change to the five-year sunset of the existing raw forest products permit; it is a technical, nonsubstantive change that involves "double-drafting" the provision.

As discussed by e-mail (and as discussed in the drafter's note to the "/P1" version of LRB-3402 (AB-678)), I have not included any provision in the attached draft related to local ordinances because I believe the entirety of the instructions are already covered by current law.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If you would like any changes, please return the jacket as soon as possible so that the changes can be made.

→ A The change to s. 348.27 (g) (a) (the 11-mile border permit) takes effect in 45 days; there is no 5-year sunset. Is this consistent with your intent?

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

LRBs0293/1dn
ARG:cjs:pg

November 14, 2005

ATTN: Tim Gary

Please review the attached draft carefully to ensure that it is consistent with your intent.

As discussed, the phrase "purchaser of raw forest products" in created s. 348.195 would apply to more than just mills and could be read rather broadly, although I assume that only commercial purchasers would generate weight scale tickets and thereby fall within the scope of the provision.

I have drafted created s. 348.21 (3g) (intro.) as provided in the instructions. I believe that the owner of a log truck would have the option of avoiding these higher penalties by simply not taking advantage of the special registration provisions under s. 341.26 (3m) and registering such vehicles at a modestly higher annual fee. I am not certain of this, and you may want to discuss the matter with DOT. Also, created s. 348.21 (3g) (intro.) does not include a cross-reference to s. 348.17 (3) because that provision would never apply to a raw forest products-registered vehicle, but I have included the cross-reference to s. 348.17 (4) in case some raw forest products (particularly Christmas trees) might at times be considered a crop.

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The change to s. 348.27 (9) (a) (The 11-mile border permit) takes effect in 45 days; there is no 5-year sunset. Is this consistent with your intent?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If you would like any changes, please return the jacket as soon as possible so that the changes can be made.

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

11/15/05

Tim - vm 6-7684

- change 341.26 (3m) - per d-note
- want it to apply to all by teacher w/configured under the bill
- see e-mail

Gary, Aaron

From: Gary, Tim
Sent: Tuesday, November 15, 2005 9:54 AM
To: Gary, Aaron
Subject: RE: change to ASA to AB-678

Perfect!

Tim

From: Gary, Aaron
Sent: Tuesday, November 15, 2005 9:51 AM
To: Gary, Tim
Subject: change to ASA to AB-678

Tim,

In LRBs0293/1, at p. 7, lines 11-12 (and wherever else needed), I would revise these lines so that they read:

"Any person who, while operating a vehicle combination that has 6 or more axles and that is transporting raw forest products, violates s. 348.15" then continues on to line 13 etc.

Would this change work for you? Thanks. Aaron

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



State of Wisconsin
2005 - 2006 LEGISLATURE

Handwritten initials/signature

LRBs02934
ARG:wlj&cs:pg

Now in 11/15

stays
(RMR)

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

SA ✓

Page cont.

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

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 the person obtains a permit issued by the Department of Transportation (DOT) or a local authority. Any state traffic patrol officer, state motor vehicle inspector, or other traffic officer may issue a citation for an overweight violation to a person or motor carrier for the operation of a vehicle in excess of applicable weight limitations.

Under current law, with limitations, DOT may issue an annual or consecutive month permit (a raw forest products, fruits, and vegetables permit) for the transportation of raw forest products, fruits or vegetables from field to storage or processing facilities, or bulk potatoes from storage facilities to rail loading or food processing facilities in vehicles or vehicle combinations that exceed generally applicable statutory gross weight limitations by not more than 10,000 pounds. The permit may not authorize the operation of any vehicle or vehicle combination at a maximum gross weight in excess of 90,000 pounds. A permit for the transportation of raw forest products or of fruits or vegetables is not valid on highways designated as part of the national system of interstate and defense highways except on a specified portion of I 39.

This substitute amendment modifies the raw forest products, fruits, and vegetables permit with respect to the transportation of raw forest products so that the current version of the permit will no longer be issued after January 1, 2011, a new version of the permit will be available on the effective date of the substitute amendment, and in the interim an applicant may apply for either version of the permit. Under the new version of the permit, DOT may issue a raw forest products, fruits, and vegetables permit for the transportation of raw forest products in vehicle combinations that exceed generally applicable statutory gross weight limitations by not more than 18,000 pounds if the vehicle combination has six or more axles and the gross weight imposed on the highway by the wheels of any one axle of the vehicle combination does not exceed 18,000 pounds, except that the gross weight imposed on the highway by the wheels of any steering axle on the power unit may not exceed the greater of 13,000 pounds or the manufacturer's rated capacity, but not to exceed 18,000 pounds. The permit does not authorize the operation of any vehicle combination at a maximum gross weight in excess of 98,000 pounds. The permit is also not valid on interstate highways, on highways or bridges with posted weight limitations less than the vehicle combination's gross weight, and on state trunk highways that DOT has designated by rule as routes on which the permit is not valid.

The substitute amendment also changes the definition of "raw forest products" to include intermediary lumber.

The substitute amendment further requires raw forest product purchasers that generate weight scale records to retain, for not less than 30 days, any weight scale record that identifies the gross weight of, or the weight of the load transported by, the vehicle or vehicle combination transporting the raw forest products. These records must be promptly provided to any traffic officer in this state who requests them within the 30-day period during which they are required to be retained. Any person who fails to retain or produce these records as required must forfeit \$1,000.

Under current law, DOT may issue an annual or consecutive month permit (known as a Michigan border permit) for an oversize or overweight vehicle or combination of vehicles transporting loads over any state highway within 11 miles of the Wisconsin-Michigan state line and, if previously approved by local highway authorities, on local highways within that 11-mile area, or transporting exclusively peeled or unpeeled forest products anywhere upon USH 2 in Ashland County or Iron County if the vehicle or combination of vehicles is traveling between Wisconsin and

Michigan and does not violate length or weight limitations established under Michigan law.

This substitute amendment limits the Michigan border permit in scope to that currently allowed for vehicles operated on USH 2 and provides that any previously issued Michigan border permit for other vehicles becomes invalid after the substitute amendment's effective date.

Current law provides various exceptions that allow a person to operate upon a highway a vehicle or vehicle combination that exceeds generally applicable statutory weight limitations without an overweight permit. One exception allows DOT and local highway authorities to declare certain highways under their jurisdiction as frozen and eligible for increased weight limitations, and to establish increased weight limitations on these highways, for the transportation of certain forest products or of abrasives or salt for highway winter maintenance in excess of generally applicable statutory weight limitations.

This substitute amendment eliminates, effective January 1, 2011, the weight limitation exception associated with a frozen road declaration with respect to vehicles transporting certain forest products.

Under current law, any person violating generally applicable statutory weight limitations, lower special posted weight limitations, or higher weight limitations associated with a frozen road declaration or with an agricultural or energy emergency or included in an overweight permit is subject to specified penalties, depending on the severity of the overweight violation. The penalties generally apply not only to the operator but also to the owner of the violating vehicle and to the motor carrier under whose authority the vehicle is operated. If the overweight vehicle or vehicle combination exceeds by more than 1,000 pounds the applicable weight limitation, the total forfeiture is calculated according to a schedule that increases the amount of the forfeiture based on the number of pounds by which the vehicle or vehicle combination exceeds the maximum allowable weight (total excess load). For a first conviction, the overweight violation may result in a forfeiture of not less than \$50 nor more than \$200, plus an escalating amount calculated from the schedule based upon the total excess load. For a second and each subsequent conviction within a 12-month period, the overweight violation may result in a forfeiture of not less than \$100 nor more than \$300, plus an escalating amount calculated from the schedule ranging from two cents per pound when the total excess load is not greater than 2,000 pounds to ten cents per pound when the total excess load exceeds 5,000 pounds.

Also under current law, special vehicle registration provisions are available for registration of a road tractor, motor truck, truck tractor, trailer, or equipment that is used exclusively in connection with the transportation of raw forest products (raw forest products-registered vehicle).

This substitute amendment creates a special category of penalty, similar in structure to existing penalties but different in amount, applicable to overweight violations committed during the operation of a raw forest products ~~registered vehicle~~ vehicle. The substitute amendment increases the forfeitures for these offenses. For a first conviction or a second conviction within a 12-month period, the amount of the

vehicle combination that has six or more axles and that is transporting

forfeiture is not less than \$150 nor more than \$250, plus an amount per pound for each pound of total excess load ranging from 6 cents per pound when the total excess load is less than 2,000 pounds to 11 cents per pound when the total excess load exceeds 5,000 pounds. For the third and each subsequent conviction within a 12-month period, the amount of the forfeiture is not less than \$500 nor more than \$550, plus an amount per pound for each pound of total excess load ranging from 20 cents per pound when the total excess load is 3,000 pounds or less to 23 cents per pound when the total excess load exceeds 5,000 pounds.

Under current law, upon conviction of a person for an overweight violation in any court, the court must forward a record of the conviction to DOT. This substitute amendment clarifies that the record of conviction must be forwarded regardless of whether the conviction is for violation of a state statute or a local ordinance in conformity with a state statute.

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

1 **SECTION 1.** 348.01 (2) (bt) of the statutes is amended to read:

2 348.01 (2) (bt) “Raw forest products” means logs, pilings, posts, poles, cordwood
3 products, wood chips, sawdust, pulpwood, intermediary lumber, fuel wood and
4 Christmas trees not altered by a manufacturing process off the land, sawmill or
5 factory from which they are taken.

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

7 **348.175 Seasonal operation of vehicles hauling peeled or unpeeled**
8 **forest products cut crosswise or abrasives or salt for highway winter**
9 **maintenance.** The transportation of ~~peeled or unpeeled forest products cut~~
10 ~~crosswise or~~ of abrasives or salt for highway winter maintenance in excess of gross
11 weight limitations under s. 348.15 shall be permitted during the winter months
12 when the highways are so frozen that no damage may result thereto by reason of such
13 transportation. If at any time any person is so transporting such ~~products or~~
14 abrasives or salt upon a class “A” highway in such frozen condition then that person
15 may likewise use a class “B” highway without other limitation, except that chains

1 and other traction devices are prohibited on class “A” highways but such chains and
2 devices may be used in cases of necessity. The officers or agencies in charge of
3 maintenance of highways, upon determination of such frozen condition and freedom
4 of damage to such highways by transportation shall declare particular highways, or
5 highways within areas of the state as eligible for increased weight limitations. Such
6 declaration shall include the maximum weight on each axle, combination of axles
7 and the gross weight allowed. Any person transporting any such ~~product~~ abrasives
8 or salt over any highway of this state under this section is liable to the maintaining
9 authority for any damage caused to such highway. This section does not apply to the
10 national system of interstate and defense highways, except for that portion of
11 ~~USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51~~
12 ~~and the I 90/94 interchange near Portage upon their federal designation as I 39~~
13 between USH 51 and I 90/94.

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

15 **348.195 Weight records of raw forest products purchasers.** (1) Any
16 purchaser of raw forest products transported by a vehicle or vehicle combination
17 subject to the requirements of this subchapter that generates a weight scale record
18 identifying the gross weight of the vehicle or vehicle combination or the weight of the
19 load transported by the vehicle or vehicle combination shall retain the weight scale
20 record for not less than 30 days from the date that the weight scale record is
21 generated.

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

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

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

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

7 348.21 **(2)** (b) If the load on any wheel, axle or group of axles does not exceed
8 the weight prescribed in s. 348.15 (3) or 348.16 or in a declaration issued under s.
9 348.175 by more than 2,000 pounds and if such excess can be reloaded within the
10 normal load carrying areas, on any other wheel, axle or axles, so that all wheels and
11 axles are then within the statutory limits, the operator may reload as provided in this
12 paragraph. A total of 2,000 pounds per vehicle or combination of vehicles may be
13 reloaded under this subsection. If reloading is accomplished and all axles or group
14 of axles are within the legal limits, no forfeiture may be imposed. A vehicle or
15 combination of vehicles under this subsection which is not reloaded may continue to
16 be operated upon the highway, but a forfeiture of \$50 shall be imposed for failure to
17 reload. This forfeiture shall be paid upon the basis of the citation issued by the
18 official to the court named in the citation. Failure to pay shall subject the operator
19 to the penalty in par. (a) or sub. (3) (a) or (3g). Violations under this subsection shall
20 not be considered as violations or prior convictions under par. (a) or sub. (3) ~~(a) or (b)~~
21 to (3r).

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

23 348.21 **(3)** (intro.) Any Except as provided in sub. (3g), any person violating s.
24 348.15 or 348.16 or any weight limitation posted as provided in s. 348.17 (1) or in a

LPS:
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tion
6
to
after
section
7

1 declaration issued under s. 348.175 or authorized under s. 348.17 (3) or (4) or in an
2 overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

3 SECTION 6. 348.21 (3g) (intro.) of the statutes, as created by 2005 Wisconsin Act
4 ... (this act), is amended to read:

5 348.21 (3g) (intro.) Any person who, while operating a ~~vehicle or~~ vehicle
6 combination ~~any part of which is registered under s. 341.26 (3m),~~ violates s. 348.15
7 or 348.16 or any weight limitation posted as provided in s. 348.17 (1) or in a
8 declaration issued under s. 348.175 or authorized under s. 348.17 (4) or in an
9 overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

10 SECTION 7. 348.21 (3g) of the statutes is created to read:

11 348.21 (3g) (intro.) Any person who, while operating a ~~vehicle or~~ vehicle
12 combination ~~any part of which is registered under s. 341.26 (3m),~~ *that has 6 or more axles and that is transporting raw forest products* violates s. 348.15
13 or 348.16 or any weight limitation posted as provided in s. 348.17 (1) or in a
14 declaration issued under s. 348.175 or authorized under s. 348.17 (4) or in an
15 overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

16 (a) For a first conviction or a 2nd conviction within a 12-month period, a
17 forfeiture of not less than \$150 nor more than \$250 plus an amount equal to: 6 cents
18 for each pound of total excess load when the total excess is less than 2,000 pounds;
19 8 cents for each pound of total excess load if the excess is 2,000 pounds or more and
20 not over 3,000 pounds; 9 cents for each pound of total excess load if the excess is over
21 3,000 pounds and not over 4,000 pounds; 10 cents for each pound of total excess load
22 if the excess is over 4,000 pounds and not over 5,000 pounds; 11 cents for each pound
23 of total excess load if the excess is over 5,000 pounds.

24 (b) For the 3rd and each subsequent conviction within a 12-month period, a
25 forfeiture of not less than \$500 nor more than \$550, plus an amount equal to: 20 cents

1 for each pound of total excess load when the total excess is 3,000 pounds or less; 21
2 cents for each pound of total excess load if the excess is over 3,000 pounds and not
3 over 4,000 pounds; 22 cents for each pound of total excess load if the excess is over
4 4,000 pounds and not over 5,000 pounds; 23 cents for each pound of total excess load
5 if the excess is over 5,000 pounds.

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

7 348.21 (3r) In determining the number of prior convictions for purposes of
8 subs. (3) and (3g), the court shall include convictions under both subsections.

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

10 **348.22 Courts to report weight violation convictions.** Whenever any
11 owner or operator is convicted of violating ss. 348.15 to 348.17 or any local ordinance
12 in conformity with ss. 348.15 to 348.17 or any ordinance enacted under s. 349.15 (3),
13 the clerk of the court in which the conviction occurred, or the judge or municipal
14 judge, if the court has no clerk, shall, within 48 hours after the conviction, forward
15 a record of conviction to the department. Forfeiture of bail or appearance money or
16 payment of a fine is a conviction within the meaning of this section.

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

18 348.25 (2) (b) If an overweight permit has been obtained under s. 348.26 or
19 348.27, and the vehicle exceeds the weight stated in the permit, any overweight
20 violation shall be computed on the basis of the weight authorized in the permit. The
21 amount of the forfeiture for overweight violations determined under this paragraph
22 shall be calculated as provided in s. 348.21 (3) to (3r). This paragraph does not apply
23 if any other conditions of an overweight permit are violated.

24 **SECTION 11.** 348.27 (9) (a) of the statutes is amended to read:

1 348.27 (9) (a) The department may issue an annual or consecutive month
2 ~~permits for the transportation on a vehicle or combination of vehicles of loads~~
3 ~~exceeding statutory length or weight limitations over any class of highway for a~~
4 ~~distance not to exceed 11 miles from the Michigan–Wisconsin state line, except that~~
5 ~~permit for a vehicle or combination of vehicles~~ exceeding statutory length or weight
6 limitations transporting exclusively peeled or unpeeled forest products cut crosswise
7 ~~may operate under such a permit~~ operating anywhere upon USH 2 in Iron County
8 or Ashland County if the vehicle or combination of vehicles is traveling between this
9 state and Michigan and does not violate length or weight limitations established, as
10 of April 28, 2004, under Michigan law. ~~If the roads desired to be used by the~~
11 ~~applicants involve streets or highways other than those within the state trunk~~
12 ~~highway system, the application shall be accompanied by a written statement of~~
13 ~~route approval by the officer in charge of maintenance of the other highway.~~

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

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

24 **SECTION 13.** 348.27 (9m) (a) 1. of the statutes, as affected by 2005 Wisconsin
25 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 (1) No permit issued under section 348.27 (9), 2003 stats., for operation of a
8 vehicle other than on USH 2 is valid after the effective date of this subsection.

9 **SECTION 17. Initial applicability.**

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

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

15 (1) The treatment of section^s 348.175 and 348.27 (9m) (a) 1. (by SECTION 13) of
16 the statutes and the amendment of sections 348.21 (3g) (intro.) of the statutes take
17 effect on January 1, 2011.

18

(END)