2005 DRAFTING REQUEST

Bill

Received: **12/14/2005**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Alan Lasee (608) 266-3512**

By/Representing: **Jennifer Esser (aide)**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - miscellaneous**
Transportation - motor vehicles
Transportation - traffic laws

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Vehicles transporting buildings

Instructions:

See Attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	agary 12/14/2005	jdyer 12/15/2005		_____ _____			S&L
/1			rschluet 12/15/2005	_____ _____	sbasford 12/15/2005	mbarman 12/15/2005	

FE Sent For:

<END>

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/?	agary	1 12/15 LL	12/15				

FE Sent For:

<END>

Gary, Aaron

From: Bauknecht, Jason
Sent: Wednesday, December 14, 2005 3:50 PM
To: Gary, Aaron
Subject: RE: Companion

Yes, I'm sorry I've been meaning to call you. Sen. Lasee has authorization.

Thanks

Jason

From: Gary, Aaron
Sent: Wednesday, December 14, 2005 3:48 PM
To: Esser, Jennifer
Cc: Bauknecht, Jason
Subject: RE: Companion

Hi Jason,
At the risk of asking the obvious, as a matter of LRB policy, because the bill is not introduced, I need your authorization to prepare a companion for Sen. Lasee. Can you confirm that I have such authorization? Thanks. Aaron

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

From: Esser, Jennifer
Sent: Wednesday, December 14, 2005 3:17 PM
To: Gary, Aaron
Cc: Bauknecht, Jason
Subject: Companion

Hi Aaron,

Senator Lasee would like to do a Senate companion bill to LRB-3761/1 "House Mover's Bill"

I was hoping you would be able to draft this for us. If you have any questions, please feel free to contact me at 6-3512.

Thanks and have a great night.

Jen
Office of Sen. President Alan Lasee

LRB-~~8761/2~~
ARG:wlj&jld:jf

2005 BILL

AN ACT ***to amend*** 194.01 (2), 194.41 (1), 194.46, 346.95 (4), 348.26 (2) and 348.28 (1); and ***to create*** 346.45 (1) (f), 346.924, 346.94 (8s), 346.95 (9), 348.26 (4m) and 348.27 (12m) of the statutes; **relating to:** transporting buildings on the highways and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, a person who transports passengers or property for hire by motor vehicle on the highways (motor carrier) must operate under a certificate or license (certificate of authority) issued by the Department of Transportation (DOT) or issued under federal law authorizing operation of a vehicle as a motor carrier. Various state laws govern motor carriers, regardless of whether the motor carrier is operating a commercial motor vehicle (CMV). Federal law, including federal motor carrier safety standards, also governs certain motor carriers and DOT has authority under state law to promulgate rules regulating the operation of all motor carriers, including rules implementing federal motor carrier safety standards for motor carriers operating in intrastate commerce.

Under current law, with certain exceptions, no person may operate a CMV unless the person holds a commercial driver license (CDL). A CMV is a motor vehicle designed or used to transport passengers or property and that is, among other things, a single vehicle with a gross vehicle weight rating, registered weight, or actual gross weight of more than 26,000 pounds or a vehicle combination with a gross combination weight rating, registered weight, or actual gross weight of more than 26,000 pounds (inclusive of a towed unit of more than 10,000 pounds).

Current law also imposes size, weight, and load limits on vehicles that travel on the highways. DOT and local highway officials may issue certain permits authorizing the permittee to operate a vehicle that exceeds these limits on vehicle size, weight, or load.

This bill prohibits a person from operating a vehicle transporting a building on a highway unless all of the following apply: the vehicle is a CMV and the person holds a CDL; and the vehicle is operated under a valid motor carrier certificate of authority, for which all motor carrier insurance requirements are satisfied. For purposes of this prohibition, "building" means a dwelling or other structure (structure) or portion thereof that, when measured to the extreme points of the farther of the structure or the vehicle on which it is loaded, is more than 12 feet wide, more than 14 feet 3 inches in height, or more than 100 feet long; that is transportable as a whole or in sections; and that is raised and supported from an existing foundation and then moved and placed on a permanent foundation. "Building" does not include a modular home or manufactured home. A person who violates this prohibition is subject to a forfeiture of $500 to $5,000 for each violation. In addition, a person may not operate a vehicle transporting a building on a highway if any person is in the building. A person violating this prohibition is subject to a forfeiture of $20 for the first offense and $50 for each subsequent offense. A person operating a vehicle transporting a building must also stop the vehicle at any at–grade railroad crossing, and must forfeit not less than $60 nor more than $600 for a violation of this requirement.

Under the bill, DOT may issue annual or consecutive month oversize permits for vehicles transporting buildings on any highway. DOT and local highway officials may issue single trip oversize permits for vehicles transporting buildings on highways under their respective jurisdictions. DOT and local highway officials may not issue these permits unless: the applicant identifies each potential operator of a vehicle under the permit and provides proof that each such operator holds a valid CDL, with any required endorsement; the applicant provides proof of a valid motor carrier certificate of authority for each vehicle to be used to transport a building under the permit; and the applicant files with DOT a certificate of comprehensive general liability insurance with a total limit of not less than $500,000, in addition to the motor vehicle liability insurance required of all motor carriers (with an applicable total limit of not less than $750,000). In addition, DOT and local highway officials may impose reasonable conditions on these permits and may deny these permits for specified reasons.

The bill also specifies that vehicles transporting buildings for hire on the highways are motor carriers, makes certain property damage insurance requirements mandatory for these motor carriers, and allows DOT to suspend, revoke, or alter any certificate of authority issued by DOT to such a motor carrier based upon certain violations occurring while transporting a building.

The requirements of the bill are in addition to any applicable requirements imposed on motor carriers, CDL holders, CMV operators, or oversize vehicle permittees under current state or federal law.

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:

SECTION 1. 194.01 (2) of the statutes is amended to read:

194.01 **(2)** "Contract motor carrier" means any person engaged in the transportation by motor vehicle over a regular or irregular route upon the public highways of property for hire, including the transportation of buildings, as defined in s. 348.27 (12m) (a) 1.

SECTION 2. 194.41 (1) of the statutes is amended to read:

194.41 **(1)** No permit or vehicle registration may be issued to a common motor carrier of property, contract motor carrier, or rental company, no permit or vehicle registration may remain in force to operate any motor vehicle under the authority of this chapter, and no vehicle registration may be issued or remain in force for a semitrailer unless the carrier or rental company has on file with the department and in effect an approved certificate for a policy of insurance or other written contract in such form and containing such terms and conditions as may be approved by the department issued by an insurer authorized to do a surety or automobile liability business in this state under which the insurer assumes the liability prescribed by this section with respect to the operation of such motor vehicles. The certificate or other contract is subject to the approval of the department and shall provide that the insurer shall be directly liable for and shall pay all damages for injuries to or for the death of persons or for injuries to or destruction of property that may be recovered against the owner or operator of any such motor vehicles by reason of the negligent operation thereof in such amount as the department may require. Liability may be

restricted so as to be inapplicable to damage claims on account of injury to or destruction of property transported, but the department may require, and with respect to a carrier transporting a building, as defined in s. 348.27 (12m) (a) 1., shall require, a certificate or other contract protecting the owner of the property transported by carriers from loss or damage in the amount and under the conditions as the department may require. No permit or vehicle registration may be issued to a common motor carrier of passengers by any motor vehicle, or other carrier of passengers by motor bus, except those registered in accordance with s. 341.26 (2) (a) and (d), and no permit or vehicle registration may remain in force to operate any motor vehicle unless it has on file with the department a like certificate or other contract in the form and containing the terms and conditions as may be approved by the department for the payment of damages for injuries to property and injuries to or for the death of persons, including passengers, in the amounts as the department may require. This subsection does not apply to a motor carrier that is registered by another state under a single–state registration system consistent with the standards under 49 USC 14504.

SECTION 3. 194.46 of the statutes is amended to read:

194.46 Amendment, suspension, or revocation of certificate, license, or permit; hearing. The department may at any time, by its order duly entered after a hearing had, upon notice to the holder of any certificate, license, or permit under this chapter and an opportunity to be heard, at which it shall be proved that the holder has willfully violated or refused to comply with any of the provisions of this chapter or s. 346.924, or any orders or rules of the department, alter, amend, suspend, or revoke the certificate, license, or permit. The department may suspend or revoke a certificate, license, or permit under this chapter if, after providing the

holder thereof notice and an opportunity to be heard on the matter, the department finds that service under the certificate, license, or permit has been abandoned. A person who is aggrieved by an order of the department under this section may, within 20 days after the date that the order is issued, request a review of the order by the division of hearings and appeals.

SECTION 4. 346.45 (1) (f) of the statutes is created to read:

346.45 **(1)** (f) Every vehicle transporting a building, as defined in s. 348.27 (12m) (a) 1.

SECTION 5. 346.924 of the statutes is created to read:

346.924 Transporting buildings on highways. No person may operate a vehicle transporting a building, as defined in s. 348.27 (12m) (a) 1., on a highway unless all of the following apply:

(1) The vehicle is a commercial motor vehicle and the person holds a valid commercial driver license.

(2) The vehicle is operated under a valid motor carrier certificate or license of authority issued under ch. 194 or under applicable federal law, and all insurance requirements applicable to the vehicle under s. 194.41 or federal law are satisfied.

SECTION 6. 346.94 (8s) of the statutes is created to read:

346.94 **(8s)** TRANSPORTING PERSONS IN BUILDINGS. No person may operate a vehicle transporting a building, as defined in s. 348.27 (12m) (a) 1., on a highway if any person is in the building.

SECTION 7. 346.95 (4) of the statutes is amended to read:

346.95 **(4)** Any person violating s. 346.923, 346.925, or 346.94 (8) ~~or~~, (8m), or (8s) may be required to forfeit not more than $20 for the first offense and not more than $50 for each subsequent offense.

SECTION 8. 346.95 (9) of the statutes is created to read:

346.95 **(9)** Any person violating s. 346.924 may be required to forfeit not less than $500 nor more than $5,000. Each violation constitutes a separate offense.

SECTION 9. 348.26 (2) of the statutes is amended to read:

348.26 **(2)** PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES OR LOADS. Except as provided in ~~sub.~~ subs. (4) and (4m), single trip permits for oversize or overweight vehicles or loads may be issued by the department for use of the state trunk highways and by the officer in charge of maintenance of the highway to be used in the case of other highways. Such local officials also may issue such single trip permits for use of state trunk highways within the county or municipality which they represent. Every single trip permit shall designate the route to be used by the permittee. Whenever the officer or agency issuing such permit deems it necessary to have a traffic officer escort the vehicle through the municipality or county, a reasonable fee for such traffic officer's services shall be paid by the permittee. All moneys received from fees imposed by the department under this subsection shall be deposited in the general fund and credited to the appropriation account under s. 20.395 (5) (dg).

SECTION 10. 348.26 (4m) of the statutes is created to read:

348.26 **(4m)** PERMITS FOR VEHICLES TRANSPORTING CERTAIN BUILDINGS. (a) In this subsection:

1. "Building" has the meaning given in s. 348.27 (12m) (a) 1.

2. "Vehicle" has the meaning given in s. 348.27 (12m) (a) 2.

(b) Single trip permits issued under sub. (2) for vehicles transporting buildings may not be issued by local officials for use of state trunk highways. The requirements for issuance of a permit under s. 348.27 (12m) (c) shall also apply to issuance of a permit under sub. (2) for a vehicle transporting a building on the highways, and the

department and those local officials who are authorized to issue permits under sub. (2) may not issue a permit under sub. (2) for a vehicle transporting a building unless these requirements are satisfied. The department and those local officials who are authorized to issue permits under sub. (2) may deny a permit under sub. (2) for a vehicle transporting a building if the department or local official finds that any of the circumstances specified in s. 348.27 (12m) (d) applies. The provisions of this subsection apply in addition to any other requirement imposed under this chapter, chs. 194, 343, 346, and 347, and federal law.

SECTION 11. 348.27 (12m) of the statutes is created to read:

348.27 **(12m)** PERMITS FOR VEHICLES TRANSPORTING CERTAIN BUILDINGS. (a) In this subsection:

1. a. "Building" means a dwelling or other structure or portion of a dwelling or other structure that, when measured as provided in subd. 1. b., is more than 12 feet wide, more than 14 feet 3 inches in height, or more than 100 feet long; that is transportable as a whole or in sections; and that is raised and supported from an existing foundation to be moved and placed on a permanent foundation at a new location where the dwelling or other structure is to be delivered. "Building" does not include a modular housing unit or a manufactured home as defined in s. 101.91 (2).

b. For purposes of subd. 1. a., width shall be measured from the farthest extremity of the vehicle and load on each side, height shall be measured from the ground to the highest point of the vehicle and load, and length shall be measured from the rearmost point of the vehicle and load to the frontmost point of the vehicle.

2. "Vehicle" includes a combination of vehicles.

(b) The department may issue annual or consecutive month permits for vehicles transporting buildings on the highways. A permit under this subsection may be issued only by the department, regardless of the highways to be used.

(c) The department may not issue a permit under this subsection unless the department determines that all of the following requirements are met:

1. The applicant identifies each potential operator of a vehicle under the permit and provides proof that each such operator holds a valid commercial driver license, with any endorsement required under ch. 343 for operation of the class and type of vehicle to be used to transport a building under the permit.

2. The applicant provides proof of a valid motor carrier certificate or license of authority issued under ch. 194 or under federal law applicable for each vehicle to be used to transport a building under the permit.

3. The applicant provides proof, by a certificate of insurance filed with the department, that the applicant, in addition to satisfying the insurance requirements described in s. 346.924 (2), maintains a policy of comprehensive general liability insurance, issued by an insurer authorized to transact business in this state, that provides bodily injury liability coverage and property damage liability coverage, including for building collapse and underground property damage, with a total limit of not less than $500,000 for each occurrence.

(d) The department may deny any application for a permit under this subsection if the department finds any of the following:

1. That the applicant, or any potential operator identified in par. (c) 1., has been convicted, within 3 years immediately preceding the date of application, of a violation of s. 346.924.

2. That the applicant, or any potential operator identified in par. (c) 1., has engaged in conduct endangering the safety of persons using the highways.

3. That the applicant has failed to provide reimbursement for damage, which is not paid for by the applicant's insurer, to a highway caused while transporting a building under a permit under this subsection.

4. That the applicant, or any potential operator identified in par. (c) 1., has abandoned a building on a highway or on public or private property without permission of the property owner.

(e) The provisions of this subsection apply in addition to any other requirement imposed under this chapter, chs. 194, 343, 346, and 347, and federal law.

SECTION 12. 348.28 (1) of the statutes is amended to read:

348.28 **(1)** Permits issued under ss. 348.25, 348.26 and 348.27 (1) to (10)~~,~~ and (12) ~~and~~ to (13) shall be carried on the vehicle during operations so permitted.

SECTION 13. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

(END)

Emery, Lynn

From: Esser, Jennifer
Sent: Thursday, December 15, 2005 9:50 AM
To: LRB.Legal
Subject: Draft review: LRB 05-4259/1 Topic: Vehicles transporting buildings

It has been requested by <Esser, Jennifer> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-4259/1 Topic: Vehicles transporting buildings