

2005 Assembly Bill 315

Date of enactment: **April 19, 2006**

Date of publication*: **May 3, 2006**

2005 WISCONSIN ACT 363

AN ACT to amend 348.07 (2) (g), 348.07 (4) and 348.07 (5); and to create 348.07 (2) (fs), 348.07 (2) (gv) and 348.07 (4m) of the statutes; relating to: allowing the operation of certain 2-vehicle combinations on certain highways without a permit, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures and from rule-making procedures, and granting rule-making authority.

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

SECTION 1. 348.07 (2) (fs) of the statutes is created to read:

348.07 (2) (fs) 75 feet for a tractor-semitrailer combination that is operated on any part of the state trunk highway system, except as provided in par. (f) or sub. (4m).

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

348.07 (2) (g) 48 feet for a semitrailer or trailer operated as part of a 2-vehicle combination, except as provided in par. (gr) or (gv).

SECTION 3. 348.07 (2) (gv) of the statutes is created to read:

348.07 (2) (gv) 53 feet for a semitrailer whose length from kingpin to axle does not exceed 43 feet and which is operated as part of a 2-vehicle combination on any part of the state trunk highway system, except as provided in par. (gr) or sub. (4m).

SECTION 4. 348.07 (4) of the statutes is amended to read:

348.07 (4) The secretary shall, by rule, designate the highways to which sub. (2) (f), (fm), ~~(gm)~~ and (gr) and s.

348.08 (1) (e) and ~~(h)~~ apply. The designation of highways under this subsection may not be inconsistent with the designation of highways made by the U.S. secretary of transportation under P.L. 97-424, section 411. The secretary may also designate additional highways by rule. In adopting a rule designating other highways, which may include 2-lane highways, the secretary shall specify the factors which resulted in the determination to designate the highways. These factors shall include, but are not limited to, safety, economics, energy savings, industry productivity and competition. Vehicles to which sub. (2) (f), (fm), ~~(gm)~~ and (gr) and s. 348.08 (1) (e) and ~~(h)~~ apply may also operate on undesignated highways not designated under this subsection for a distance of 5 15 miles or less in order to obtain access to a designated highway designated under this subsection or to reach fuel, food, maintenance, repair, rest, staging, terminal or vehicle assembly facilities or points of loading or unloading. The secretary may, by rule, designate an access route of more than 5 15 miles from a designated highway designated under this subsection when the longer route provides safer and better access to a location which is within the 5-mile 15-mile limit. Household goods carriers may operate between highways designated in under this subsection and points of loading and unloading.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 5. 348.07 (4m) of the statutes is created to read:

348.07 (4m) The secretary shall, by rule, designate those parts of the state trunk highway system to which sub. (2) (fs) and (gv) do not apply. For each part of the state trunk highway system designated under this subsection, the secretary shall specify the factors that resulted in the determination to designate the part as not suitable to accommodate vehicle lengths as specified in sub. (2) (fs) and (gv).

SECTION 6. 348.07 (5) of the statutes is amended to read:

348.07 (5) As often as it deems necessary, the department shall publish maps required for its own use and for free distribution showing the highways designated under ~~sub. subs. (4) and (4m), those parts of the state trunk highway system not designated under sub. (4m),~~ and such other main highways and other features as the department deems desirable.

SECTION 7. Nonstatutory provisions.

(1) The department of transportation shall submit in proposed form the rules required under section 348.07 (4m) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 3rd month beginning after the effective date of this subsection.

(2) Using the emergency rules procedure under section 227.24 of the statutes, the department of transporta-

tion shall promulgate the rules required under section 348.07 (4m) of the statutes, as created by this act, for purposes of implementing this act, for the period before the effective date of the rules submitted under subsection (1). The department shall promulgate these emergency rules no later than the first day of the 3rd month beginning after the effective date of this subsection. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these emergency rules may remain in effect until June 30, 2007, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

SECTION 8. Initial applicability.

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

SECTION 9. Effective dates. This act takes effect on the first day of the 3rd month beginning after publication, except as follows:

(1) SECTION 7 (1) and (2) of this act takes effect on the day after publication.
