

2005 Assembly Bill 510

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

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2005 WISCONSIN ACT 364

AN ACT to repeal 348.17 (4); to amend 348.15 (3) (intro.), 348.19 (2), 348.21 (3) (intro.), 348.21 (3) (a) and 348.21 (3) (b) (intro.); and to create 348.17 (5) of the statutes; **relating to:** special or seasonal weight limitations for certain vehicles transporting agricultural crops.

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

SECTION 1. 348.15 (3) (intro.) of the statutes is amended to read:

348.15 (3) (intro.) Subject to any modifications made by a 1st class city under s. 349.15 (3) and except as provided in s. 348.17 (5), no person, without a permit, may operate on a class "A" highway any vehicle or combination of vehicles unless the vehicle or combination of vehicles complies with the following weight limitations:

SECTION 2. 348.17 (4) of the statutes is repealed.

SECTION 3. 348.17 (5) of the statutes is created to read:

348.17 (5) From September 1 to November 30 of each year, no permit shall be required for the transportation of corn, soybeans, potatoes, vegetables, or cranberries from the field to storage on the grower's owned or leased land, from the field to initial storage at a location not owned or leased by the grower, or from the field to initial processing in a vehicle or combination of vehicles having a registered gross weight of 50,000 pounds or more or described in s. 340.01 (24) (b) that exceeds the weight limitations under s. 348.15 by not more than 15 percent. This subsection does not apply to the national system of interstate and defense highways, except for that portion of I 39 between USH 51 and I 90/94.

SECTION 4. 348.19 (2) of the statutes is amended to read:

348.19 (2) (a) Except as provided in par. (b), whenever after a weighing of a vehicle and load as provided in sub. (1) a traffic officer determines that the weight exceeds the limitations imposed by s. 348.15, 348.16 or 348.17 (3) or ~~(4)~~ (5) or any limitations posted as provided in s. 348.17 (1), the operator of such vehicle shall not proceed (except to drive to such place as directed by the traffic officer for the purpose of reloading or unloading) until such portion of the load has been reloaded or unloaded as may be necessary to reduce the weight of the vehicle and load to comply with the limitations imposed by s. 348.15, 348.16 or 348.17 (3) or ~~(4)~~ (5) and any limitations posted as provided in s. 348.17 (1). All material so reloaded or unloaded shall be reloaded or unloaded and cared for by and at the risk of the owner or operator of the vehicle.

(b) If upon weighing a vehicle transporting livestock a traffic officer determines that the gross weight of the vehicle exceeds the limitations imposed by s. 348.15, 348.16 or 348.17 (3) ~~or (4)~~ or a limitation posted as provided in s. 348.17 (1), and if the point of apprehension is 15 miles or less from the destination of the vehicle, the traffic officer shall permit the operator of the vehicle to proceed to such destination without requiring the vehicle to be reloaded or unloaded as provided in par. (a). This paragraph does not apply to vehicles transporting live-

* 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].

stock on 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.~~

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

348.21 (3) (intro.) 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)~~ (5) or in an overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

SECTION 6. 348.21 (3) (a) of the statutes is amended to read:

348.21 (3) (a) If the weight exceeds by 1,000 pounds or less the maximum set forth in s. 348.15 (3) or 348.16 or 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)~~ (5) or in an overweight permit issued under s. 348.26 or 348.27, a forfeiture of not less than \$50 nor more than \$100 upon the first conviction and, upon the 2nd and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$200.

SECTION 7. 348.21 (3) (b) (intro.) of the statutes is amended to read:

348.21 (3) (b) (intro.) If the weight exceeds by more than 1,000 pounds the maximum set forth in s. 348.15 (3) or 348.16 or 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)~~ (5) or in an overweight permit issued under s. 348.26 or 348.27, the forfeiture shall be computed according to the following schedule and in the case of violation of s. 348.15 (3) (bg) or (br) shall be computed on the basis of the weights stated in s. 348.15 (3) (bg) or (br):
