

2005 ASSEMBLY BILL 510

June 23, 2005 – Introduced by Representatives PETROWSKI, GRONEMUS, ALBERS, BALLWEG, BOYLE, DAVIS, GUNDERSON, HAHN, HINES, KRAWCZYK, LEMAHIEU, LOEFFELHOLZ, LOTHIAN, MCCORMICK, MURSAU, MUSSER, NERISON, OTT, OWENS, PETTIS, STRACHOTA, TOWNS, TOWNSEND and VAN ROY, cosponsored by Senators KEDZIE, A. LASEE, OLSEN, ROESSLER, BRESKE and BROWN. Referred to Committee on Transportation.

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

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. Under one exception, if the Department of Agriculture, Trade and Consumer Protection (DATCP) determines that an agricultural emergency exists with respect to the harvest of a particular crop, DOT may authorize a vehicle or vehicle combination that has a registered gross weight of 50,000 pounds or more or is a specified type of commercial motor vehicle and that is transporting these crops from field to storage or processing facilities to exceed statutory weight limits by not more than 15 percent. This exception does not apply on highways designated as part of 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.

Under this bill, from September 1 to November 30 of each year, a vehicle or combination of vehicles that has a registered gross weight of 50,000 pounds or more or is a specified type of commercial motor vehicle that is transporting certain

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agricultural crops 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 may, without a permit, exceed weight limits by not more than 15 percent. This exception does not apply on Class "B" highways or on highways designated as part of the national system of interstate and defense highways, except for that portion of I 39 between USH 51 and I 90/94. The bill also repeals the provision of current law that authorizes DOT to increase weight limits for certain vehicles transporting agricultural crops upon a declaration by DATCP of an agricultural emergency, but provides the same penalty for violating the new seasonal weight limits under the bill as the penalty that applies under current law for violations of the special or seasonal weight limits imposed following a declaration of agricultural emergency by DATCP. The bill does not affect the authority of DOT to issue certain overweight permits for the transportation of raw forest products, fruits and vegetables, or potatoes, of DATCP to declare an agricultural emergency allowing DOT to issue overwidth permits for the transportation of hay bales or Christmas trees, or of the governor with respect to emergency management.

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., DOT, 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:

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

2 348.15 (3) (intro.) Subject to any modifications made by a 1st class city under
3 s. 349.15 (3) and except as provided in s. 348.17 (5), no person, without a permit, may
4 operate on a class "A" highway any vehicle or combination of vehicles unless the
5 vehicle or combination of vehicles complies with the following weight limitations:

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

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

8 348.17 (5) From September 1 to November 30 of each year, no permit shall be
9 required for the transportation of corn, soybeans, potatoes, vegetables, or
10 cranberries from the field to storage on the grower's owned or leased land, from the
11 field to initial storage at a location not owned or leased by the grower, or from the field

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1 to initial processing in a vehicle or combination of vehicles having a registered gross
2 weight of 50,000 pounds or more or described in s. 340.01 (24) (b) that exceeds the
3 weight limitations under s. 348.15 by not more than 15 percent. This subsection does
4 not apply to the national system of interstate and defense highways, except for that
5 portion of I 39 between USH 51 and I 90/94.

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

7 348.19 (2) (a) Except as provided in par. (b), whenever after a weighing of a
8 vehicle and load as provided in sub. (1) a traffic officer determines that the weight
9 exceeds the limitations imposed by s. 348.15, 348.16 or 348.17 (3) or ~~(4)~~ (5) or any
10 limitations posted as provided in s. 348.17 (1), the operator of such vehicle shall not
11 proceed (except to drive to such place as directed by the traffic officer for the purpose
12 of reloading or unloading) until such portion of the load has been reloaded or
13 unloaded as may be necessary to reduce the weight of the vehicle and load to comply
14 with the limitations imposed by s. 348.15, 348.16 or 348.17 (3) or ~~(4)~~ (5) and any
15 limitations posted as provided in s. 348.17 (1). All material so reloaded or unloaded
16 shall be reloaded or unloaded and cared for by and at the risk of the owner or operator
17 of the vehicle.

18 (b) If upon weighing a vehicle transporting livestock a traffic officer determines
19 that the gross weight of the vehicle exceeds the limitations imposed by s. 348.15,
20 348.16 or 348.17 (3) ~~or (4)~~ or a limitation posted as provided in s. 348.17 (1), and if
21 the point of apprehension is 15 miles or less from the destination of the vehicle, the
22 traffic officer shall permit the operator of the vehicle to proceed to such destination
23 without requiring the vehicle to be reloaded or unloaded as provided in par. (a). This
24 paragraph does not apply to vehicles transporting livestock on the national system
25 of interstate and defense highways, except for that portion of ~~USH 51 between~~

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1 ~~Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94~~
2 ~~interchange near Portage upon their federal designation as I 39 between USH 51~~
3 ~~and I 90/94.~~

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

5 348.21 (3) (intro.) Any person violating s. 348.15 or 348.16 or any weight
6 limitation posted as provided in s. 348.17 (1) or in a declaration issued under s.
7 348.175 or authorized under s. 348.17 (3) or (4) (5) or in an overweight permit issued
8 under s. 348.26 or 348.27 may be penalized as follows:

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

10 348.21 (3) (a) If the weight exceeds by 1,000 pounds or less the maximum set
11 forth in s. 348.15 (3) or 348.16 or posted as provided in s. 348.17 (1) or in a declaration
12 issued under s. 348.175 or authorized under s. 348.17 (3) or (4) (5) or in an overweight
13 permit issued under s. 348.26 or 348.27, a forfeiture of not less than \$50 nor more
14 than \$100 upon the first conviction and, upon the 2nd and each subsequent
15 conviction within a 12-month period, a forfeiture of not less than \$100 nor more than
16 \$200.

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

18 348.21 (3) (b) (intro.) If the weight exceeds by more than 1,000 pounds the
19 maximum set forth in s. 348.15 (3) or 348.16 or posted as provided in s. 348.17 (1) or
20 in a declaration issued under s. 348.175 or authorized under s. 348.17 (3) or (4) (5)
21 or in an overweight permit issued under s. 348.26 or 348.27, the forfeiture shall be
22 computed according to the following schedule and in the case of violation of s. 348.15
23 (3) (bg) or (br) shall be computed on the basis of the weights stated in s. 348.15 (3)
24 (bg) or (br):

25

(END)