

2007 DRAFTING REQUEST

Bill

Received: 11/17/2006

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Legislative Council - LRC

By/Representing: Don Dyke

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles
Transportation - traffic laws

Extra Copies: BAB

Submit via email: YES

Requester's email: Don.Dyke@legis.wisconsin.gov

Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

75 feet truck routes (R0709 18)

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	agary 11/29/2006	jdyer 12/14/2006	pgreensl 12/14/2006	_____	sbasford 12/14/2006		
/1	agary 12/19/2007	jdyer 12/19/2007	rschluet 12/19/2007	_____	sbasford 12/19/2007	cduerst 12/20/2007	

FE Sent For:

Not Needed

<END>

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1/?	agary	P1 12/14/06	D/14 PS	12/14 PS/L			

FE Sent For:

<END>

REMEDIAL LEGISLATIVE PROPOSAL

Wisconsin Department of Transportation

DT1605 9/2004 s.13.83(1)(c)4 Wis. Stats.

Instructions: Complete this form for **Law Revision Committee Remedial Legislative proposal(s)** for which a Division requests Secretary's Office (SO) approval. This form must be signed by the Division Administrator.

Short Title of Issue 75' truck routes	
Date Submitted October 12, 2006	Division Office of General Counsel
Lead Division Contact Person John Sobotik	Area Code - Telephone Number 608-261-0126
Specific Statutory Change Restore language unintentionally repealed by Act 363 that limits double-bottom trucks to 75' truck routes. Reinsert reference to 348.07(2)(gm) in 348.07(4).	
Administrative Problem with Current Statute Unintended consequence of 2005 Act 363 is allowing double-bottoms to travel anywhere instead of limiting double-bottoms to 75' truck routes.	
Justification/Need for Change Unintended consequences yields absurd result and problem for law enforcement. The Department discovered in drafting the emergency rule implementing 2005 Act 363 that one statute that formerly restricted double-bottom tractor-trailer combinations to the state's long-truck network was repealed by the deletion of the reference to s. 348.07(2)(gm), Stats., by the Act's amendment of s. 348.07(4), Stats. Under the amended statute, as revised by Act 363, it might appear to a reader that double bottom trucks of unlimited length may operate upon any highway in the state, including local roads and streets, without permits. Section 348.08(1)(e), Stats., however, continues to provide that double-bottom trucks be restricted to highways designated by the department under s. 348.07(4). WisDOT believes this provision continues to limit double-bottom operation to long truck routes designated by the Department under s. 348.07(4), Stats. We would suggest the deleted reference to (2)(gm) in 348.07(4), Stats., be re-inserted into the statute to avoid confusion. Aaron Gary from the LRB, who drafted this provision, has advised Department attorney John Sobotik that he deleted the reference under the mistaken impression that it was superfluous and was repealed as a technical clean-up. Aaron agreed it be re-inserted.	
Fiscal Effect, If Any None	

October 9, 2006

(Division Administrator Signature – Brush Script Font If Computer Filled)

(Date)

OGC Completes: DOT Remedial Legislation Proposal Number R 0709-18

Jld

in 11/29

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

J-note

Gen

1 AN ACT ...; relating to: the operation of certain 3-vehicle combinations on certain
 2 highways without a permit (suggested as remedial legislation by the
 3 Department of Transportation).

Analysis by the Legislative Reference Bureau

(Act 363)

Under current law, with certain exceptions, no person may operate on a highway any single vehicle with an overall length in excess of 40 feet or any combination of two vehicles with an overall length in excess of 65 feet, unless the person has a permit to exceed these lengths. Exceptions allow certain vehicles to be operated with no length limitation or a different length limitation on highways designated by the Department of Transportation (DOT). DOT must designate, by rule, the highways to which these exceptions apply. 2005 Wisconsin Act 363 inadvertently altered this DOT highway designation process for semitrailers or trailers operated as part of a double bottom, a combination of three vehicles consisting of a truck tractor, a semitrailer, and a trailer or a truck tractor and two semitrailers.

This bill corrects the error in Act 363 and clarifies that the length exception allowing 28 feet six inch semitrailers or trailers operated as part of a double bottom applies to highways designated by DOT.

which is

For further information, see the NOTES[✓] provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Transportation[✓] and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 348.07 (2) (gm)[✓] of the statutes is amended to read:

2 348.07 (2) (gm) 28 feet 6 inches for a semitrailer or trailer operated as part of
3 a double bottom on a highway designated under sub. (4).[✓]

History: 1975 c. 279; 1977 c. 29 ss. 1487g to 1487m, 1654 (9)(b); 1977 c. 418; 1979 c. 255; 1981 c. 159, 176; 1983 a. 20, 78, 192; 1985 a. 165, 187; 1987 a. 30; 1991 a. 39, 72; 1995 a. 193; 1997 a. 27; 1999 a. 85, 186; 2003 a. 213, 214; 2005 a. 363, 365.

4 **SECTION 2.** 348.07 (4) of the statutes is amended to read:

5 348.07 (4) The secretary shall, by rule, designate the highways to which sub.
6 (2) (f), (fm), (gm)[✓], and (gr) and s. 348.08 (1) (e) apply. The designation of highways
7 under this subsection may not be inconsistent with the designation of highways
8 made by the U.S. secretary of transportation under P.L. 97-424, section 411. The
9 secretary may also designate additional highways by rule. In adopting a rule
10 designating other highways, which may include 2-lane highways, the secretary
11 shall specify the factors which resulted in the determination to designate the
12 highways. These factors shall include, but are not limited to, safety, economics,
13 energy savings, industry productivity and competition. Vehicles to which sub. (2) (f),
14 (fm), (gm), and (gr) and s. 348.08 (1) (e) apply may also operate on highways not
15 designated under this subsection for a distance of 15 miles or less in order to obtain
16 access to a highway designated under this subsection or to reach fuel, food,
17 maintenance, repair, rest, staging, terminal or vehicle assembly facilities or points

1 of loading or unloading. The secretary may, by rule, designate an access route of more
2 than 15 miles from a highway designated under this subsection when the longer
3 route provides safer and better access to a location which is within the 15-mile limit.
4 Household goods carriers may operate between highways designated under this
5 subsection and points of loading and unloading.

History: 1975 c. 279; 1977 c. 29 ss. 1487g to 1487m, 1654 (9) (b); 1977 c. 418; 1979 c. 255; 1981 c. 159, 176; 1983 a. 20, 78, 192; 1985 a. 165, 187; 1987 a. 30; 1991 a. 39, 72; 1995 a. 193; 1997 a. 27; 1999 a. 85, 186; 2003 a. 213, 234; 2005 a. 363, 365.

6

(END)

D-Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0834/P1dn

ARG: :....

JLD

date

ATTN: Don Dyke

2005 Wisconsin

As the drafting instructions indicate, this draft corrects an error that I made in drafting 2005 AB-315, which became ~~Act~~ Act 363. I believe that, prior to ~~2005~~ Act 363, the statutes were ambiguous. If you compare the cross-references of "sub. (2) (f), (fm), (gm) and (gr)" in s. 348.07 (4), 2003 stats., to the language of s. 348.07 (2) (f), (fm), (gm), and (gr), 2003 stats., only s. 348.07 (2) (gm) lacked the language "on a highway designated under sub. (4)." Because of this, in drafting 2005 AB-315, I found these two provisions, taken together, ambiguous. I then mistakenly concluded that, given the omission of the "on a highway designated under sub. (4)" language in s. 348.07 (2) (gm), the inclusion of the cross-reference in s. 348.07 (4) was in error. My conclusion was incorrect, but to simply reinsert the cross-reference in s. 348.07 (4) without treatment of s. 348.07 (2) (gm) reinserts the ambiguity. Accordingly, this draft also treats s. 348.07 (2) (gm). Please advise if you want the treatment of s. 348.07 (2) (gm) omitted from this draft.

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

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

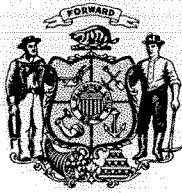
LRB-0834/P1dn
ARG:jld:pg

December 14, 2006

ATTN: Don Dyke

As the drafting instructions indicate, this draft corrects an error that I made in drafting 2005 AB-315, which became 2005 Wisconsin Act 363. I believe that, prior to Act 363, the statutes were ambiguous. If you compare the cross-references of "sub. (2) (f), (fm), (gm) and (gr)" in s. 348.07 (4), 2003 stats., to the language of s. 348.07 (2) (f), (fm), (gm), and (gr), 2003 stats., only s. 348.07 (2) (gm) lacked the language "on a highway designated under sub. (4)." Because of this, in drafting 2005 AB-315, I found these two provisions, taken together, ambiguous. I then mistakenly concluded that, given the omission of the "on a highway designated under sub. (4)" language in s. 348.07 (2) (gm), the inclusion of the cross-reference in s. 348.07 (4) was in error. My conclusion was incorrect, but to simply reinsert the cross-reference in s. 348.07 (4) without treatment of s. 348.07 (2) (gm) reinserts the ambiguity. Accordingly, this draft also treats s. 348.07 (2) (gm). Please advise if you want the treatment of s. 348.07 (2) (gm) omitted from this draft.

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



State of Wisconsin
2007 - 2008 LEGISLATURE

TODAY

LRB-0834/01

ARG:jld:pg

12/19 - Per Don Byke - /1

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

Reger

1 AN ACT to amend 348.07 (2) (gm) and 348.07 (4) of the statutes; relating to: the
2 operation of certain 3-vehicle combinations on certain highways without a
3 permit (suggested as remedial legislation by the Department of
4 Transportation).

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, no person may operate on a highway any single vehicle with an overall length in excess of 40 feet or any combination of two vehicles with an overall length in excess of 65 feet, unless the person has a permit to exceed these lengths. Exceptions allow certain vehicles to be operated with no length limitation or a different length limitation on highways designated by the Department of Transportation (DOT). DOT must designate, by rule, the highways to which these exceptions apply. 2005 Wisconsin Act 363 (Act 363) inadvertently altered this DOT highway designation process for semitrailers or trailers operated as part of a double bottom, which is a combination of three vehicles consisting of a truck tractor, a semitrailer, and a trailer or a truck tractor and two semitrailers.

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18 of loading or unloading. The secretary may, by rule, designate an access route of more

Basford, Sarah

From: Dyke, Don
Sent: Thursday, December 20, 2007 10:28 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-0834/1 Topic: 75 feet truck routes (R0709 18)

Please Jacket LRB 07-0834/1 for the SENATE.
Thanks,
Don Dyke