

2007 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB435)

Received: **02/20/2008**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Roger Breske (608) 266-2509**

By/Representing: **Beth Piliouras**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - highways
Transportation - motor vehicles**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Breske@legis.wisconsin.gov**

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

Pre Topic:

No specific pre topic given

Topic:

Vehicle weight limits and permits for vehicles hauling roofing granules

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>
/?	agary 02/20/2008	kfollett 02/20/2008		_____			
/1			jfrantze 02/20/2008	_____	sbasford 02/20/2008	sbasford 02/20/2008	

FE Sent For:

<END>

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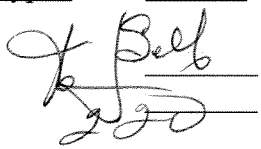
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/?	agary	11/5/07 2/20					

FE Sent For:

<END>

Gary, Aaron

From: Bauknecht, Jason
Sent: Wednesday, February 20, 2008 10:18 AM
To: Gary, Aaron
Cc: Piliouras, Elizabeth
Subject: RE: Message for Aaron Gary

Aaron, can I have one jacketed for Senator Breske's office as well, they are going to introduce it in committee this morning at 11am.

From: Gary, Aaron
Sent: Wednesday, February 20, 2008 9:37 AM
To: Bauknecht, Jason
Subject: RE: Message for Aaron Gary

That sounds good. You can introduce it as ASA2 and abandon ASA1. Let me know if there is a problem with this plan. Otherwise you'll see the new sub shortly.

Aaron

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

From: Bauknecht, Jason
Sent: Wednesday, February 20, 2008 9:36 AM
To: Gary, Aaron
Subject: RE: Message for Aaron Gary

I already introduced it but I think option 2 would make it easier on the committee and cause less confusion.

From: Gary, Aaron
Sent: Wednesday, February 20, 2008 9:33 AM
To: Bauknecht, Jason
Subject: RE: Message for Aaron Gary

That's no problem. We have 3 options procedurally:

1. I can redraft LRBs0284/1 but you need to send the jacket back right away.
 2. I can make this change in a sub under a new LRB number.
- OR
3. If you have already or will introduce LRBs0284/1, I can do a simple amendment to LRBs0284.

Let me know how you want me to proceed.

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: Duerst, Christina

Sent: Wednesday, February 20, 2008 9:28 AM
To: Gary, Aaron
Subject: FW: Message for Aaron Gary
Importance: High

From: Bauknecht, Jason
Sent: Wednesday, February 20, 2008 9:27 AM
To: LRB.Legal
Subject: Message for Aaron Gary

Hi Aaron,

Sorry, I need an amendment for the granular roofing bill again. I need to add language that would require the DOT to issue these permits if all the criteria is met and not give them descretion at all. The worst part is that we need this before the Senate Transpo hearing at 11am. Thanks for you help on this, we really appreciate it.

Jason

Now

50293/1

LRBs 0292/1
ARC:bjk&kjf:ff

in 2/20

COM NR

SENATE

ASSEMBLY SUBSTITUTE AMENDMENT,

SENATE

TO 2007 ASSEMBLY BILL 755 935

Note:
LRB 50292/1
was introduced
as ASA 2 to AB 755

Regen

1 AN ACT *to amend* 348.25 (3), 348.25 (4) (intro.), 348.27 (1) and 348.28 (1); and
2 *to create* 348.27 (15) of the statutes; **relating to:** multiple trip permits for
3 overweight vehicles transporting granular roofing material, providing an
4 exemption from emergency rule procedures, and granting rule-making
5 authority.

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.

This substitute amendment requires DOT to issue to qualifying applicants multiple trip permits for the transportation of granular roofing material in vehicles or vehicle combinations (vehicles) that exceed, by not more than 10,000 pounds, the generally applicable statutory gross weight limitations of 80,000 pounds. The permit may not authorize the operation of any vehicle at a maximum gross weight in excess of 90,000 pounds and is not valid on highways designated as part of the national system of interstate and defense highways except for up to 2.5 miles of state trunk highways on each route authorized under the permit. An application for a multiple

trip permit must: 1) identify the motor carrier on behalf of which the load is to be transported; and 2) identify the location from which the transportation of the load is to originate, the load's destination, and the route over which the load will be transported. Each multiple trip permit must include as conditions of the permit items 1) and 2) above. If the designated route includes streets or highways other than those within the state trunk highway system, DOT may only issue the permit if the governing body of each municipality or county having jurisdiction over these streets or highways adopts a resolution approving the transportation of the load over these streets or highways. DOT must promulgate rules relating to these multiple trip permits. DOT may not issue these multiple trip permits after approximately three years from the bill's effective date.

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

1 **SECTION 1.** 348.25 (3) of the statutes is amended to read:

2 348.25 **(3)** The department shall prescribe forms for applications for all single
3 trip permits the granting of which is authorized by s. 348.26 and for those annual,
4 consecutive month or multiple trip permits the granting of which is authorized by
5 s. 348.27 (2) and (4) to ~~(14)~~ (15). The department may impose such reasonable
6 conditions prerequisite to the granting of any permit authorized by s. 348.26 or
7 348.27 and adopt such reasonable rules for the operation of a permittee thereunder
8 as it deems necessary for the safety of travel and protection of the highways. The
9 department may limit use of the highways under any permit issued to specified hours
10 of the day or days of the week. Local officials granting permits may impose such
11 additional reasonable conditions as they deem necessary in view of local conditions.

12 **SECTION 2.** 348.25 (4) (intro.) of the statutes is amended to read:

13 348.25 **(4)** (intro.) Except as provided under s. 348.26 (5), (6), or (7) or 348.27
14 (3m), (9), (9m), (9r), (9t), (10), (12), ~~or~~ (13), or (15) permits shall be issued only for the
15 transporting of a single article or vehicle which exceeds statutory size, weight or load

1 limitations and which cannot reasonably be divided or reduced to comply with
2 statutory size, weight or load limitations, except that:

3 **SECTION 3.** 348.27 (1) of the statutes is amended to read:

4 348.27 (1) APPLICATIONS. All applications for annual, consecutive month or
5 multiple trip permits for the movement of oversize or overweight vehicles or loads
6 shall be made to the officer or agency designated by this section as having authority
7 to issue the particular permit desired for use of the particular highway in question.
8 All applications under subs. (2) and (4) to ~~(14)~~ (15) shall be made upon forms
9 prescribed by the department.

10 **SECTION 4.** 348.27 (15) of the statutes is created to read:

11 348.27 (15) MULTIPLE TRIP PERMITS. (a) The department shall issue to
12 qualifying applicants multiple trip permits for the transportation of granular roofing
13 material in vehicles or vehicle combinations that exceed the maximum gross weight
14 limitations under s. 348.15 (3) (c) by not more than 10,000 pounds. A permit issued
15 under this subsection does not authorize the operation of any vehicle or vehicle
16 combination at a maximum gross weight in excess of 90,000 pounds. A permit under
17 this subsection may be issued only by the department, regardless of the highways to
18 be used. A permit under this subsection is not valid on highways designated as part
19 of the national system of interstate and defense highways except that a permit may
20 be issued that is valid on not more than 2.5 miles of any state trunk highway if such
21 issuance of the permit is consistent with federal law.

22 (b) 1. An application for a permit under this subsection shall include all of the
23 following information:

24 a. The motor carrier on behalf of which the load is to be transported.

1 b. The location from which the transportation of the load is to originate and the
2 load's destination, along with the designated route over which the load will be
3 transported.

4 2. A permit issued under this subsection shall include as conditions of the
5 permit the information specified in subd. 1. a. and b.

6 (c) If the designated route under par. (b) 1. b. includes streets or highways other
7 than those within the state trunk highway system, no permit may be issued under
8 this subsection unless the governing body of each municipality or county having
9 jurisdiction over such streets or highways adopts a resolution approving the
10 transportation of the load over that portion of the designated route that is on streets
11 or highways under the jurisdiction of the municipality or county. An applicant for
12 a permit under this subsection shall include a copy of each such resolution with the
13 permit application.

14 (d) The department shall promulgate rules to implement and administer this
15 subsection.

16 (e) No permit may be issued under this subsection after the first day of the 36th
17 month beginning after the effective date of this paragraph [revisor inserts date].

18 **SECTION 5.** 348.28 (1) of the statutes is amended to read:

19 348.28 (1) Permits issued under ss. 348.25, 348.26 and 348.27 (1) to (10) and,
20 (12) to (13), and (15) shall be carried on the vehicle during operations so permitted.

21 **SECTION 6. Nonstatutory provisions.**

22 (1) The department of transportation shall submit in proposed form the rules
23 required under section 348.27 (15) (d) of the statutes, as created by this act, to the
24 legislative council staff under section 227.15 (1) of the statutes no later than the first
25 day of the 4th month beginning after the effective date of this subsection.

