



State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 10/15/208 (Per: ARG)



Appendix A

 The 2007 drafting file for LRB-1245

has been transferred to the drafting file for

2009 LRB-0558

☛ This cover sheet, the final request sheet, and the final version of the 2007 draft were copied on yellow paper, and returned to the original 2005 drafting file.

☛ The attached 2007 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2007 DRAFTING REQUEST

Bill

Received: 12/22/2006

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Transportation

By/Representing: Kristie Nielson Corning

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles

Extra Copies: BAB

Submit via email: YES

Requester's email: Kristie.Nielson@dot.state.wi.us ← changed

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

Pre Topic:

No specific pre topic given

Topic:

Extend recertification time limit for portable weighers (NB 0709 32)

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 01/10/2007	jdyer 01/12/2007		_____			S&L
/1			rschluet 01/12/2007	_____	cduerst 01/12/2007		

FE Sent For:

<END>

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/?	agary	1 1/2 jld					
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FE Sent For:

<END>

LEGISLATIVE BUDGET/NON-BUDGET PROPOSAL
2005-2007 BIENNIUM

Wisconsin Department of Transportation

DT1586 3/2004

ARC

Instructions: Complete this form for any budget/non-budget legislative initiative for which a Division requests the Secretary's Office (SO) approval. Check the budget box only if the proposal has a fiscal impact on department expenditures or revenue. This form must be signed by the Division Administrator(s). Include this form with your budget submittal materials or return two completed copies to the Office of Policy & Budget (OPB), Attention: Paul Hammer. One copy will be retained by OPB and the other copy provided to the Office of General Counsel. The form is available in the department forms catalog on dotnet.

Short Title of Topic Extend re-certification time limit for portable weigh-weighers from 90 days to 180 days			
Type of Proposal <input type="checkbox"/> Budget <input checked="" type="checkbox"/> Non-Budget	OGC OFFICE USE ONLY "T" Number Assigned		"NB" Number Assigned NB 0709-32
Date Submitted 10/16/06	Division(s) State Patrol		
OPB Contact Person Carolyn Bourie	Area Code - Telephone Number (608) 267-7392		
Lead Division Contact Person Capt. Chuck Teasdale	Area Code - Telephone Number (608) 266-0305		
OGC Contact Person Joe Maassen	Area Code - Telephone Number (608) 266-7364		
Define Problem Precisely Current truck-weighing scale calibration technology and procedures do not necessitate certification within 90 days to assure accuracy.			
Description of Proposed Change Amend s.348.15(15) to extend the time limit for re-certification of portable wheel-weighers from "within 90 days" to "within 180 days."			
Justification for Change This change would allow State Patrol personnel greater latitude in determining the most efficient and appropriate schedule for equipment certification.			
Describe any legislative history and related statutory language s.348.15(15)			

_____ (Division Administrator Signature)	_____ (Date)
_____ (Division Administrator Signature)	_____ (Date)
_____ (Division Administrator Signature)	_____ (Date)

in 1/10

stays
EMNR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

LPS - PWF
please

D-Note

Regen

- 1 AN ACT *to amend* 348.15 (5) (intro.) of the statutes; **relating to:** the testing of
- 2 portable scales used for the enforcement of vehicle weight limitations
- 3 (suggested as remedial legislation by the Department of Transportation).

Analysis by the Legislative Reference Bureau

Under current law, the enforcement of vehicle weight limitations requires weighing of the vehicles and loads on either a portable scale or a certified stationary scale. If a portable scale is used in any weighing operation, the portable scale must be in good working order and tested in comparison to a certified stationary scale within the previous 90 days by the Department of Agriculture, Trade and Consumer Protection ~~UNAPPROVED~~.

This bill requires that the portable scale have been tested within the 180-day period, instead of the 90-day period, immediately prior to its use in any weighing operation.

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

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:

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.** 348.15 (5) (intro.)[✓] of the statutes is amended to read:

2 348.15 (5) (intro.) For enforcement of weight limitations specified by this
3 chapter the gross weight, measured in pounds, imposed on the highway by any wheel
4 or any one axle or by any group of 2 or more axles shall be determined by weighing
5 the vehicles and load, either by single draft or multiple draft weighing on certified
6 stationary scales or on portable scales in good working order which are tested in
7 comparison to certified stationary scales within ~~90~~ 180[✓] days immediately prior to any
8 weighing operation by the department of agriculture, trade and consumer protection
9 or other authorized testing agencies for accuracy to within standard accepted
10 tolerances. The weighing operation shall be performed in accordance with and under
11 conditions accepted as good weighing technique and practice. In multiple draft
12 weighing the sum of the weight of respective components shall be used to establish
13 the weight of a combination of the components. It is recognized that the weight,
14 determined in accordance with methods prescribed in this chapter, includes all
15 statutory weights and represents the momentary load force or reaction imposed on
16 the scale at the time of weighing. Such weights include any variation due to the
17 following factors:

18 **SECTION 2. Initial applicability.**

19 (1) This act first applies to offenses committed on the effective date of this
20 subsection, but does not preclude the counting of other convictions as prior
21 convictions for purposes of imposing a penalty.[✓]

22 (END)


D-Note

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

1245/1
LRB-1998/F1dn
ARG:jld/pg

update
February 14, 2005
new date

stays


Nicholas:

In reviewing federal law, which specifies maximum error allowances for portable scales (23 CFR 658.17 (g)), I found no provision that would prohibit the state from reducing the frequency of testing and certification of such scales from quarterly to semiannually. ✓

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

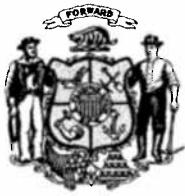
**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1245/1dn
ARG:jld:rs

January 12, 2007

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Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
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2007 BILL

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BILL**SECTION 1**

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19 (END)