

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB778)

Received: 03/19/2010

Received By: agary

Wanted: As time permits

Companion to LRB:

For: Fred Clark (608) 266-7746

By/Representing: Beau

May Contact:

Drafter: agary

Subject: Transportation - motor vehicles
Transportation - traffic laws

Addl. Drafters:

Extra Copies: EVM

Submit via email: YES

Requester's email: Rep.Clark@legis.wisconsin.gov

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

Pre Topic:

No specific pre topic given

Topic:

Suspension or revocation of raw forest products overweight permit for three violations

Instructions:

Add provision requirinmg DOT to revoke or suspend for 6 months RS permit for third violation of exceeding permit weight limit; if revoke, 6 month ban on reapplication

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 03/21/2010	jdyer 03/22/2010	phenry 03/22/2010	_____	sbasford 03/22/2010		
	agary 03/22/2010	jdyer 03/22/2010		_____			
/P2			phenry 03/22/2010	_____	lparisi 03/22/2010		

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/1	agary 03/23/2010	jdyer 03/23/2010	rschluet 03/23/2010	_____	sbasford 03/23/2010	sbasford 03/23/2010	

FE Sent For:

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/?		<i>1/2 3/22 jld</i>					
/P1	agary 03/21/2010	jdyer 03/22/2010	phenry 03/22/2010	<i>3/22 pk</i>	sbasford 03/22/2010		

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*3/22
pk*
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1?	agary	PI 3/22 jld	3/22 ph	3/22 ph			

FE Sent For:

<END>



in 3/21
wanted 3/22 before noon
LRBa1881/P1
ARG: A:.... Jkd
D-note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 778

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At the locations indicated, amend the bill as follows: ✓

1. Page 1, line 2: after "limitations" insert "and overweight permits". ✓

2. Page 3, line 7: after that line insert: ✓

"SECTION 1m. 348.25 (7) of the statutes is amended to read: ✓

348.25 (7) The Subject to s. 348.27 (9m) (d), the officer or agency which issued
a permit may, for good cause, suspend or revoke such permit or may decline to issue
additional permits or may decline to authorize the use of a telephone call-in
procedure for any applicant after having given the permittee or applicant reasonable
opportunity for a hearing." ✓

3. Page 4, line 4: after that line insert: ✓

"SECTION 3m. 348.27 (9m) (d) of the statutes is created to read: ✓

History: 1973 c. 316, 333, 336; 1975 c. 66; 1977 c. 29 ss. 1488, 1654 (8) (a); 1979 c. 34, 221; 1981 c. 20, 69, 215, 312; 1981 c. 347 s. 80 (2); 1981 c. 391; 1983 a. 78 s. 37; 1985 a. 212; 1987 a. 27; 1989 a. 35, 130; 1991 a. 39, 316; 1993 a. 16; 1995 a. 163, 348; 1999 a. 9, 80; 2001 a. 78; 2003 a. 33; 2005 a. 167; 2007 a. 171; 2009 a. 28.

1 348.27 **(9m)** (d) ✓ If a person operating under a permit issued under par. (a) 4. ✓
2 violates any weight limitation specified in the permit more than 2 ✓ times during the
3 valid period of the permit, the department ✓ shall suspend the permit for a period of
4 ✓ 6 months. ✓ If the remaining valid period of the permit at the time of the suspension
5 is less than 6 months, the person may not apply for, or operate under, any another
6 permit issued under par. (a) 4. ✓ for a period of 6 months from the suspension.” ✓

7

(END)

D-Note

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

LRBa1881/P1dn

ARG: :i...

date

JLD

Please review the attached draft carefully to ensure that it is consistent with your intent.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" 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**

LRBa1881/P1dn
ARG:jld:ph

March 22, 2010

Please review the attached amendment carefully to ensure that it is consistent with your intent.

Please let me know if you would like any changes made to the attached amendment or if you have any questions. If the attached amendment meets with your approval, let me know and I will convert it to an introducible “/1” amendment.

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

Gary, Aaron

From: Gary, Aaron
Sent: Monday, March 22, 2010 10:39 AM
To: Stafford, Beau
Subject: RE: AB 778 AA 2

OK, I'll make the change in a /P2 draft and wait to hear further. I tried to get some feedback from DOT on whether suspension or revocation is preferable, but don't have an answer. I also had one other question that I was hoping for an answer from DOT, but again haven't heard.

I note that, if DOT is to suspend the permit for a third overweight violation, the statute has to identify what period the 3 violations must occur during. The draft I prepared requires 3 violations during the life of the permit (presumably most are annual permits). However, if you think this period is too short, you could require suspension on the 3rd violation if the operator has ever had two prior violations OR if the operator has had two prior violations in the past 3 years, etc.

On the question below, I'm reading it to mean that they have to be more than 10,000 above the permit weight (i.e. at least 10,001 above). Is that right?

Thanks. Aaron

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

H/c w/ Beau ↓ - no - make
it 10,000 lbs. or more

From: Stafford, Beau
Sent: Monday, March 22, 2010 10:24 AM
To: Gary, Aaron
Subject: AB 778 AA 2

Aaron -

I think we need to add in the provision we talked about on Friday. If someone is 10,000 lbs beyond their RS permit (>108,000 lbs) then they are subject to a 6 month suspension as well. The other portion looks good to me, I sent it around to everyone to look at, and I will let you know as soon as possible if there are any problems.

Thanks Aaron!

Beau Stafford
Office of Representative Fred Clark
42nd Assembly District
608-266-7746
Beau.stafford@legis.wi.gov



Wanted
by 3/22
noon
TODAY
in 3/22

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 778

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: after "limitations" insert "and overweight permits".

3 **2.** Page 3, line 7: after that line insert:

4 "SECTION 1m. 348.25 (7) of the statutes is amended to read:

5 348.25 (7) The Subject to s. 348.27 (9m) (d), the officer or agency which issued
6 a permit may, for good cause, suspend or revoke such permit or may decline to issue
7 additional permits or may decline to authorize the use of a telephone call-in
8 procedure for any applicant after having given the permittee or applicant reasonable
9 opportunity for a hearing."

10 **3.** Page 4; line 4: after that line insert:

11 "SECTION 3m. 348.27 (9m) (d) of the statutes is created to read:

Insert
2-1 →

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~~348.27 (9m) (d) If a person operating under a permit issued under par. (a) 4. violates any weight limitation specified in the permit more than 2 times during the valid period of the permit, the department shall suspend the permit for a period of 6 months. If the remaining valid period of the permit at the time of the suspension is less than 6 months, the person may not apply for, or operate under, any another permit issued under par. (a) 4. for a period of 6 months from the suspension.”.~~

(END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1881/P2ins
ARG:.....

1 348.27 (9m) (d) 1. The department shall suspend a permit issued under par.

2 (a) 4. if the person operating under the permit does any of the following:

3 a. Violates any weight limitation specified in the permit more than 2 times
4 during the valid period of the permit.

5 b. Violates any weight limitation specified in the permit by exceeding the
6 weight limitation by 10,000 or more pounds.

7 2. The suspension under subd. 1. shall be for a period of 6 months. If the
8 remaining valid period of the permit at the time of the suspension is less than 6
9 months, the person may not apply for, or operate under, any other permit issued
10 under par. (a) 4. for a period of 6 months from the suspension.”.

11
12



Now

in 3/23

RMN

3/23 Hc from Beau - 11 w/ no change

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

**ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 778**

No changes

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At the locations indicated, amend the bill as follows:

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3. Page 4, line 4: after that line insert:

"SECTION 3m. 348.27 (9m) (d) of the statutes is created to read:

