

2011 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB181)

Received: 09/12/2011

Received By: agary

Wanted: As time permits

Companion to LRB:

For: Sheila Harsdorf (608) 266-7745

By/Representing: Matt Wuebke

May Contact:

Drafter: agary

Subject: **Transportation - motor vehicles**
Transportation - traffic laws

Addl. Drafters:

Extra Copies: **EVM**

Submit via email: YES

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

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

Pre Topic:

No specific pre topic given

Topic:

Permits for transporting overheight loads of hay or straw

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>
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FE Sent For:

<END>

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FE Sent For:

<END>

Gary, Aaron

From: Wuebke, Matt
Sent: Monday, September 12, 2011 9:05 AM
To: Gary, Aaron
Subject: RE: Sub Amendment Draft for Hay and Straw

Hi Aaron,

If Scott in our office hasn't communicated this with you already, could you also draft a copy of Tim's changes into a substitute amendment for our Senate Bill as well? We should be putting the bill in for introduction this week.

Thanks,
 Matt

From: Gary, Aaron
Sent: Saturday, September 10, 2011 12:01 PM
To: Fiocchi, Tim
Cc: Nelson, Scott; Wuebke, Matt
Subject: RE: Sub Amendment Draft for Hay and Straw

11-1107/1

Hi Tim,

I made changes 1 and 3 but not 2, for the reason you discuss. I assume that DOT will prescribe the electronic application and routing system as the process. There is no good reason to be more specific in the statute, and there is a good reason not to - if DOT changes its computer system in 5 years, you don't want to have to do a bill to update the statute. I did however mention the electronic application and routing system in the analysis.

Aaron

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

From: Fiocchi, Tim
Sent: Friday, September 09, 2011 1:53 PM
To: Gary, Aaron
Cc: Nelson, Scott; Wuebke, Matt
Subject: FW: Sub Amendment Draft for Hay and Straw

Hi Aaron,

I received the below from the department. I'm fine with the suggested changes but I know we had talked about being overly specific in the statutes regarding the use of specific technology so if you think what's currently in the draft regarding their second suggestion is better I'm fine leaving it as is.

Give me a call with any questions – otherwise have a good weekend.

Thanks,

9/12/2011



State of Wisconsin
2011 - 2012 LEGISLATURE

~~soon~~
in
9/16



LRB 2011-12 SD177/1
ARG:cjs:rs

wanted by
9/20 9:30 AM

RMNR

Senate

ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2011 ASSEMBLY BILL ~~248~~ 181

stays

SAV

No changes - companion

September 15, 2011 - Offered by Representative PETROWSKI.

William

Corlat

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 (16) of the statutes; **relating to:** annual or consecutive month
3 permits for vehicles transporting overheight loads of hay or straw and other
4 vehicles, providing an exemption from emergency rule procedures, and
5 granting rule-making 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 size or weight limits unless the person obtains a permit issued by the Department of Transportation (DOT) or a local authority, as applicable. With exceptions, a permit may not be issued for transporting oversize loads if the load can be reasonably divided or reduced to comply with statutory limits. The generally applicable height limit on highways is 13.5 feet.

This substitute amendment allows DOT to issue annual or consecutive month permits for vehicles or vehicle combinations (vehicles) transporting loads of hay or straw that exceed the statutory height limitation of 13.5 feet but do not exceed 14.5 feet if the vehicle is being operated on a highway in an urban area or 15 feet if the vehicle is being operated on any other highway. If the route involves highways that

are not state trunk highways, the permit application must be accompanied by a written statement of route approval by the officer in charge of maintenance of the local highway. DOT may issue these permits regardless of whether the load being transported is divisible. Permit applications must be made electronically to DOT utilizing an electronic process prescribed by DOT, such as its electronic application and routing system. DOT must promulgate rules defining “urban area” for purposes of these permits and may promulgate rules regulating the configuration of the loads carried under these permits and how these loads are to be secured for safe travel.

Under current law, DOT or a local authority may, for good cause and under certain circumstances, issue a permit (general permit) authorizing the transportation of loads exceeding otherwise applicable size or weight limitations. This substitute amendment specifies that a general permit may be issued regardless of whether the load being transported is divisible.

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 (15). The department shall prescribe an electronic application
6 process for permits the granting of which is authorized by s. 348.27 (16). The
7 department may impose such reasonable conditions prerequisite to the granting of
8 any permit authorized by s. 348.26 or 348.27 and adopt such reasonable rules for the
9 operation of a permittee thereunder as it deems necessary for the safety of travel and
10 protection of the highways. The department may limit use of the highways under
11 any permit issued to specified hours of the day or days of the week. Local officials
12 granting permits may impose such additional reasonable conditions as they deem
13 necessary in view of local conditions.

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

1 348.25 **(4)** (intro.) Except as provided under s. 348.26 (5), (6), or (7) or 348.27
2 (3), (3m), (4m), (9), (9m), (9r), (9t), (10), (12), (13), ~~or (15)~~, or (16), permits shall be
3 issued only for the transporting of a single article or vehicle which exceeds statutory
4 size, weight or load limitations and which cannot reasonably be divided or reduced
5 to comply with statutory size, weight or load limitations, except that:

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

7 348.27 **(1)** APPLICATIONS. All applications for annual, consecutive month or
8 multiple trip permits for the movement of oversize or overweight vehicles or loads
9 shall be made to the officer or agency designated by this section as having authority
10 to issue the particular permit desired for use of the particular highway in question.
11 All applications under subs. (2) and (4) to (15) shall be made upon forms prescribed
12 by the department. All applications under sub. (16) shall be made utilizing an
13 electronic process prescribed by the department.

14 **SECTION 4.** 348.27 (16) of the statutes is created to read:

15 348.27 **(16)** TRANSPORTATION OF HAY OR STRAW. (a) The department may issue
16 annual or consecutive month permits for the transportation of loads of hay or straw
17 on a vehicle or combination of vehicles that exceeds the height limitations under s.
18 348.06.

19 (b) If the roads desired to be used by an applicant for a permit under this
20 subsection involve highways other than those within the state trunk highway
21 system, the application shall be accompanied by a written statement of route
22 approval by the officer in charge of maintenance of the other highway.

23 (c) A permit under this subsection does not authorize the operation of any
24 vehicle or vehicle combination having an overall height in excess of 14 feet 6 inches
25 if the vehicle or vehicle combination is being operated on a highway in an urban area

1 or 15 feet if the vehicle or vehicle combination is being operated on any other
2 highway. The department shall, by rule, define “urban area” for purposes of this
3 paragraph and shall provide, with each permit issued under this subsection,
4 information to the permit holder as to the meaning of this term.

5 (d) The department may promulgate rules regulating the configuration of the
6 loads carried under permits issued under this subsection and how these loads are to
7 be secured for safe travel.

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

9 348.28 (1) Permits issued under ss. 348.25, 348.26 and 348.27 (1) to (10), (12)
10 to (13), ~~and (15), and (16)~~ shall be carried on the vehicle during operations so
11 permitted.

12 **SECTION 6. Nonstatutory provisions.**

13 (1) The department of transportation shall submit in proposed form the rules
14 required under section 348.27 (16) (c) of the statutes, as created by this act, to the
15 legislative council staff under section 227.15 (1) of the statutes no later than the first
16 day of the 3rd month beginning after the effective date of this subsection.

17 (2) Using the procedure under section 227.24 of the statutes, the department
18 of transportation shall promulgate rules required under section 348.27 (16) (c) of the
19 statutes, as created by this act, for the period before the effective date of the
20 permanent rules promulgated under section 348.27 (16) (c) of the statutes, as created
21 by this act, but not to exceed the period authorized under section 227.24 (1) (c) of the
22 statutes, subject to extension under section 227.24 (2) of the statutes.
23 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department
24 is not required to provide evidence that promulgating a rule under this subsection
25 as an emergency rule is necessary for the preservation of public peace, health, safety,

1 or welfare and is not required to provide a finding of an emergency for a rule
2 promulgated under this subsection.

3 **SECTION 7. Effective dates.** This act takes effect on the first day of the 3rd
4 month beginning after publication, except as follows:

5 (1) The treatment of SECTION 6 (1) and (2) of this act take effect on the day after
6 publication.

7 (END)