

2011 DRAFTING REQUEST

Bill

Received: 12/06/2011

Received By: agary

Wanted: As time permits

Companion to LRB:

For: Dave Hansen (608) 266-5670

By/Representing: John Wagnitz

May Contact:

Drafter: emueller

Subject: Transportation - motor vehicles
Transportation - traffic laws

Addl. Drafters:

Extra Copies: ARG

Submit via email: YES

Requester's email: Sen.Hansen@legis.wisconsin.gov

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

Pre Topic:

No specific pre topic given

Topic:

Allow operation of farm tractors on highways for parades

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 12/07/2011			_____			
/P1	emueller 12/21/2011	kfollett 01/20/2012	rschluet 01/20/2012	_____	ggodwin 01/20/2012		
/1	emueller 01/23/2012	kfollett 01/23/2012	rschluet 01/23/2012	_____	sbasford 01/23/2012	sbasford 01/23/2012	

FE Sent For:

<END>

↳ Not
Needed

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*Jacket for
Senate
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/PI	EMM 12/21/11			_____	_____	_____	_____

FE Sent For:

<END>

Gary, Aaron

From: Wagnitz, John
Sent: Tuesday, December 06, 2011 3:12 PM
To: Gary, Aaron
Cc: Mueller, Eric
Subject: FW: tractors in parades

Dear Aaron,

Please see the email below from leg. Council. Senator Hansen would like to introduce legislation that would make it legal for tractors to operate on public roadways for the purposes of attending parades.

Thanks,

John Wagnitz
Office of State Senator Dave Hansen
5 South, State Capitol
phone: (608) 266-5670

From: Moore, David
Sent: Thursday, December 01, 2011 3:39 PM
To: Wagnitz, John
Subject: RE: tractors in parades

John,

This e-mail addresses the general principles of operating a tractor on a public highway and whether there is an explicit statutory exemption for operating a tractor in a parade. How this analysis pertains to Sen. Hansen's constituent necessarily depends on the facts of his specific situation, which I do not know. This e-mail, then, is not intended to advise whether what he has been doing or intends to do is lawful.

Generally, farm tractors are not authorized to operate on public highways, except for agricultural purposes. There is no statute that says this explicitly, but the rationale for this conclusion is this:

It is unlawful to operate a motor vehicle on a highway unless either: (a) a registration fee, which has been prescribed for that vehicle, is paid; or (b) the vehicle is exempt from registration. [s. 341.04 (1), Stats.] The first of these circumstances does not apply because there is no prescribed registration fee for farm tractors. Instead, farm tractors are exempt from registration, but only within the parameters prescribed by the statute authorizing the exemption. That statute exempts from registration, " a vehicle, even though operated upon a highway of this state ... if ... The vehicle is a farm tractor used exclusively in agricultural operations, including threshing, or used exclusively to provide power to drive other machinery, or to transport from job to job machinery driven by a farm tractor." [s. 341.05 (7), Stats.]

As relevant to your question, the important part of this exception is the phrase "used exclusively in agricultural operations." Case law establishes that farm tractors and other implements of husbandry (a term that pertains to vehicles designed for agricultural use and used, primarily off the highway, for agricultural purposes) are defined, for the purposes of operating them on highways, according to their use. And here "use" applies to how that particular vehicle is used: so a John Deere 4020 is only a "farm tractor" for the purposes of the highway operation exemptions if that particular tractor is actually used exclusively for agricultural purposes.

A parade, generally, is not an agricultural purpose, although I would not be surprised to see an argument that an agriculture-themed parade is an agricultural purpose. There are certain exceptions to motor vehicle operation requirements that specifically address "parade[s] sanctioned by a local municipality." But none address tractors. So, it appears that, strictly speaking, it would likely be unlawful to operate a tractor on a public highway for the purpose of participating in a parade.

Sincerely,
David Moore
Wisconsin Legislative Council
608-266-1946

David.Moore@legis.wisconsin.gov

From: Wagnitz, John
Sent: Wednesday, November 30, 2011 10:05 AM
To: Moore, David
Subject: tractors in parades

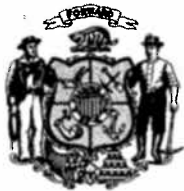
David,

I've been looking in the statutes but can't find an answer for Senator Hansen regarding tractors on the road. He met a constituent who likes to participate in parades but fears DOT may start taking a stronger line and prohibit the use of tractors. No one has been ticketed yet but this guy would like to know the law.

Do you have any insight on this?

Thank you,

John Wagnitz
Office of State Senator Dave Hansen
5 South, State Capitol
phone: (608) 266-5670



D Note
State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3592/P1

EVM:..lgf

(RMB)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

(in 12/21/11)

By Man
1/23

(gen)

1 **AN ACT ...; relating to:** operation of farm tractors on highways.

Analysis by the Legislative Reference Bureau

Under current law, a farm tractor may be operated on a highway without being registered with the Department of Transportation (DOT) if the farm tractor is used exclusively in agricultural operations or used exclusively to provide power to drive other machinery or to transport from job to job machinery driven by a tractor. Under this bill, a farm tractor may also be operated on a highway without being registered with DOT if the tractor is used for special occasions such as display or parade purposes.

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

2 **SECTION 1.** 341.05 (7) of the statutes is amended to read:

3 341.05 (7) The vehicle is a farm tractor used exclusively in agricultural
4 operations, including threshing, or used exclusively to provide power to drive other
5 machinery, or to transport from job to job machinery driven by a farm tractor for used

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check

1 for special occasions such as display and parade purposes, including traveling to and
2 from such events.

History: 1971 c. 207; 1973 c. 90; 1977 c. 29, 43, 418; 1983 a. 50, 180, 243, 288, 538; 1985 a. 187; 1985 a. 197 s. 7; 1987 a. 349; 1991 a. 39, 316; 1993 a. 288; 1995 a. 138, 189; 1997 a. 27, 269; 1999 a. 9, 53, 85, 186; 2003 a. 192, 237, 327; 2007 a. 11; 2009 a. 157.

3

(END)

⊕ Note

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

LRB-3592/P1dn
EVM: *kgf*

Date

ATTN: John Wagnitz *e*

x Please review the attached draft carefully to ensure that it is consistent with your intent. Please note, the additional authorization for use of farm tractors on highways that I added in this draft is "for special occasions such as display and parade purposes, including traveling to and from such events." This is the formulation used in similar authorizations under ss. 341.265 (antique motor vehicles) and 341.269 (historic military vehicles), stats. Please let me know if this authorization is too broad.

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.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

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

LRB-3592/P1dn
EVM:kjf:rs

January 20, 2012

ATTN: John Wagnitz

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Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

In 1/23/12

No Changes

Today

Regen

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2 tractors on highways.

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2 from such events.

3 (END)

Godwin, Gigi

From: Wagnitz, John
Sent: Monday, January 23, 2012 3:11 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-3592/1 Topic: Allow operation of farm tractors on highways for parades

Please Jacket LRB 11-3592/1 for the SENATE.