



State of Wisconsin  
2013 - 2014 LEGISLATURE

in  
11/20



LRB-2913/04 PZ  
ARG:eev:ev

wanted  
by 11/27

RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

D-Note

regen

1 AN ACT <sup>regen</sup> *to repeal* 341.01 (2) (a) and 348.17 (6) (a) 3.; *to renumber and amend*  
2 348.05 (2) (a), 348.07 (2) (e) and 348.17 (5); *to consolidate, renumber and*  
3 *amend* 341.01 (2) (intro.) and (b); *to amend* 343.05 (4) (a) 2., 347.21 (1m),  
4 347.21 (2), 348.05 (2) (c), 348.05 (3), 348.06 (2), 348.08 (1) (b), 348.08 (2), 348.15  
5 (3) (b), 348.15 (3) (d), 348.15 (3) (f) 2., 348.15 (8), 348.17 (6) (a) 2., 348.21 (3)  
6 (intro.), subchapter IV (title) of chapter 348 [precedes 348.25], 348.25 (1) and  
7 348.27 (14); *to repeal and recreate* 340.01 (24); and *to create* 340.01 (8m),  
8 346.925 (3), 348.03, 348.05 (2) (a) 2. and 3., 348.05 (3m), 348.07 (2) (e) 1., 348.15  
9 (3) (g), 348.15 (9), 348.17 (5) (a) 1. and 2., 348.21 (3t), 348.25 (12), 348.27 (14m)  
10 and 348.40 of the statutes; **relating to:** operation of agricultural vehicles on  
11 highways.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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:*

insert  
2-1 →

1 SECTION 1. 340.01 (8m) of the statutes is created to read:

2 340.01 (8m) "Commercial motor vehicle converted for exclusive agricultural  
3 use" means a motor vehicle to which all of the following applies:

4 (a) The vehicle is materially altered from its original construction, for the  
5 purpose of agricultural use, by the removal, addition, or substitution of essential new  
6 or used parts.

7 (b) Prior to the alteration described in par. (a), the vehicle was designed and  
8 manufactured primarily for highway use.

9 (c) After the alteration described in par. (a), the vehicle is used exclusively in  
10 the conduct of agricultural operations and ~~is used primarily off the highway.~~

insert  
2-10

11 SECTION 2. 340.01 (24) of the statutes is repealed and recreated to read:

12 340.01 (24) "Implement of husbandry" means all of the following:

insert  
2-15

13 (a) A self-propelled or towed vehicle manufactured, designed, or reconstructed  
14 to be used, and actually used, exclusively in the conduct of agricultural operations  
15 and ~~used primarily off the highway.~~ An "implement of husbandry" includes a  
16 commercial motor vehicle converted for exclusive agricultural use. An "implement  
17 of husbandry" may also include any of the following:

18 1. A farm tractor.

19 2. A self-propelled application-type vehicle such as a combine.

20 3. A farm wagon, farm trailer, or trailer adapted to tow or pull another  
21 implement of husbandry.

1           4. Any vehicle or equipment substantially similar to that described in subds.  
2           1. to 3. and that is used to transport agricultural products necessary for agricultural  
3           production.

4           (b) A combination of vehicles in which each vehicle in the vehicle combination  
5           is an implement of husbandry as described in par. (a).

6           **SECTION 3.** 341.01 (2) (intro.) and (b) of the statutes are consolidated,  
7           renumbered 341.01 (2) and amended to read:

8           341.01 (2) In this chapter: ~~(b) Notwithstanding chapter, notwithstanding s.~~  
9           340.01 (42), “owner” means, with respect to a vehicle that is leased to a lessee for a  
10          period of one year or more, the lessee of the vehicle for purposes of vehicle registration  
11          under this chapter.

12          **SECTION 4.** 341.01 (2) (a) of the statutes is repealed.

13          **SECTION 5.** 343.05 (4) (a) 2. of the statutes is amended to read:

14          343.05 (4) (a) 2. ~~A~~ Except as provided in ss. 348.25 (12) and 348.40, a person  
15          while temporarily operating or moving a farm tractor or implement of husbandry on  
16          a highway between fields or between a farm and a field.

17          **SECTION 6.** 346.925 (3) of the statutes is created to read:

18          346.925 (3) Neither a written authorization issued under s. 348.40, nor a  
19          permit issued under s. 348.27 (14) or (14m), may authorize a child under the age of  
20          16 years to operate a farm tractor or implement of husbandry on the highway.

\*\*\*\*NOTE: I am uncertain of the intent behind the suggested changes relating to s.  
346.925. This provision is a prohibition on the adult (probably the parent) and applies  
only with respect to a “child” age 15 or less. I believe this provision (and any treatment  
of s. 346.925) is unnecessary, given ss. 348.25 (12) and 348.40 (3) (a) 1., created in this bill.

21          **SECTION 7.** 347.21 (1m) of the statutes is amended to read:

22          347.21 (1m) No person shall operate on a highway during hours of darkness  
23          any train of vehicles authorized by s. 348.08 (1) (b) unless there is mounted on each

1 side of every vehicle in such train, ~~including farm tractors and implements of~~  
 2 husbandry, at least one lamp emitting a red light visible from a distance of 500 feet  
 3 to the side of the vehicle on which mounted or, in lieu thereof, at least one red reflector  
 4 visible from all distances within 500 feet to 50 feet of the side of the vehicle when  
 5 directly in front of lawful upper beams of headlamps.

\*\*\*\*NOTE: Because I did not treat s. 348.08 (1) (d), I also did not treat s. 347.21 (1).

6 **SECTION 8.** 347.21 (2) of the statutes is amended to read:

7 347.21 (2) No person shall operate on a highway, at times other than hours of  
 8 darkness, any train of ~~agricultural vehicles~~ implements of husbandry authorized by  
 9 s. 348.08 (1) (b) unless there is displayed a red flag at least 12 inches square on each  
 10 rear corner of the rearmost vehicle in the train.

11 **SECTION 9.** 348.03 of the statutes is created to read:

12 **348.03 Self-certification for certain implements of husbandry.** (1) The  
 13 department shall prescribe a form for the owner or operator of a commercial motor  
 14 vehicle converted for exclusive agricultural use to certify that the vehicle and its  
 15 operation satisfies all requirements specified in the definition under s. 340.01 (8m)  
 16 and that the vehicle is an implement of husbandry.

17 (2) The certification on the form under sub. (1) of an owner or operator of a  
 18 commercial motor vehicle converted for exclusive agricultural use may be offered to  
 19 the department or any traffic officer as evidence of the truth of the matters asserted  
 20 in the certification, but the certification is not conclusive of such matters.

21 **SECTION 10.** 348.05 (2) (a) of the statutes is renumbered 348.05 (2) (a) 1. and  
 22 amended to read:

23 348.05 (2) (a) 1. ~~No limitation~~ Except as provided in subs. 2. and 3., 15 feet  
 24 for implements of husbandry temporarily operated upon a highway in the course of

insert  
4-10

insert  
1-23

1 performance of its work, unless a written authorization has been issued under s.  
2 348.40 allowing this width to be exceeded.

3 SECTION 11. 348.05 (2) (a) 2. and 3. of the statutes <sup>is</sup> are created to read:

4 348.05 (2) (a) 2. Except as provided in subd. 3., 17 feet for an implement of  
5 husbandry if the operator meets safety requirements to ensure safe passage by other  
6 highway users, unless a written authorization has been issued under s. 348.40  
7 allowing this width to be exceeded.

8 (nu) 3. Ten feet for a commercial motor vehicle converted for exclusive agricultural  
9 use, unless a written authorization has been issued under s. 348.40 allowing this  
10 width to be exceeded.

\*\*\*\*NOTE: Do you want to add any limitation to these width provisions with respect to interstate highways? See, for example, s. 348.05 (2) (c) and (3), stats., relating to farm tractors on interstate highways. If so, I will need to modify the two new provisions in ss. 348.05 (3m) and 348.27 (14m).

11 SECTION 12. 348.05 (2) (c) of the statutes is amended to read:

12 348.05 (2) (c) Twelve feet for farm tractors that are not implements of  
13 husbandry, except that the total outside width of such a farm tractor shall not exceed  
14 9 feet when operated on any Wisconsin highway, ~~other than that portion of USH 51~~  
15 ~~between Wausau and STH 78 and that portion of STH 78 between USH 51 and the~~  
16 ~~I 90/94 interchange near Portage upon their federal designation as I 39, that is a part~~  
17 ~~of the national system of interstate and defense highways, other than that portion~~  
18 ~~of I 39 between USH 51 and I 90/94.~~

\*\*\*\*NOTE: Various statutory provisions refer to both a farm tractor and an implement of husbandry. A "farm tractor" is defined as "a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry." See s. 340.01 (16). I have prepared this draft based upon DOT's guidance that a "farm tractor" is not always an "implement of husbandry." If you would like a "farm tractor" to always be considered an "implement of husbandry," changes will need to be made.

19 SECTION 13. 348.05 (3) of the statutes is amended to read:

Insert  
5-19 →

1        ~~348.05 (3) Farm tractors exceeding that are not implements of husbandry and~~  
2        ~~that exceed 12 feet in width and all other farm machinery and implements of~~  
3        ~~husbandry exceeding 8 feet 6 inches in width not being operated in the course of~~  
4        ~~performance of its work may be moved, towed, or hauled over the highways without~~  
5        ~~a special permit issued under s. 348.27 (14) between one-half hour before sunrise~~  
6        ~~and sunset on Mondays to Thursdays and from one-half hour before sunrise to 2 p.m.~~  
7        ~~on Fridays. Such overwidth machinery farm tractors shall not be moved, towed, or~~  
8        ~~hauled on any Wisconsin highway, other than any overwidth machinery that is not~~  
9        ~~a commercial motor vehicle on that portion of USH 51 between Wausau and STH 78~~  
10       ~~and that portion of STH 78 between USH 51 and the I 90/94 interchange near~~  
11       ~~Portage upon their federal designation as I 39, which that is part of the national~~  
12       ~~system of interstate and defense highways, other than that portion of I 39 between~~  
13       ~~USH 51 and I 90/94, without a special permit issued under s. 348.27 (14).~~

14        **SECTION 14.** 348.05 (3m) of the statutes is created to read:

15        348.05 (3m) Implements of husbandry exceeding the width limitations in sub.  
16        (2) (a) may be moved, towed, or hauled over the highways without a special permit  
17        issued under s. 348.27 (14m) between one-half hour before sunrise and sunset on  
18        Mondays to Thursdays and from one-half hour before sunrise to 2 p.m. on Fridays.  
19        Implements of husbandry may not be moved, towed, or hauled under this subsection  
20        on any Wisconsin highway that is part of the national system of interstate and  
21        defense highways, other than that portion of I 39 between USH 51 and I 90/94,  
22        without a special permit issued under s. 348.27 (14m).

23        **SECTION 15.** 348.06 (2) of the statutes is amended to read:

24        348.06 (2) Implements of husbandry of any height may be temporarily  
25        operated upon a highway without a permit for excessive height. The operator of the

1 implement of husbandry is responsible for ensuring that there is adequate height  
2 clearance between the implement of husbandry and any overhead structure or  
3 obstruction, including any utility line.

4 SECTION 16. 348.07 (2) (e) of the statutes is renumbered 348.07 (2) (e) 2. and  
5 amended to read:

*Except as provided in subd. 3., 100*

6 348.07 (2) (e) 2. ~~No limitation~~ One hundred feet for implements of husbandry  
7 temporarily operated upon a highway that are 2-vehicle combinations, unless a  
8 written authorization has been issued under s. 348.40 allowing this length to be  
9 exceeded.

10 SECTION 17. 348.07 (2) (e) 1. <sup>and 3.</sup> of the statutes <sup>are</sup> created to read:

*Except as provided in subd. 3., 60*

11 348.07 (2) (e) 1. Sixty feet for an implement of husbandry that is a single  
12 vehicle, unless a written authorization has been issued under s. 348.40 allowing this  
13 length to be exceeded.

*insert 7-13*

*Except as provided in s. 348.07 (2) (e) 3.*

14 SECTION 18. 348.08 (1) (b) of the statutes is amended to read:

*strike 2*

2

15 348.08 (1) (b) ~~Two trailers used primarily as~~ implements of husbandry in  
16 connection with seasonal agricultural activities or one such trailer and any other  
17 implement of husbandry may, without such permit, be drawn by a farm tractor if the  
18 operation of such combination of vehicles is exclusively a farming operation and not  
19 for the transportation of property for hire and, or attached to, another implement of  
20 husbandry if the overall length of such combination of vehicles does not exceed 60  
21 70 feet or if a written authorization has been issued under s. 348.40 allowing ~~this~~ <sup>these</sup>  
22 length to be exceeded.

*insert 7-21*

\*\*\*NOTE: I did not amend or repeal s. 348.08 (1) (d) because all three vehicles in the train under that paragraph are not implements of husbandry. Do you want me to treat s. 348.08 (1) (d)?

*insert 7-22*

23 SECTION 19. 348.08 (2) of the statutes is amended to read:

1           348.08 (2) Whenever any train of ~~agricultural vehicles~~ implements of  
2 husbandry is being operated under sub. (1) (b), the train shall be equipped as  
3 provided in s. 347.21 (1m) and (2). Whenever any train of agricultural vehicles is  
4 being operated under sub. (1) (d), the train shall be equipped as provided in s. 347.21  
5 (1) ~~and (2)~~. The trailer hitches of a train of ~~agricultural vehicles~~ described in this  
6 subsection shall be of a positive nature so as to prevent accidental release.

7           **SECTION 20.** 348.15 (3) (b) of the statutes is amended to read:

8           348.15 (3) (b) The gross weight imposed on the highway by the wheels of any  
9 one axle may not exceed 20,000 pounds or, if the vehicle or combination of vehicles  
10 is an implement of husbandry, 23,000 pounds. In addition, the gross weight imposed  
11 on the highway by the wheels of the steering axle of a truck tractor may not exceed  
12 13,000 pounds unless the manufacturer's rated capacity of the axle and the tires is  
13 sufficient to carry the weight, but not to exceed 20,000 pounds.

\*\*\*NOTE: I did not amend s. 348.15 (3) (a) to increase the per-wheel weight limit.  
Please advise if you want this 11,000-pound limit increased for implements of husbandry.

14           **SECTION 21.** 348.15 (3) (d) of the statutes is amended to read:

15           348.15 (3) (d) Notwithstanding ~~par.~~ pars. (c) and (g), 2 consecutive sets of  
16 tandem axles may impose on the highway a gross load of 34,000 pounds each if the  
17 overall distance between the first and last axles of such consecutive sets of tandem  
18 axles is 36 feet or more.

19           **SECTION 22.** 348.15 (3) (f) 2. of the statutes is amended to read:

20           348.15 (3) (f) 2. Notwithstanding pars. (a) to (c) and (g), sub. (4), and ss. 348.17  
21 and 349.16, and subject to subd. 3., in the case of a heavy-duty vehicle equipped with  
22 idle reduction technology, the gross weight of the vehicle, and the gross weight  
23 imposed on the highway by the wheels of any one axle or axle group of the vehicle,



1 may exceed the applicable weight limitation specified in pars. (a) to (c) or (g) or posted  
2 as provided in s. 348.17 (1) by not more than 400 pounds or the weight of the idle  
3 reduction technology, whichever is less.

4 **SECTION 23.** 348.15 (3) (g) of the statutes is created to read:

5 348.15 (3) (g) Notwithstanding par. (c), if the vehicle or combination of vehicles  
6 is an implement of husbandry, the gross weight imposed on the highway by any group  
7 of 2 or more consecutive axles of the vehicle or vehicle combination may not exceed  
8 the maximum gross weights in the following table for each of the respective distances  
9 between axles and the respective numbers of axles of a group: [See Figure 348.15 (3)  
10 (g) following]

**Figure 348.15 (3) (g):**

Maximum gross weight in pounds on a group of—

Distances in feet between foremost and rear- most axles of a group	2 axles of a vehicle or combina- tion of vehicles	3 axles of a vehicle or combina- tion of vehicles	4 axles of a vehicle or combina- tion of vehicles	5 axles of a vehicle or combina- tion of vehicles	6 axles of a vehicle or combina- tion of vehicles	7 axles of a vehicle or combina- tion of vehicles	8 axles of a vehicle or combina- tion of vehicles
4	39,500	45,000	51,500	58,500	65,000	72,000	79,000
5	40,500	46,000	52,500	59,000	66,000	72,500	79,500
6	41,500	47,000	53,000	60,000	66,500	73,500	80,000
7	43,000	47,500	54,000	60,500	67,000	74,000	80,500
8	44,000	48,500	54,500	61,000	68,000	74,500	81,500
9	45,000	49,500	55,500	62,000	68,500	75,500	82,000
10	46,000	50,500	56,000	62,500	69,000	76,000	82,500
11		51,000	57,000	63,500	70,000	76,500	83,500
12		52,000	57,500	64,000	70,500	77,500	84,000
13		53,000	58,500	65,000	71,500	78,000	84,500
14		53,500	59,500	65,500	72,000	78,500	85,500
15		54,500	60,000	66,000	72,500	79,500	86,000
16		55,500	61,000	67,000	73,500	80,000	86,500
17		56,500	61,500	67,500	74,000	80,500	87,500
18		57,000	62,500	68,500	75,000	81,500	88,000
19		58,000	63,000	69,000	75,500	82,000	88,500
20		59,000	64,000	70,000	76,000	82,500	89,500
21		60,000	64,500	70,500	77,000	83,500	90,000
22		60,500	65,500	71,500	77,500	84,000	90,500
23		61,500	66,000	72,000	78,000	84,500	91,500
24		62,500	67,000	72,500	79,000	85,500	92,000
25		63,000	67,500	73,500	79,500	86,000	
26		64,000	68,500	74,000	80,500	86,500	
27		65,000	69,000	75,000	81,000	87,500	
28		66,000	70,000	75,500	81,500	88,000	
29			71,000	76,500	82,500	88,500	

Distances in feet between foremost and rear-most axles of a group	2 axles of a vehicle or combination of vehicles	3 axles of a vehicle or combination of vehicles	4 axles of a vehicle or combination of vehicles	5 axles of a vehicle or combination of vehicles	6 axles of a vehicle or combination of vehicles	7 axles of a vehicle or combination of vehicles	8 axles of a vehicle or combination of vehicles
30			71,500	77,000	83,000	89,500	
31			72,500	77,500	83,500	90,000	
32			73,000	78,500	84,500	90,500	
33			74,000	79,000	85,000	91,500	
34							
35			75,500	80,500	86,500		
36			76,000	81,500	87,000		
37			77,000	82,000	88,000		
38			77,500	83,000	88,500		
39			78,000	83,500	89,500		
40			79,000	84,000	90,000		
41			80,000	85,000	90,500		
42			80,500	85,500	91,500		
43			81,500	86,500	92,000		
44			82,500	87,000			
45			83,000	88,000			
46			84,000	88,500			
47			84,500	89,000			
48			85,500	90,000			
49			86,000	90,500			
50			87,000	91,500			
51			87,500	92,000			
52			88,500				
53			89,000				
54			90,000				
55			90,500				
56			91,500				
57			92,000				

\*\*\*\*NOTE: This table is derived from Appendix D of the study. Appendix D does not include information for a 34-inch axle distance.

1 SECTION 24. 348.15 (8) of the statutes is amended to read:

2 348.15 (8) Unless the department provides otherwise by rule, any axle of a  
3 vehicle or combination of vehicles which does not impose on the highway at least 8%  
4 of the gross weight of the vehicle or combination of vehicles may not be counted as  
5 an axle for the purposes of sub. (3) (c) and (g).

6 SECTION 25. 348.15 (9) of the statutes is created to read:

7 348.15 (9) <sup>(g) Except as provided in par. (b),</sup> The increased weight allowance for implements of husbandry under  
8 sub. (3) (b) and (g) applies in lieu of, not in addition to, any other increased weight  
9 allowance for implements of husbandry authorized under this chapter. Except as  
10 provided in <sup>par. (b) and</sup> s. 348.40, the maximum gross weight for an implement of husbandry  
11 operated on a highway without a permit may not exceed 92,000 pounds.

12 SECTION 26. 348.17 (5) of the statutes is renumbered 348.17 (5) (a) and  
13 amended to read:

14 348.17 (5) (a) From September 1 to December 31 of each year, no permit shall  
15 be required for the transportation of corn, soybeans, potatoes, vegetables, or  
16 cranberries from the field to storage on the grower's owned or leased land, from the  
17 field to initial storage at a location not owned or leased by the grower, or from the field  
18 to initial processing in a vehicle or combination of vehicles ~~having a registered gross~~  
19 ~~weight of 50,000 pounds or more or described in s. 340.01 (24) (b) that exceeds the~~  
20 ~~weight limitations under s. 348.15 by not more than 15 percent. and that satisfies~~  
21 any of the following:

22 (b) This subsection does not apply to the national system of interstate and  
23 defense highways, except for that portion of I 39 between USH 51 and I 90/94.

1           **SECTION 27.** 348.17 (5) (a) 1. and 2. of the statutes are created to read:

2           348.17 (5) (a) 1. Has a registered gross weight of 50,000 pounds or more.

3           2. Is a motor truck, farm truck, road tractor, truck tractor, or farm truck tractor  
4 or such a vehicle combined with a semitrailer, trailer, or farm trailer, when the  
5 vehicle or combination is a commercial motor vehicle operated on a highway.

6           **SECTION 28.** 348.17 (6) (a) 2. of the statutes is amended to read:

7           348.17 (6) (a) 2. Is described in s. 340.01 (24) (b) a motor truck, farm truck, road  
8 tractor, truck tractor, or farm truck tractor or such a vehicle combined with a  
9 semitrailer, trailer, or farm trailer, when the vehicle or combination is a commercial  
10 motor vehicle operated on a highway.

11           **SECTION 29.** 348.17 (6) (a) 3. of the statutes is repealed.

12           **SECTION 30.** 348.21 (3) (intro.) of the statutes is amended to read:

13           348.21 (3) (intro.) Except as provided in sub. (3g), and subject to sub. (3t), any  
14 person violating s. 348.15 or 348.16 or any weight limitation posted as provided in  
15 s. 348.17 (1) or in a declaration issued under s. 348.175 or authorized under s. 348.17  
16 (3), (5), or (6) or in an overweight permit issued under s. 348.26 or 348.27 may be  
17 penalized as follows:

18           **SECTION 31.** 348.21 (3t) of the statutes is created to read:

19           348.21 (3t) (a) In the case of a violation of s. 348.15 (3) (g), the penalty shall be  
20 computed on the basis of the weights stated in s. 348.15 (3) (c).

21           (b) In the case of a violation of s. 348.15 (3) (b) involving an implement of  
22 husbandry, the penalty shall be computed on the basis of a permissible weight of  
23 20,000 pounds.

24           **SECTION 32.** Subchapter IV (title) of chapter 348 [precedes 348.25] of the  
25 statutes is amended to read:

CHAPTER 348

SUBCHAPTER IV

PERMITS AND WRITTEN AUTHORIZATIONS

SECTION 33. 348.25 (1) of the statutes is amended to read:

348.25 (1) No Except as provided in s. 348.40, no person shall operate a vehicle on or transport an article over a highway without first obtaining a permit therefor as provided in s. 348.26 or 348.27 if such vehicle or article exceeds the maximum limitations on size, weight or projection of load imposed by this chapter.

\*\*\*\*NOTE: I have not treated s. 348.25 (4) (b). Please advise if you would like any changes to that provision.

SECTION 34. 348.25 (12) of the statutes is created to read:

348.25 (12) No permit issued under this subchapter may authorize operation of a farm tractor or implement of husbandry on the highway unless the operator is at least 18 years of age and holds a valid operator's license issued under ch. 343.

SECTION 35. 348.27 (14) of the statutes is amended to read:

348.27 (14) ~~FARM MACHINERY TRACTOR PERMITS.~~ The Subject to s. 348.25 (12), the

department may issue annual or consecutive month permits for the movement, towing, or hauling of farm tractors ~~exceeding 12 feet in width and all other farm machinery and implements of husbandry exceeding 8 feet 6 inches in width not being operated in the course of performance of its work on highways designated as part of the national system of interstate and defense highways~~ that are not implements of

husbandry and that exceed the width limitations in s. 348.05 (2) (c). A permit under

~~this subsection is not required for the movement, towing, or hauling of any overwidth machinery that is not a commercial motor vehicle and which is authorized by s.~~

~~348.05 (3) on that portion of USH 51 between Wausau and STH 78 and that portion~~

*delete strike*

*move to next page*

*add striking*

Move from prior page

1 of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their  
2 federal designation as I 39 ~~such a farm tractor as authorized under s. 348.05 (3).~~

\*\*\*\*NOTE: Please review these changes carefully. I find it difficult to harmonize ss. 348.05 (2) (c) and (3) and 348.27 (14). It seems that modification of these provisions is necessary to make them fit together.

3 SECTION 36. 348.27 (14m) of the statutes is created to read:

4 348.27 (14m) IMPLEMENTS OF HUSBANDRY PERMITS. ~~Subject to s. 348.25 (12),~~ the

insert 15-6

5 department may issue annual or consecutive month permits for the movement,

6 towing, or hauling of implements of husbandry exceeding ~~the width limitations in s.~~

7 348.05 (2) (a). A permit under this subsection is not required for the movement,

8 towing, or hauling of any implement of husbandry as authorized under s. 348.05

9 (3m).

insert 15-9

10 SECTION 37. 348.40 of the statutes is created to read:

11 348.40 Written authorization to operate oversize or overweight

12 implements of husbandry. (1) In this section, "maintaining authority" means the

13 following:

14 (a) The department with respect to state trunk highways.

15 (b) The ~~local authority~~ <sup>municipality or county</sup> responsible for maintenance of the highway with respect

16 to any highway that is not a state trunk highway, including any connecting highway.

17 (2) <sup>(a)</sup> Subject to <sup>par. (c) and</sup> sub. (3), a person may apply to the maintaining authority of a

18 highway for written authorization to operate on the highway, without a permit, an

19 implement of husbandry that exceeds limitations on size or weight or both imposed

insert 15-20

20 by this chapter.

21 (3) (a) With respect to a highway under its jurisdiction, a maintaining

22 authority may issue a written authorization to operate on the highway, without a

1 permit, an implement of husbandry that exceeds limitations on size or weight or both  
2 imposed by this chapter if all of the following apply:

3 1. The applicant identifies each potential operator of the implement of  
4 husbandry under the written authorization and provides proof that each such  
5 operator is at least 18 years of age and holds a valid operator's license issued under  
6 ch. 343.

7 / 2. The implement of husbandry complies with all equipment and other  
8 requirements for an implement of husbandry specified in ch. 347.

9 2. <sup>Except as provided in sub. (2) (e) 2.</sup> The application is accompanied by a route plan for operation of the  
10 implement of husbandry on the highway and this route plan is approved by the  
11 maintaining authority.

12 (b) Unless suspended or revoked under sub. (7), written authorizations issued  
13 under this section shall be valid for a ~~one-year~~ period. <sup>insert 16-13</sup>

14 (4) (a) A maintaining authority may impose reasonable conditions in  
15 conjunction with, or as a prerequisite to, the issuance of any written authorization  
16 under this section.

17 These conditions may include any operating requirement or  
18 restriction, or any other condition, that the maintaining authority deems necessary  
19 for the safety of the traveling public and the protection of the highways, including  
20 requirements relating to financial responsibility of the owner or operator of the  
implement of husbandry.

21 (b) A maintaining authority shall impose as conditions in any written  
22 authorization issued under this section that the implement of husbandry may be  
23 operated only in compliance with the requirements for issuance of the written  
24 authorization under sub. (3) (a).

insert 16-24



1           (5) Any written authorization issued under this section shall be carried on the  
2 implement of husbandry while the implement of husbandry is being operated under  
3 the written authorization.

4           (6) (a) Implements of husbandry operated under a written authorization issued  
5 under this section are exempt from the restrictions and limitations imposed by this  
6 chapter on size and weight to the extent stated in the written authorization. Any  
7 person who violates any condition of a written authorization under which the person  
8 is operating, including any weight limitation specified in the written authorization,  
9 is subject to the same penalties as would be applicable if that person were operating  
10 without a written authorization.

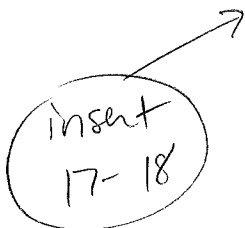
11           (b) Any person violating sub. (5) shall be subject to the same penalty specified  
12 in s. 348.28 (2).

13           (7) A maintaining authority that issues a written authorization may, for good  
14 cause including violation of any term or condition of the written authorization,  
15 suspend or revoke the written authorization after having given the person to whom  
16 the written authorization is issued reasonable notice and an opportunity for a  
17 hearing.

18

(END)

insert  
17-18



D-Note



**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2913/P2ins  
ARG:.....

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**INSERT 2-1:**

**SECTION 1.** 227.01 (13) (rs) of the statutes is created to read:

227.01 (13) (rs) Relates to any form prescribed by the department of transportation under s. 348.03 (1) or 348.40 (8) (a) or procedure prescribed under s. 348.40 (8) (c).

**SECTION 2.** 227.43 (1) (bg) of the statutes is amended to read:

227.43 (1) (bg) Assign a hearing examiner to preside over any hearing or review under ss. 84.30 (18), 84.305, 84.31 (6) (a), 85.013 (1), 86.073 (3), 86.16 (5), 86.195 (9) (b), 86.32 (1), 101.935 (2) (b), 101.951 (7) (a) and (b), 114.134 (4) (b), 114.135 (9), 114.20 (19), 175.05 (4) (b), 194.145 (1), 194.46, 218.0114 (7) (d) and (12) (b), 218.0116 (2), (4), (7) (a), (8) (a) and (10), 218.0131 (3), 218.11 (7) (a) and (b), 218.22 (4) (a) and (b), 218.32 (4) (a) and (b), 218.41 (4), 218.51 (5) (a) and (b), 341.09 (2m) (d), 342.26, 343.69 and, 348.25 (9), and 348.40 (9) (c).

History: 1977 c. 418; 1981 c. 20 s. 2202 (1) (b); 1983 a. 27; 1985 a. 182 ss. 16 to 18, 29, 31; Stats. 1985 s. 227.43; 1993 a. 16; 1995 a. 370; 1997 a. 3, 27; 1999 a. 9, 31, 185, 186; 2003 a. 118; 2005 a. 465; 2007 a. 20 ss. 2998 to 3001, 9121 (6) (a).

**INSERT 2-10:**

the vehicle's primary purpose is for off-highway use

**INSERT 2-15:**

the primary purpose of which is for off-highway use

**INSERT 4-10:**

**SECTION 3.** 347.22 (2) of the statutes is amended to read:

1           347.22 (2) ~~No~~ Except as provided in s. 347.24 (3) (b) 1., no person shall operate  
2 or park a farm tractor, self-propelled farm implement, or lightweight utility vehicle,  
3 as defined in s. 346.94 (21) (a) 2., upon a highway during hours of darkness with any  
4 lamp thereon showing any light to the rear other than red in color.

History: 2009 a. 157.

5           **SECTION 4.** 347.24 (3) of the statutes is created to read:

6           347.24 (3) (a) In this subsection, “wide implement of husbandry” means any  
7 implement of husbandry that has a total width in excess of 15 feet or that partly  
8 extends, when operated primarily on the right half of the roadway, over the center  
9 of the roadway into any lane intended for travel in the opposite direction.

10           (b) No person may operate on a highway any self-propelled wide implement  
11 of husbandry unless it is equipped with all of the following and any lamp or light  
12 required under this paragraph is lighted:

13           1. At least 2 amber flashing warning lamps, visible from both the front and rear  
14 of the implement of husbandry. These lamps shall be mounted at a height of not less  
15 than 1.3 feet nor more than 12 feet and shall be mounted, as nearly as practicable,  
16 to indicate the extreme width of the implement of husbandry, but not less than 16  
17 inches from the lateral extremities of the implement of husbandry.

18           2. At least 2 red retroreflective devices, visible during hours of darkness from  
19 all distances within 1,000 to 100 feet of the rear of the implement of husbandry when  
20 directly in front of lawful lower beams of headlamps. These retroreflective devices  
21 shall be mounted, as nearly as practicable, to indicate the extreme left and extreme  
22 right of the implement of husbandry, including any projections.

23           3. Red retroreflective conspicuity material, and nonreflective red-orange  
24 fluorescent conspicuity material, visible to the rear of the implement of husbandry.

1 The outer edge of the nonreflective conspicuity material shall be mounted within 25  
2 inches of the extreme left and extreme right of the implement of husbandry and  
3 spaced as evenly as practicable.

4 4. At least 2 strips of yellow retroreflective conspicuity material visible to the  
5 front of the implement of husbandry. On the left and right sides of the implement  
6 of husbandry, the outer edge of at least one strip of this material shall be mounted  
7 within 16 inches of, respectively, the extreme left and extreme right of the implement  
8 of husbandry.

9 (c) No person may operate on a highway any wide implement of husbandry that  
10 is not self-propelled unless it is equipped with all of the following and any lamp or  
11 light required under this paragraph is lighted:

12 1. At least 2 red tail lamps mounted symmetrically to the rear of the implement  
13 of husbandry, or as close to the rear as practicable, at a height of not less than 1.3 feet  
14 nor more than 10 feet and positioned laterally between 2 feet and 5 feet to the left  
15 and to the right of the center line of the implement of husbandry except that, if the  
16 tail lamps on the towing vehicle are not obscured, the tail lamps on the implement  
17 of husbandry may be positioned more than 5 feet from the center line of the  
18 implement of husbandry. However, if the implement of husbandry is less than 4 feet  
19 wide at its rearmost point, only one red tail lamp is required under this subdivision.

20 2. At least 2 amber flashing warning lamps, visible from both the front and rear  
21 of the implement of husbandry. These lamps shall be mounted at a height of not less  
22 than 1.3 feet nor more than 12 feet and shall be mounted at a height of 10 feet or less  
23 if practicable. These lamps shall be mounted, as nearly as practicable, to indicate  
24 the extreme width of the implement of husbandry, but not less than 16 inches from  
25 the lateral extremities of the implement of husbandry. However, if the implement

1 of husbandry is asymmetrical and extends only to the left or right of the towing  
2 vehicle, the implement of husbandry is required to be equipped with only one  
3 flashing warning lamp, which shall be mounted within 16 inches, laterally, of the  
4 outermost edge of the implement of husbandry, including any projection.

5 3. If the implement of husbandry is designed to travel and does travel at a speed  
6 greater than 25 miles per hour, at least one stop lamp that lights when the operator  
7 has activated the service brake or another primary control used to slow the towing  
8 vehicle. Any lamp required under this subdivision shall be connected to a  
9 ~~seven~~ terminal plug, the location and cable length of which are compatible with the  
10 plug receptacle on the towing vehicle. A stop lamp under this subdivision may be  
11 incorporated with any tail lamp under subd. 1.

12 4. If the implement of husbandry is towed by or attached to the rear of another  
13 vehicle, red retroreflective conspicuity material, and nonreflective red-orange  
14 fluorescent conspicuity material, visible to the rear of the implement of husbandry.  
15 The outer edge of the retroreflective conspicuity material shall be mounted within  
16 16 inches of the extreme left and extreme right of the implement of husbandry. Both  
17 the retroreflective conspicuity material and the nonreflective conspicuity material  
18 shall be mounted in lines as horizontally and evenly spaced as practicable.

19 5. If the implement of husbandry is towed by or attached to the rear of another  
20 vehicle, at least 2 strips of yellow retroreflective conspicuity material visible to the  
21 front of the implement of husbandry. On the left and right sides of the implement  
22 of husbandry, the outer edge of at least one of the strips of this material shall be  
23 mounted within 16 inches of, respectively, the extreme left and extreme right of the  
24 implement of husbandry.

1           6. Retroreflective sheeting material, visible during hours of darkness from all  
2 distances within 1,000 to 100 feet of the rear of the implement of husbandry when  
3 directly in front of lawful lower beams of headlamps. This retroreflective sheeting  
4 material shall consist of a smooth, flat, transparent exterior film with retroreflective  
5 elements embedded or suspended beneath the film so as to form a non-exposed  
6 retroreflective optical system. Retroreflective sheeting material shall meet  
7 requirements of the latest edition of the ASTM Book of Standards of the American  
8 Society for Testing and Materials, ASTM D-4956 for type V sheeting or the closest  
9 then-applicable standard, except that the photometric requirements shall meet the  
10 minimum photometric performance requirements.

11           (d) In addition to any applicable requirement under par. (b) or (c), if a wide  
12 implement of husbandry has a total width in excess of 20 feet, no person may operate  
13 the implement of husbandry on a highway unless the implement of husbandry is  
14 accompanied by one or more escort vehicles operating with hazard lights activated.

15           (e) The requirements under this subsection apply in addition to any applicable  
16 requirements under subs. (1) and (2) and ss. 347.21, 347.22, and 347.27.

17           **SECTION 5.** 347.245 (1) of the statutes is amended to read:

18           347.245 (1) After January 1, 1970, no person may operate on a highway, day  
19 or night, any vehicle or equipment, any animal-drawn vehicle, or any other  
20 machinery, including all road machinery, that usually travels at speeds of less than  
21 25 miles per hour or any vehicle operated under a special restricted operator's license  
22 issued under s. 343.135 ~~or~~, any lightweight utility vehicle, as defined in s. 346.94 (21)  
23 (a) 2., or any wide implement of husbandry, as defined in s. 347.24 (3) (a), unless there  
24 is displayed on the most practicable visible rear area of the vehicle or combination  
25 of vehicles, a slow moving vehicle (SMV) emblem as described in and displayed as

1 provided in sub. (2). Any towed vehicle or machine is exempt from this provision if  
 2 the towing vehicle is visible from the rear and is in compliance with this section. All  
 3 road machinery is excluded when it is engaged in actual construction or maintenance  
 4 work either guarded by a flagman or clearly visible warning signs. Except as  
 5 provided in s. 347.21 (1), the requirement of the emblem shall be in addition to any  
 6 lighting devices required or permitted by law. Mopeds and motor bicycles are  
 7 excluded from the provisions of this section unless they are operated under a special  
 8 restricted operator's license issued under s. 343.135. Electric personal assistive  
 9 mobility devices are excluded from the provisions of this section. The SMV emblem  
 10 need not be displayed on vehicles moving directly across the highway.

History: 1977 c. 29, 288; 1979 c. 34; 1981 c. 138; 1987 a. 164; 2001 a. 90; 2009 a. 157.

11 **SECTION 6.** 347.245 (5) of the statutes is amended to read:

12 347.245 (5) This section does not apply to any vehicle or combination of vehicles  
 13 to the left rear of which is attached a yellow or amber flashing light at least 4 inches  
 14 in diameter. This subsection does not apply to wide implements of husbandry, as  
 15 defined in s. 347.24 (3) (a).

History: 1977 c. 29, 288; 1979 c. 34; 1981 c. 138; 1987 a. 164; 2001 a. 90; 2009 a. 157.

16 **SECTION 7.** 347.25 (2g) of the statutes is created to read:

17 347.25 (2g) No person may operate on a highway any self-propelled implement  
 18 of husbandry having a total width in excess of 12 feet unless it is equipped with a  
 19 360-degree yellow or amber rotating strobe or beacon light, mounted at the highest  
 20 practicable point, and the light is activated.

21 **INSERT 4-23:**

22 No Except as provided in subd. 2., and subject to ss. 347.24 (3), 347.245 (1), and  
 23 347.25 (2g), no limitation for implements of husbandry temporarily operated upon  
 24 a highway in the course of performance of its work.

1           **INSERT 5-19:**

2           **SECTION 8.** 348.05 (3) of the statutes is repealed.

3           **INSERT 7-13:**

4           3. No limitation for an implement of husbandry that is a single vehicle or  
5 combination of vehicles if the implement of husbandry is a potato harvester and is  
6 accompanied by one or more escort vehicles operating with hazard lights activated.

7           **INSERT 7-21:**

8           , or 100 feet if the vehicle combination is traveling at a speed of not more than  
9 20 miles per hour,

10          **INSERT 7-22:**

11          **SECTION 9.** 348.08 (1) (d) of the statutes is amended to read:

12          348.08 (1) (d) Two trailers transporting empty pressurized or nonpressurized  
13 tanks used for hauling or storing liquid agricultural fertilizer or 2 implements of  
14 husbandry, including 2 empty trailers used primarily as implements of husbandry  
15 in connection with seasonal agricultural activities, may, without such permit, be  
16 drawn by a motor truck or truck tractor if the overall length of such combination of  
17 vehicles and load does not exceed ~~60~~ 70 feet or, if the vehicle combination is traveling  
18 at a speed of not more than 20 miles per hour, 100 feet. For purposes of this  
19 paragraph, "empty" means less than 20% full.

History: 1977 c. 29 s. 1654 (8) (a); 1981 c. 276, 277; 1983 a. 78; 1985 a. 202, 209; 1987 a. 164; 1991 a. 14, 39, 72; 2011 a. 59 s. 2, 243.

20          **INSERT 12-11:**

21          (b) Notwithstanding sub. (3) (b), (c), and (g), there is no weight limitation for  
22 an implement of husbandry that is a potato harvester if the potato harvester is  
23 accompanied by one or more escort vehicles operating with hazard lights activated,



1 except that such a potato harvester is subject to any weight limitation posted as  
2 provided in s. 348.17 (1).

3 **INSERT 15-6:**

4 any limitation on size or weight specified in s. 348.05 (2) (a) 2., 348.07 (2) (e),  
5 348.08 (1), or 348.15 (3) (b) or (g).

6 **INSERT 15-9:**

7 **SECTION 10.** 348.27 (14r) of the statutes is created to read:

8 **348.27 (14r) IMPLEMENTS OF HUSBANDRY DEALER PERMITS.** (a) In this subsection,  
9 "dealer" means any person engaged in the business of selling, repairing, or servicing  
10 implements of husbandry.

11 (b) The department may issue annual or consecutive month permits to dealers  
12 authorizing implements of husbandry exceeding size or weight limitations under  
13 this chapter to be operated or transported on the highway for purposes related to  
14 the purchase or sale, repair, or servicing of the implement of husbandry.

15 (c) Any person operating or transporting an implement of husbandry under a  
16 permit issued under this subsection shall comply with s. 347.24 (3), 347.245 (1), and  
17 347.25 (2g), as applicable. For purposes of this paragraph, the requirements under  
18 s. 347.24 (3), 347.245 (1), and 347.25 (2g) shall apply to an implement of husbandry  
19 being transported to the same extent as if the implement of husbandry were being  
20 operated.

21 (d) A permit issued under this subsection may not authorize the operation or  
22 transportation of any implement of husbandry in excess of any weight limitation  
23 posted as provided in s. 348.17 (1).

24 (e) To the extent possible, a permittee under this subsection shall use state  
25 trunk highways and county trunk highways in operating or transporting

1 implements of husbandry under the permit and shall avoid using highways that  
2 have limited-capacity structures.

3 (f) A permit issued under this subsection shall require the permittee to notify  
4 the department within 72 hours of the route used each time the permittee operates  
5 or transports an implement of husbandry on the highway under the permit.

6 **INSERT 15-20:**

7 After a written authorization is issued, a person may also apply annually for  
8 renewal of the written authorization. Upon receiving an application under this  
9 paragraph, the maintaining authority shall make a decision on the application  
10 within 3 weeks of its receipt. If the maintaining authority fails to approve or deny  
11 the application within this period, the application is considered approved until the  
12 applicant receives a denial meeting the requirements under par. (d) 1.

13 (b) Subject to par. (c), any person to whom a written authorization is issued  
14 under this section may, at any time, apply for an amendment to the written  
15 authorization to reflect a change in the applicant's circumstances or information,  
16 including a change in the applicant's route plan. Upon receiving an application for  
17 amendment under this paragraph, the maintaining authority shall make a decision  
18 on the application within 5 business days of its receipt. If the maintaining authority  
19 fails to approve or deny the application within this period, the application is  
20 considered approved until the applicant receives a denial meeting the requirements  
21 under par. (d) 1.

22 (c) Except as provided in par. (e) 2., an application under par. (a) or (b) shall be  
23 made on the form prescribed by the department under sub. (8) (a) and shall be  
24 submitted as provided in sub. (8) (c) or (d), as applicable.

1 (d) 1. If a maintaining authority denies an application under par. (a) or (b), it  
2 shall immediately notify the applicant in writing of the denial and the specific reason  
3 or reasons for the denial. If the application is made with respect to a self-propelled  
4 implement of husbandry having a limited purpose essential to planting or harvesting  
5 operations, any denial shall include a reasonable structurally-based explanation for  
6 the denial and a suggested alternative route plan for operation of the implement of  
7 husbandry on the highway.

8 2. A decision on an application made to the department under par. (a) or (b)  
9 shall be made initially by department employees in the department's regional office  
10 for the region where the proposed operations would occur and, if the decision is  
11 initially a denial of the application, shall be reviewed by the department at its central  
12 office in Madison. If the department's final decision is a denial of the application, the  
13 department shall give the notice required under subd. 1. and the applicant may  
14 request review of this decision in a contested case hearing as provided under sub. (9)  
15 (c) and s. 227.42. The 3-week period under par. (a) and the 5-day period under par.  
16 (b) apply to any decision of the department, whether made in a regional office or the  
17 central office.

18 (e) 1. The governing body of a municipality may, by resolution or ordinance,  
19 authorize operation, without a permit, on any or all highways under the  
20 municipality's jurisdiction of implements of husbandry that exceed limitations on  
21 size or weight or both imposed by this chapter. A resolution or ordinance adopted  
22 under this paragraph is valid only for one calendar year and, to be valid in any  
23 succeeding calendar year, must be reaffirmed by the governing body of the  
24 municipality.

1           2. If a person applies to a municipality for written authorization to operate,  
2 without a permit, an implement of husbandry on a highway for which authorization  
3 is provided by resolution or ordinance under subd. 1., then par. (c) and sub. (3) (a) 2.  
4 do not apply to the application and the municipality may respond with a form letter  
5 and a copy of the resolution or ordinance, which shall serve as the written  
6 authorization under this section.

7           **INSERT 16-13:**

8           of one calendar year, but may be renewed annually for subsequent calendar  
9 years. Upon application under sub. (2) (b), a maintaining authority may amend a  
10 written authorization. During any period in which a written authorization is  
11 suspended under sub. (4) (c), the written authorization is not valid.

12           (c) No fee may be charged for issuance, renewal, or amendment of a written  
13 authorization under this section.

14           **INSERT 16-24:**

15           (c) During the period of any written authorization issued under this section,  
16 the maintaining authority may suspend the written authorization due to seasonal  
17 conditions or road conditions.

18           **INSERT 17-18:**

19           (8) (a) The department shall prescribe an application form for initial issuance  
20 and renewal of written authorizations under this section. Except with respect to  
21 written authorizations under sub. (2) (e) 2., this form shall be used by each  
22 maintaining authority. The application form shall require the applicant to provide,  
23 on the form or as an attachment, all of the following information:

- 24           1. The applicant's contact information.  
25           2. The applicant's route plan under sub. (3) (a) 2.

1           3. Identification of the types of implements of husbandry for which the  
2 application is made, along with the time of year and frequency that these implements  
3 of husbandry are expected to be operated on the highway under the written  
4 authorization.

5           4. Any other information considered necessary by the department.

6           (b) The department shall design the form under par. (a) to allow a person who  
7 previously applied for and was issued a written authorization under this section to  
8 make an amendment to the written authorization.

9           (c) The department shall prescribe a procedure for the submission of  
10 applications to the department under sub. (2) (a) and (b). The procedure shall allow  
11 an application to be submitted by mail, including certified mail, by electronic  
12 transmission, or in person, and shall include a method of accurately documenting the  
13 date of receipt of the application regardless of which delivery method is used.

14           (d) 1. Each county and each municipality shall designate a person or a  
15 governmental subunit of the county or municipality that is responsible for receiving  
16 applications under sub. (2) (a) and (b). Each county and each municipality shall  
17 notify the department of its designation under this subdivision. If a county or  
18 municipality does not notify the department of its designation, an application under  
19 sub. (2) (a) or (b) may be submitted to the county or municipality as follows:

20           a. For a municipality that is a town, to the chairperson of the town board.

21           b. For a municipality that is a village, to the village president.

22           c. For a municipality that is a city, to the city's superintendent of public works  
23 or, if the city has no superintendent of public works, to the city manager or, if the city  
24 has no city manager, to the mayor.

25           d. For a county, to the county highway commissioner.

1           2. An application may be submitted to the appropriate person or governmental  
2 subunit of a county or municipality under subd. 1. by mail, including certified mail,  
3 by electronic transmission, or in person. Each county and each municipality shall  
4 ensure that there is a method of accurately documenting the date of receipt of the  
5 application regardless of which delivery method is used.

6           (9) (a) In this subsection, "adverse determination" means the denial of an  
7 application for initial issuance, renewal, or amendment of a written authorization  
8 under this section or the suspension or revocation of a written authorization under  
9 sub. (7).

10           (b) Any person aggrieved by an adverse determination by a municipality or  
11 county may obtain review of the adverse determination in the manner provided in  
12 ch. 68 or as provided under an ordinance or resolution adopted under s. 68.16.  
13 However, review of the initial determination of the municipality or county under s.  
14 68.09 or 68.10, or under the equivalent provision of an ordinance or resolution  
15 adopted by a municipality under s. 68.16, shall be made by, respectively, the  
16 governing body of the municipality or the county highway committee of the county.

17           (c) Any person aggrieved by an adverse determination by the department may  
18 obtain review of the adverse determination as a contested case under ch. 227.

19           (d) Notwithstanding any other provision of law, in lieu of administrative review  
20 under par. (b) or (c), any person aggrieved by an adverse determination by a  
21 municipality or county or by the department may file directly in the circuit court an  
22 action challenging the adverse determination.

23           **SECTION 11. Nonstatutory provisions.**

24           (1) No later than the 30th day after the effective date of this subsection, the  
25 department of transportation shall prescribe the form and procedures specified in

1 section 348.40 (8) (a) and (c) of the statutes, as created by this act. For purposes of  
2 this subsection, the form and procedures shall not be considered a rule under section  
3 227.01 (13) of the statutes.

4 (2) Notwithstanding sections 348.40 (2) (c) and 348.40 (8) (a) of the statutes,  
5 as created by this act, applications under section 348.40 (2) (a) and (b) of the statutes,  
6 as created by this act, are not required to be made on the form prescribed under  
7 section 348.40 (8) (a) of the statutes, as created by this act, until January 1, 2015.

8 **SECTION 12. Effective dates.** This act takes effect on the 30th day after the  
9 day of publication, except as follows:

10 (1) SECTION 5 (1) of this act takes effect on the day after publication.

11 (2) The treatment of sections 347.22 (2), 347.24 (3), 347.245 (1) and (5), 347.25  
12 (2g), and 348.27 (14r) (c) of the statutes takes effect on the first day of the 19th month  
13 beginning after publication.

14



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2913/P2  
ARG:eev:ev

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SAV  
xref J

ASAP  
Monday 12/2  
only needs to be proofed  
(clean copy against this copy)

D-note

rejoin

1 AN ACT *to repeal* 341.01 (2) (a), 348.05 (3) and 348.17 (6) (a) 3.; *to renumber and*  
 2 *amend* 348.05 (2) (a), 348.07 (2) (e) and 348.17 (5); *to consolidate, renumber*  
 3 *and amend* 341.01 (2) (intro.) and (b); *to amend* 227.43 (1) (bg), 347.21 (1m),  
 4 347.21 (2), 347.22 (2), 347.245 (1), 347.245 (5), 348.05 (2) (c), 348.06 (2), 348.08  
 5 (1) (b), 348.08 (1) (d), 348.08 (2), 348.15 (3) (b), 348.15 (3) (d), 348.15 (3) (f) 2.,  
 6 348.15 (8), 348.17 (6) (a) 2., 348.21 (3) (intro.), subchapter IV (title) of chapter  
 7 348 [precedes 348.25], 348.25 (1) and 348.27 (14); *to repeal and recreate*  
 8 340.01 (24); and *to create* 227.01 (13) (rs), 340.01 (8m), 347.24 (3), 347.25 (2g),  
 9 348.03, 348.05 (2) (a) 2., 348.07 (2) (e) 1. and 3., 348.15 (3) (g), 348.15 (9), 348.17  
 10 (5) (a) 1. and 2., 348.21 (3t), 348.27 (14m), 348.27 (14r) and 348.40 of the  
 11 statutes; **relating to:** operation of agricultural vehicles on highways.

Ins 1-11

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

Insert Analysis



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:*

1           **SECTION 1.** 227.01 (13) (rs) of the statutes is created to read:

2           227.01 (13) (rs) Relates to any form prescribed by the department of  
3 transportation under s. 348.03 (1) or 348.40 (8) (a) or procedure prescribed under s.  
4 348.40 (8) (c).

5           **SECTION 2.** 227.43 (1) (bg) of the statutes is amended to read:

6           227.43 (1) (bg) Assign a hearing examiner to preside over any hearing or review  
7 under ss. 84.30 (18), 84.305, 84.31 (6) (a), 85.013 (1), 86.073 (3), 86.16 (5), 86.195 (9)  
8 (b), 86.32 (1), 101.935 (2) (b), 101.951 (7) (a) and (b), 114.134 (4) (b), 114.135 (9),  
9 114.20 (19), 175.05 (4) (b), 194.145 (1), 194.46, 218.0114 (7) (d) and (12) (b), 218.0116  
10 (2), (4), (7) (a), (8) (a) and (10), 218.0131 (3), 218.11 (7) (a) and (b), 218.22 (4) (a) and  
11 (b), 218.32 (4) (a) and (b), 218.41 (4), 218.51 (5) (a) and (b), 341.09 (2m) (d), 342.26,  
12 343.69 and, 348.25 (9), and 348.40 (9) (c).

13           **SECTION 3.** 340.01 (8m) of the statutes is created to read:

14           340.01 (8m) "Commercial motor vehicle converted for exclusive agricultural  
15 use" means a motor vehicle to which all of the following applies:

16           (a) The vehicle is materially altered from its original construction, for the  
17 purpose of agricultural use, by the removal, addition, or substitution of essential new  
18 or used parts.

19           (b) Prior to the alteration described in par. (a), the vehicle was designed and  
20 manufactured primarily for highway use.

1 (c) After the alteration described in par. (a), the vehicle is used exclusively in  
2 the conduct of agricultural operations and the vehicle's primary purpose is for  
3 off-highway use.

4 **SECTION 4.** 340.01 (24) of the statutes is repealed and recreated to read:

5 340.01 (24) "Implement of husbandry" means all of the following:

6 (a) A self-propelled or towed vehicle manufactured, designed, or reconstructed  
7 to be used, and actually used, exclusively in the conduct of agricultural operations  
8 and the primary purpose of which is for off-highway use. An "implement of  
9 husbandry" includes a commercial motor vehicle converted for exclusive agricultural  
10 use. An "implement of husbandry" may also include any of the following:

11 1. A farm tractor.

12 2. A self-propelled application-type vehicle such as a combine.

13 3. A farm wagon, farm trailer, or trailer adapted to tow or pull another  
14 implement of husbandry.

15 4. Any vehicle or equipment substantially similar to that described in subds.  
16 1. to 3. and that is used to transport agricultural products necessary for agricultural  
17 production.

18 (b) A combination of vehicles in which each vehicle in the vehicle combination  
19 is an implement of husbandry as described in par. (a).

20 **SECTION 5.** 341.01 (2) (intro.) and (b) of the statutes are consolidated,  
21 renumbered 341.01 (2) and amended to read:

22 341.01 (2) In this chapter: ~~(b) Notwithstanding chapter, notwithstanding s.~~  
23 340.01 (42), "owner" means, with respect to a vehicle that is leased to a lessee for a  
24 period of one year or more, the lessee of the vehicle for purposes of vehicle registration  
25 under this chapter.

1           **SECTION 6.** 341.01 (2) (a) of the statutes is repealed.

2           **SECTION 7.** 347.21 (1m) of the statutes is amended to read:

3           347.21 (1m) No person shall operate on a highway during hours of darkness  
4 any train of vehicles authorized by s. 348.08 (1) (b) unless there is mounted on each  
5 side of every vehicle in such train, ~~including farm tractors and implements of~~  
6 ~~husbandry~~, at least one lamp emitting a red light visible from a distance of 500 feet  
7 to the side of the vehicle on which mounted or, in lieu thereof, at least one red reflector  
8 visible from all distances within 500 feet to 50 feet of the side of the vehicle when  
9 directly in front of lawful upper beams of headlamps.

10           **SECTION 8.** 347.21 (2) of the statutes is amended to read:

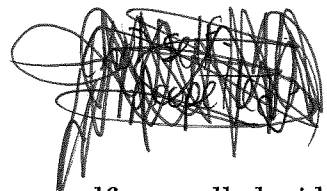
11           347.21 (2) No person shall operate on a highway, at times other than hours of  
12 darkness, any train of ~~agricultural vehicles~~ implements of husbandry authorized by  
13 s. 348.08 (1) (b) unless there is displayed a red flag at least 12 inches square on each  
14 rear corner of the rearmost vehicle in the train.

15           **SECTION 9.** 347.22 (2) of the statutes is amended to read:

16           347.22 (2) ~~No~~ Except as provided in s. 347.24 (3) (b) 1., no person shall operate  
17 or park a farm tractor, self-propelled farm implement, or lightweight utility vehicle,  
18 as defined in s. 346.94 (21) (a) 2., upon a highway during hours of darkness with any  
19 lamp thereon showing any light to the rear other than red in color.

20           **SECTION 10.** 347.24 (3) of the statutes is created to read:

21           347.24 (3) (a) In this subsection, “wide implement of husbandry” means any  
22 implement of husbandry that has a total width in excess of 15 feet or that partly  
23 extends, when operated primarily on the right half of the roadway, over the center  
24 of the roadway into any lane intended for travel in the opposite direction.



1 (b) No person may operate on a highway any self-propelled wide implement  
2 of husbandry unless it is equipped with all of the following and any lamp or light  
3 required under this paragraph is lighted:

4 1. At least 2 amber flashing warning lamps, visible from both the front and rear  
5 of the implement of husbandry. These lamps shall be mounted at a height of not less  
6 than 1.3 feet nor more than 12 feet and shall be mounted, as nearly as practicable,  
7 to indicate the extreme width of the implement of husbandry, but not less than 16  
8 inches from the lateral extremities of the implement of husbandry.

9 2. At least 2 red retroreflective devices, visible during hours of darkness from  
10 all distances within 1,000 to 100 feet of the rear of the implement of husbandry when  
11 directly in front of lawful lower beams of headlamps. These retroreflective devices  
12 shall be mounted, as nearly as practicable, to indicate the extreme left and extreme  
13 right of the implement of husbandry, including any projections.

14 3. Red retroreflective conspicuity material, and nonreflective red-orange  
15 fluorescent conspicuity material, visible to the rear of the implement of husbandry.  
16 The outer edge of the nonreflective conspicuity material shall be mounted within 25  
17 inches of the extreme left and extreme right of the implement of husbandry and  
18 spaced as evenly as practicable.

19 4. At least 2 strips of yellow retroreflective conspicuity material visible to the  
20 front of the implement of husbandry. On the left and right sides of the implement  
21 of husbandry, the outer edge of at least one strip of this material shall be mounted  
22 within 16 inches of, respectively, the extreme left and extreme right of the implement  
23 of husbandry.

*[Handwritten scribbles and signatures]*

1 (c) No person may operate on a highway any wide implement of husbandry that  
2 is not self-propelled unless it is equipped with all of the following and any lamp or  
3 light required under this paragraph is lighted:

4 1. At least 2 red tail lamps mounted symmetrically to the rear of the implement  
5 of husbandry, or as close to the rear as practicable, at a height of not less than 1.3 feet  
6 nor more than 10 feet and positioned laterally between 2 feet and 5 feet to the left  
7 and to the right of the center line of the implement of husbandry except that, if the  
8 tail lamps on the towing vehicle are not obscured, the tail lamps on the implement  
9 of husbandry may be positioned more than 5 feet from the center line of the  
10 implement of husbandry. However, if the implement of husbandry is less than 4 feet  
11 wide at its rearmost point, only one red tail lamp is required under this subdivision.

12 2. At least 2 amber flashing warning lamps, visible from both the front and rear  
13 of the implement of husbandry. These lamps shall be mounted at a height of not less  
14 than 1.3 feet nor more than 12 feet and shall be mounted at a height of 10 feet or less  
15 if practicable. These lamps shall be mounted, as nearly as practicable, to indicate  
16 the extreme width of the implement of husbandry, but not <sup>more</sup> less than 16 inches from  
17 the lateral extremities of the implement of husbandry. However, if the implement  
18 of husbandry is asymmetrical and extends only to the left or right of the towing  
19 vehicle, the implement of husbandry is required to be equipped with only one  
20 flashing warning lamp, which shall be mounted within 16 inches, laterally, of the  
21 outermost edge of the implement of husbandry, including any projection.

22 3. If the implement of husbandry is designed to travel and does travel at a speed  
23 greater than 25 miles per hour, at least one stop lamp that lights when the operator  
24 has activated the service brake or another primary control used to slow the towing  
25 vehicle. Any lamp required under this subdivision shall be connected to a 7-terminal

✓ (16)

1 plug, the location and cable length of which are compatible with the plug receptacle  
2 on the towing vehicle. A stop lamp under this subdivision may be incorporated with  
3 any tail lamp under subd. 1.

4 4. If the implement of husbandry is towed by or attached to the rear of another  
5 vehicle, red retroreflective conspicuity material, and nonreflective red-orange  
6 fluorescent conspicuity material, visible to the rear of the implement of husbandry.

7 The outer edge of the retroreflective conspicuity material shall be mounted within  
8 16 inches of the extreme left and extreme right of the implement of husbandry. Both  
9 the retroreflective conspicuity material and the nonreflective conspicuity material  
10 shall be mounted in lines as horizontally and evenly spaced as practicable.

11 5. If the implement of husbandry is towed by or attached to the rear of another  
12 vehicle, at least 2 strips of yellow retroreflective conspicuity material visible to the  
13 front of the implement of husbandry. On the left and right sides of the implement  
14 of husbandry, the outer edge of at least one of the strips of this material shall be  
15 mounted within 16 inches of, respectively, the extreme left and extreme right of the  
16 implement of husbandry.

17 6. Retroreflective sheeting material, visible during hours of darkness from all  
18 distances within 1,000 to 100 feet of the rear of the implement of husbandry when  
19 directly in front of lawful lower beams of headlamps. This retroreflective sheeting  
20 material shall consist of a smooth, flat, transparent exterior film with retroreflective  
21 elements embedded or suspended beneath the film so as to form a non-exposed  
22 retroreflective optical system. Retroreflective sheeting material shall meet

23 requirements of the latest edition of the ASTM Book of Standards of the American  
24 Society for Testing and Materials, ASTM D-4956 for type V sheeting or the closest

the

1 then-applicable standard, except that the photometric requirements shall meet the  
2 minimum photometric performance requirements.

3 (d) In addition to any applicable requirement under par. (b) or (c), if a wide  
4 implement of husbandry has a total width in excess of 20 feet, no person may operate  
5 the implement of husbandry on a highway unless the implement of husbandry is  
6 accompanied by one or more escort vehicles operating with hazard lights activated.

7 (e) The requirements under this subsection apply in addition to any applicable  
8 requirements under subs. (1) and (2) and ss. 347.21, 347.22, and 347.27.

9 **SECTION 11.** 347.245 (1) of the statutes is amended to read:

10 347.245 (1) After January 1, 1970, no person may operate on a highway, day  
11 or night, any vehicle or equipment, any animal-drawn vehicle, or any other  
12 machinery, including all road machinery, that usually travels at speeds of less than  
13 25 miles per hour or any vehicle operated under a special restricted operator's license  
14 issued under s. 343.135 ~~or~~, any lightweight utility vehicle, as defined in s. 346.94 (21)  
15 (a) 2., or any wide implement of husbandry, as defined in s. 347.24 (3) (a), unless there  
16 is displayed on the most practicable visible rear area of the vehicle or combination  
17 of vehicles, a slow moving vehicle (SMV) emblem as described in and displayed as  
18 provided in sub. (2). Any towed vehicle or machine is exempt from this provision if  
19 the towing vehicle is visible from the rear and is in compliance with this section. All  
20 road machinery is excluded when it is engaged in actual construction or maintenance  
21 work either guarded by a flagman or clearly visible warning signs. Except as  
22 provided in s. 347.21 (1), the requirement of the emblem shall be in addition to any  
23 lighting devices required or permitted by law. Mopeds and motor bicycles are  
24 excluded from the provisions of this section unless they are operated under a special  
25 restricted operator's license issued under s. 343.135. Electric personal assistive

1 mobility devices are excluded from the provisions of this section. The SMV emblem  
2 need not be displayed on vehicles moving directly across the highway.

3 **SECTION 12.** 347.245 (5) of the statutes is amended to read:

4 347.245 (5) This section does not apply to any vehicle or combination of vehicles  
5 to the left rear of which is attached a yellow or amber flashing light at least 4 inches  
6 in diameter. ~~This subsection does not apply to wide implements of husbandry, as~~ *except to a*  
7 defined in s. 347.24 (3) (a) *no score*

8 **SECTION 13.** 347.25 (2g) of the statutes is created to read:

9 347.25 (2g) No person may operate on a highway any self-propelled implement  
10 of husbandry having a total width in excess of 12 feet unless it is equipped with a  
11 360-degree yellow or amber rotating strobe or beacon light, mounted at the highest  
12 practicable point, and the light is activated.

13 **SECTION 14.** 348.03 of the statutes is created to read:

14 **348.03 Self-certification for certain implements of husbandry.** (1) The  
15 department shall prescribe a form for the owner or operator of a commercial motor  
16 vehicle converted for exclusive agricultural use to certify that the vehicle and its  
17 operation ~~satisfies~~ *satisfy* all requirements specified in the definition under s. 340.01 (8m)  
18 and that the vehicle is an implement of husbandry.

19 (2) The certification on the form under sub. (1) of an owner or operator of a  
20 commercial motor vehicle converted for exclusive agricultural use may be offered to  
21 the department or any traffic officer as evidence of the truth of the matters asserted  
22 in the certification, but the certification is not conclusive of such matters.

23 **SECTION 15.** 348.05 (2) (a) of the statutes is renumbered 348.05 (2) (a) 1. and  
24 amended to read:



1           348.05 (2) (a) 1. ~~No~~ <sup>✓</sup> Except as provided in subd. 2., and subject to ss. 347.24 (3),  
2           <sup>✓</sup> 347.245 (1), and 347.25 (2g), no limitation for implements of husbandry temporarily  
3           ~~operated upon a highway in the course of performance of its work.~~

4           <sup>✓</sup> SECTION 16. 348.05 (2) (a) 2. of the statutes is created to read:

5           348.05 (2) (a) 2. Ten feet for a commercial motor vehicle converted for exclusive  
6           agricultural use, unless a written authorization has been issued under s. 348.40  
7           allowing this width to be exceeded.

8           <sup>✗</sup> SECTION 17. 348.05 (2) (c) of the statutes is amended to read:

9           348.05 (2) (c) Twelve feet for farm tractors that are not implements of  
10          husbandry, except that the total outside width of such a farm tractor shall not exceed  
11          9 feet when operated on any Wisconsin highway, ~~other than that portion of USH 51~~  
12          ~~between Wausau and STH 78 and that portion of STH 78 between USH 51 and the~~  
13          ~~I 90/94 interchange near Portage upon their federal designation as I 39, that is a part~~  
14          of the national system of interstate and defense highways, other than that portion  
15          of I 39 between USH 51 and I 90/94.

16          <sup>✗</sup> SECTION 18. 348.05 (3) of the statutes is <sup>✓</sup> repealed.

17          <sup>✗</sup> SECTION 19. 348.06 (2) of the statutes is amended to read:

18          348.06 (2) Implements of husbandry of any height may be temporarily  
19          operated upon a highway without a permit for excessive height. The operator of the  
20          implement of husbandry is responsible for ensuring that there is adequate height  
21          clearance between the implement of husbandry and any overhead structure or  
22          obstruction, including any utility line.

23          <sup>✗</sup> SECTION 20. 348.07 (2) (e) of the statutes is <sup>✓</sup> renumbered 348.07 (2) (e) 2. and  
24          amended to read:

1           348.07 (2) (e) 2. ~~No limitation~~ Except as provided in subd. 3., 100 feet for  
2 implements of husbandry temporarily operated upon a highway that are 2-vehicle  
3 combinations, unless a written authorization has been issued under s. 348.40  
4 allowing this length to be exceeded.

5           **SECTION 21.** 348.07 (2) (e) ~~1.~~ <sup>1.</sup> and ~~3.~~ <sup>3.</sup> of the statutes are created to read:

6           348.07 (2) (e) 1. Except as provided in subd. <sup>3.</sup> 3., 60 feet for an implement of  
7 husbandry that is a single vehicle, unless a written authorization has been issued  
8 under s. <sup>348.40</sup> 348.40 allowing this length to be exceeded.

9           3. No limitation for an implement of husbandry that is a single vehicle or  
10 combination of vehicles if the implement of husbandry is a potato harvester and is  
11 accompanied by one or more escort vehicles operating with hazard lights activated.

12           **SECTION 22.** ~~348.08 (1) (b)~~ of the statutes is amended to read:

13           348.08 (1) (b) ~~Two trailers used primarily as~~ Except as provided in s. 348.07 (2)  
14 (e) 3., 2 implements of husbandry in connection with seasonal agricultural activities  
15 or one such trailer and any other implement of husbandry may, without such permit,  
16 be drawn by a farm tractor if the operation of such combination of vehicles is  
17 exclusively a farming operation and not for the transportation of property for hire  
18 and, or attached to, another implement of husbandry if the overall length of such  
19 combination of vehicles does not exceed 60 70 feet, or 100 feet if the vehicle  
20 combination is traveling at a speed of not more than 20 miles per hour, or if a written  
21 authorization has been issued under s. <sup>348.40</sup> 348.40 allowing these lengths to be exceeded.

22           **SECTION 23.** ~~348.08 (1) (d)~~ of the statutes is amended to read:

23           348.08 (1) (d) Two trailers transporting empty pressurized or nonpressurized  
24 tanks used for hauling or storing liquid agricultural fertilizer or 2 implements of  
25 husbandry, including 2 empty trailers used primarily as implements of husbandry

1 in connection with seasonal agricultural activities, may, without such permit, be  
2 drawn by a motor truck or truck tractor if the overall length of such combination of  
3 vehicles and load does not exceed ~~60~~ 70 feet or, if the vehicle combination is traveling  
4 at a speed of not more than 20 miles per hour, 100 feet. For purposes of this  
5 paragraph, “empty” means less than 20% full.

6 ~~X~~  
**SECTION 24.** 348.08 (2) of the statutes is amended to read:

7 348.08 (2) Whenever any train of ~~agricultural vehicles implements of~~  
8 husbandry is being operated under sub. (1) (b), the train shall be equipped as  
9 provided in s. 347.21 (1m) and (2). Whenever any train of agricultural vehicles is  
10 being operated under sub. (1) (d), the train shall be equipped as provided in s. 347.21  
11 (1) ~~and (2).~~ The trailer hitches of a train of ~~agricultural vehicles~~ described in this  
12 subsection shall be of a positive nature so as to prevent accidental release.

13 ~~X~~  
**SECTION 25.** 348.15 (3) (b) of the statutes is amended to read:

14 348.15 (3) (b) The gross weight imposed on the highway by the wheels of any  
15 one axle may not exceed 20,000 pounds or, if the vehicle or combination of vehicles  
16 is an implement of husbandry, 23,000 pounds. In addition, the gross weight imposed  
17 on the highway by the wheels of the steering axle of a truck tractor may not exceed  
18 13,000 pounds unless the manufacturer’s rated capacity of the axle and the tires is  
19 sufficient to carry the weight, but not to exceed 20,000 pounds.

20 ~~X~~  
**SECTION 26.** 348.15 (3) (d) of the statutes is amended to read:

21 348.15 (3) (d) Notwithstanding ~~par. pars.~~ (c) and (g), 2 consecutive sets of  
22 tandem axles may impose on the highway a gross load of 34,000 pounds each if the  
23 overall distance between the first and last axles of such consecutive sets of tandem  
24 axles is 36 feet or more.

25 ~~X~~  
**SECTION 27.** 348.15 (3) (f) 2. of the statutes is amended to read:

1           348.15 (3) (f) 2. Notwithstanding pars. (a) to (c) <sup>✓</sup>and (g), sub. (4), and ss. 348.17  
2           and 349.16, and subject to subd. 3., in the case of a heavy-duty vehicle equipped with  
3           idle reduction technology, the gross weight of the vehicle, and the gross weight  
4           imposed on the highway by the wheels of any one axle or axle group of the vehicle,  
5           may exceed the applicable weight limitation specified in pars. (a) to (c) <sup>✓</sup>or (g) or posted  
6           as provided in s. 348.17 (1) by not more than 400 pounds or the weight of the idle  
7           reduction technology, whichever is less.

8           <sup>✓</sup>SECTION 28. 348.15 (3) (g) of the statutes is <sup>✓</sup>created to read:

9           348.15 (3) (g) Notwithstanding par. (c), <sup>✓</sup>if the vehicle or combination of vehicles  
10          is an implement of husbandry, the gross weight imposed on the highway by any group  
11          of 2 or more consecutive axles of the vehicle or vehicle combination may not exceed  
12          the maximum gross weights in the following table for each of the respective distances  
13          between axles and the respective numbers of axles of a group: [See Figure 348.15 (3)  
14          (g) following]

**Figure 348.15 (3) (g):**

Maximum gross weight in pounds on a group of—

Distances in feet between foremost and rear-most axles of a group	2 axles of a vehicle or combination of vehicles	3 axles of a vehicle or combination of vehicles	4 axles of a vehicle or combination of vehicles	5 axles of a vehicle or combination of vehicles	6 axles of a vehicle or combination of vehicles	7 axles of a vehicle or combination of vehicles	8 axles of a vehicle or combination of vehicles
4	39,500	45,000	51,500	58,500	65,000	72,000	79,000
5	40,500	46,000	52,500	59,000	66,000	72,500	79,500
6	41,500	47,000	53,000	60,000	66,500	73,500	80,000
7	43,000	47,500	54,000	60,500	67,000	74,000	80,500
8	44,000	48,500	54,500	61,000	68,000	74,500	81,500
9	45,000	49,500	55,500	62,000	68,500	75,500	82,000
10	46,000	50,500	56,000	62,500	69,000	76,000	82,500
11		51,000	57,000	63,500	70,000	76,500	83,500
12		52,000	57,500	64,000	70,500	77,500	84,000
13		53,000	58,500	65,000	71,500	78,000	84,500
14		53,500	59,500	65,500	72,000	78,500	85,500
15		54,500	60,000	66,000	72,500	79,500	86,000
16		55,500	61,000	67,000	73,500	80,000	86,500
17		56,500	61,500	67,500	74,000	80,500	87,500
18		57,000	62,500	68,500	75,000	81,500	88,000
19		58,000	63,000	69,000	75,500	82,000	88,500
20		59,000	64,000	70,000	76,000	82,500	89,500
21		60,000	64,500	70,500	77,000	83,500	90,000
22		60,500	65,500	71,500	77,500	84,000	90,500
23		61,500	66,000	72,000	78,000	84,500	91,500
24		62,500	67,000	72,500	79,000	85,500	92,000
25		63,000	67,500	73,500	79,500	86,000	
26		64,000	68,500	74,000	80,500	86,500	
27		65,000	69,000	75,000	81,000	87,500	
28		66,000	70,000	75,500	81,500	88,000	
29			71,000	76,500	82,500	88,500	

Distances in feet between foremost and rear-most axles of a group	2 axles of a vehicle or combination of vehicles	3 axles of a vehicle or combination of vehicles	4 axles of a vehicle or combination of vehicles	5 axles of a vehicle or combination of vehicles	6 axles of a vehicle or combination of vehicles	7 axles of a vehicle or combination of vehicles	8 axles of a vehicle or combination of vehicles
30			71,500	77,000	83,000	89,500	
31			72,500	77,500	83,500	90,000	
32			73,000	78,500	84,500	90,500	
33			74,000	79,000	85,000	91,500	
34							
35			75,500	80,500	86,500		
36			76,000	81,500	87,000		
37			77,000	82,000	88,000		
38			77,500	83,000	88,500		
39			78,000	83,500	89,500		
40			79,000	84,000	90,000		
41			80,000	85,000	90,500		
42			80,500	85,500	91,500		
43			81,500	86,500	92,000		
44			82,500	87,000			
45			83,000	88,000			
46			84,000	88,500			
47			84,500	89,000			
48			85,500	90,000			
49			86,000	90,500			
50			87,000	91,500			
51			87,500	92,000			
52			88,500				
53			89,000				
54			90,000				
55			90,500				
56			91,500				
57			92,000				

1

**SECTION 29.** 348.15 (8) of the statutes is amended to read:

1           348.15 (8) Unless the department provides otherwise by rule, any axle of a  
2 vehicle or combination of vehicles which does not impose on the highway at least 8%  
3 of the gross weight of the vehicle or combination of vehicles may not be counted as  
4 an axle for the purposes of sub. (3) (c) and (g).

5           **SECTION 30.** 348.15 (9) of the statutes is created to read:

6           348.15 (9) (a) Except as provided in par. (b), the increased weight allowance for  
7 implements of husbandry under sub. (3) (b) and (g) applies in lieu of, not in addition  
8 to, any other increased weight allowance for implements of husbandry authorized  
9 under this chapter. Except as provided in par. (b) and s. 348.40, the maximum gross  
10 weight for an implement of husbandry operated on a highway without a permit may  
11 not exceed 92,000 pounds.

12           (b) Notwithstanding sub. (3) (b), (c), and (g), there is no weight limitation for  
13 an implement of husbandry that is a potato harvester if the potato harvester is  
14 accompanied by one or more escort vehicles operating with hazard lights activated,  
15 except that such a potato harvester is subject to any weight limitation posted as  
16 provided in s. 348.17 (1).

17           **SECTION 31.** 348.17 (5) of the statutes is renumbered 348.17 (5) (a) and  
18 amended to read:

19           348.17 (5) (a) From September 1 to December 31 of each year, no permit shall  
20 be required for the transportation of corn, soybeans, potatoes, vegetables, or  
21 cranberries from the field to storage on the grower's owned or leased land, from the  
22 field to initial storage at a location not owned or leased by the grower, or from the field  
23 to initial processing in a vehicle or combination of vehicles having a registered gross  
24 weight of 50,000 pounds or more or described in s. 340.01 (24) (b) that exceeds the

1 weight limitations under s. 348.15 by not more than 15 percent, and that satisfies  
2 any of the following:

3 (b) This subsection does not apply to the national system of interstate and  
4 defense highways, except for that portion of I 39 between USH 51 and I 90/94.

5 **SECTION 32.** 348.17 (5) (a) 1. and 2. of the statutes are created to read:

6 348.17 (5) (a) 1. Has a registered gross weight of 50,000 pounds or more.

7 2. Is a motor truck, farm truck, road tractor, truck tractor, or farm truck tractor  
8 or such a vehicle combined with a semitrailer, trailer, or farm trailer, when the  
9 vehicle or combination is a commercial motor vehicle operated on a highway.

10 **SECTION 33.** 348.17 (6) (a) 2. of the statutes is amended to read:

11 348.17 (6) (a) 2. Is described in s. 340.01 (24) (b) a motor truck, farm truck, road  
12 tractor, truck tractor, or farm truck tractor or such a vehicle combined with a  
13 semitrailer, trailer, or farm trailer, when the vehicle or combination is a commercial  
14 motor vehicle operated on a highway.

15 **SECTION 34.** 348.17 (6) (a) 3. of the statutes is repealed.

16 **SECTION 35.** 348.21 (3) (intro.) of the statutes is amended to read:

17 348.21 (3) (intro.) Except as provided in sub. (3g), and subject to sub. (3t), any  
18 person violating s. 348.15 or 348.16 or any weight limitation posted as provided in  
19 s. 348.17 (1) or in a declaration issued under s. 348.175 or authorized under s. 348.17  
20 (3), (5), or (6) or in an overweight permit issued under s. 348.26 or 348.27 may be  
21 penalized as follows:

22 **SECTION 36.** 348.21 (3t) of the statutes is created to read:

23 348.21 (3t) (a) In the case of a violation of s. 348.15 (3) (g), the penalty shall be  
24 computed on the basis of the weights stated in s. 348.15 (3) (c).



1 (b) In the case of a violation of s. 348.15 (3) (b) involving an implement of  
2 husbandry, the penalty shall be computed on the basis of a permissible weight of  
3 20,000 pounds.

4 **SECTION 37.** Subchapter IV (title) of chapter 348 [precedes 348.25] of the  
5 statutes is amended to read:

6 **CHAPTER 348**

7 **SUBCHAPTER IV**

8 **PERMITS AND WRITTEN AUTHORIZATIONS**

9 **SECTION 38.** 348.25 (1) of the statutes is amended to read:

10 348.25 (1) ~~No~~ Except as provided in s. 348.40, no person shall operate a vehicle  
11 on or transport an article over a highway without first obtaining a permit therefor  
12 as provided in s. 348.26 or 348.27 if such vehicle or article exceeds the maximum  
13 limitations on size, weight or projection of load imposed by this chapter.

14 **SECTION 39.** 348.27 (14) of the statutes is amended to read:

15 348.27 (14) ~~FARM MACHINERY~~ TRACTOR PERMITS. The department may issue  
16 annual or consecutive month permits for the movement, towing, or hauling of farm  
17 tractors ~~exceeding 12 feet in width and all other farm machinery and implements of~~  
18 ~~husbandry exceeding 8 feet 6 inches in width not being operated in the course of~~  
19 ~~performance of its work on highways designated as part of the national system of~~  
20 ~~interstate and defense highways. A permit under this subsection is not required for~~  
21 ~~the movement, towing or hauling of any overwidth machinery that is not a~~  
22 ~~commercial motor vehicle and which is authorized by s. 348.05 (3) on that portion of~~  
23 ~~USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51~~  
24 ~~and the I 90/94 interchange near Portage upon their federal designation as I 39 that~~

1 are not implements of husbandry and that exceed the width limitations in s. 348.05  
2 (2) (c).

3 SECTION 40. 348.27 (14m) of the statutes is created to read:

4 348.27 (14m) IMPLEMENTS OF HUSBANDRY PERMITS. The department may issue  
5 annual or consecutive month permits for the movement, towing, or hauling of  
6 implements of husbandry exceeding any limitation on size or weight specified in s.  
7 348.05 (2) (a) 2., 348.07 (2) (e), 348.08 (1), or 348.15 (3) (b) or (g).

8 SECTION 41. 348.27 (14r) of the statutes is created to read:

9 348.27 (14r) IMPLEMENTS OF HUSBANDRY DEALER PERMITS. (a) In this subsection,  
10 "dealer" means any person engaged in the business of selling, repairing, or servicing  
11 implements of husbandry.

12 (b) The department may issue annual or consecutive month permits to dealers  
13 authorizing implements of husbandry exceeding size or weight limitations under  
14 this chapter to be operated or transported on the highway for purposes related to the  
15 purchase or sale, repair, or servicing of the implement of husbandry.

16 (c) Any person operating or transporting an implement of husbandry under a  
17 permit issued under this subsection shall comply with s. 347.24 (3), 347.245 (1), and  
18 347.25 (2g), as applicable. For purposes of this paragraph, the requirements under  
19 ss. 347.24 (3), 347.245 (1), and 347.25 (2g) shall apply to an implement of husbandry  
20 being transported to the same extent as if the implement of husbandry were being  
21 operated.

22 (d) A permit issued under this subsection may not authorize the operation or  
23 transportation of any implement of husbandry in excess of any weight limitation  
24 posted as provided in s. 348.17 (1).

*within 72 hours after the operation or transportation,*

1 (e) To the extent possible, a permittee under this subsection shall use state  
2 trunk highways and county trunk highways in operating or transporting  
3 implements of husbandry under the permit and shall avoid using highways that  
4 have limited-capacity structures.

5 (f) A permit issued under this subsection shall require the permittee *to* notify  
6 the department *within 72 hours* of the route used each time the permittee operates  
7 or transports an implement of husbandry on the highway under the permit.

8 SECTION 42. 348.40 of the statutes is created to read:

9 **348.40 Written authorization to operate oversize or overweight**  
10 **implements of husbandry.** (1) In this section, "maintaining authority" means the  
11 following:

12 (a) The department with respect to state trunk highways.

13 (b) The municipality or county responsible for maintenance of the highway  
14 with respect to any highway that is not a state trunk highway, including any  
15 connecting highway.

16 (2) (a) Subject to par. (c) and sub. (3), a person may apply to the maintaining  
17 authority of a highway for written authorization to operate on the highway, without  
18 a permit, an implement of husbandry that exceeds limitations on size or weight or  
19 both imposed by this chapter. After a written authorization is issued, a person may  
20 also apply annually for renewal of the written authorization. Upon receiving an  
21 application under this paragraph, the maintaining authority shall make a *final* decision  
22 on the application within 3 weeks of its receipt. If the maintaining authority fails  
23 to approve or deny the application within this period, the application is considered  
24 approved until the applicant receives a denial meeting the requirements under par.

25 (d) 1.

1 (b) Subject to par. (c), any person to whom a written authorization is issued  
2 under this section may, at any time, apply for an amendment to the written  
3 authorization to reflect a change in the applicant's circumstances or information,  
4 including a change in the applicant's route plan. Upon receiving an application for  
5 amendment under this paragraph, the maintaining authority shall make a decision  
6 on the application within 5 business days of its receipt. If the maintaining authority  
7 fails to approve or deny the application within this period, the application is  
8 considered approved until the applicant receives a denial meeting the requirements  
9 under par. (d) 1.

10 (c) Except as provided in par. (e) 2., an application under par. (a) or (b) shall be  
11 made on the form prescribed by the department under sub. (8) (a) and shall be  
12 submitted as provided in sub. (8) (c) or (d), as applicable.

13 (d) 1. If a maintaining authority denies an application under par. (a) or (b), it  
14 shall immediately notify the applicant in writing of the denial and the specific reason  
15 or reasons for the denial. If the application is made with respect to a self-propelled  
16 implement of husbandry having a limited purpose essential to planting or harvesting  
17 operations, any denial shall include a reasonable structurally-based explanation for  
18 the denial and a suggested alternative route plan for operation of the implement of  
19 husbandry on the highway.

20 2. A decision on an application made to the department under par. (a) or (b)  
21 shall be made initially by department employees in the department's regional office  
22 for the region where the proposed operations would occur and, if the decision is  
23 initially a denial of the application, shall be reviewed by the department at its central  
24 office in Madison. If the department's final decision is a denial of the application, the  
25 department shall give the notice required under subd. 1. and the applicant may

final

△

1 request review of this decision in a contested case hearing as provided under sub. (9)  
2 (c) and s. 227.42. The 3-week period under par. (a) and the 5-day period under par.  
3 (b) apply to any decision of the department, whether made in a regional office or the  
4 central office.

5 (e) 1. The governing body of a municipality may, by resolution or ordinance,  
6 authorize operation, without a permit, on any or all highways under the  
7 municipality's jurisdiction of implements of husbandry that exceed limitations on  
8 size or weight or both imposed by this chapter. A resolution or ordinance adopted  
9 under this paragraph is valid only for one calendar year and, to be valid in any  
10 succeeding calendar year, must be reaffirmed by the governing body of the  
11 municipality.

12 2. If a person applies to a municipality for written authorization to operate,  
13 without a permit, an implement of husbandry on a highway for which authorization  
14 is provided by resolution or ordinance under subd. 1., then par. (c) and sub. (3) (a) 2.  
15 do not apply to the application and the municipality may respond with a form letter  
16 and a copy of the resolution or ordinance, which shall serve as the written  
17 authorization under this section.

18 (3) (a) With respect to a highway under its jurisdiction, a maintaining  
19 authority may issue a written authorization to operate on the highway, without a  
20 permit, an implement of husbandry that exceeds limitations on size or weight or both  
21 imposed by this chapter if all of the following apply:

22 1. The implement of husbandry complies with all equipment and other  
23 requirements for an implement of husbandry specified in ch. 347.

1           2. Except as provided in sub. (2) (e) 2., the application is accompanied by a route  
2 plan for operation of the implement of husbandry on the highway and this route plan  
3 is approved by the maintaining authority.

4           (b) Unless suspended or revoked under sub. (7), written authorizations issued  
5 under this section shall be valid for a period of one calendar year, but may be renewed  
6 annually for subsequent calendar years. Upon application under sub. (2) (b), a  
7 maintaining authority may amend a written authorization. During any period in  
8 which a written authorization is suspended under sub. (4) (c), the written  
9 authorization is not valid.

10           (c) No fee may be charged for issuance, renewal, or amendment of a written  
11 authorization under this section.

12           (4) (a) A maintaining authority may impose reasonable conditions in  
13 conjunction with, or as a prerequisite to, the issuance of any written authorization  
14 under this section.

15           (b) A maintaining authority shall impose as ~~conditions~~ <sup>a condition</sup> in any written  
16 authorization issued under this section that the implement of husbandry may be  
17 operated only in compliance with the requirements for issuance of the written  
18 authorization under sub. (3) (a).

19           (c) During the period of any written authorization issued under this section,  
20 the maintaining authority may suspend the written authorization due to seasonal  
21 conditions or road conditions.

22           (5) Any written authorization issued under this section shall be carried on the  
23 implement of husbandry while the implement of husbandry is being operated under  
24 the written authorization.

1           (6) (a) Implements of husbandry operated under a written authorization issued  
2 under this section are exempt from the restrictions and limitations imposed by this  
3 chapter on size and weight to the extent stated in the written authorization. Any  
4 person who violates any condition of a written authorization under which the person  
5 is operating, including any weight limitation specified in the written authorization,  
6 is subject to the same penalties as would be applicable if that person were operating  
7 without a written authorization.

8           (b) Any person violating sub. (5) shall be subject to the same penalty specified  
9 in s. 348.28 (2).

10          (7) A maintaining authority that issues a written authorization may, for good  
11 cause including violation of any term or condition of the written authorization,  
12 suspend or revoke the written authorization after having given the person to whom  
13 the written authorization is issued reasonable notice and an opportunity for a  
14 hearing.

15          (8) (a) The department shall prescribe an application form for initial issuance  
16 and renewal of written authorizations under this section. Except with respect to  
17 written authorizations under sub. (2) (e) 2., this form shall be used by each  
18 maintaining authority. The application form shall require the applicant to provide,  
19 on the form or as an attachment, all of the following information:

20           1. The applicant's contact information.

21           2. The applicant's route plan under sub. (3) (a) 2.

22           3. Identification of the types of implements of husbandry for which the  
23 application is made, along with the time of year and frequency that these implements  
24 of husbandry are expected to be operated on the highway under the written  
25 authorization.

1           4. Any other information considered necessary by the department.

2           (b) The department shall design the form under par. (a) to allow a person who  
3 previously applied for and was issued a written authorization under this section to  
4 make an amendment to the written authorization.

5           (c) The department shall prescribe a procedure for the submission of  
6 applications to the department under sub. (2) (a) and (b). The procedure shall allow  
7 an application to be submitted by mail, including certified mail, by electronic  
8 transmission, or in person, and shall include a method of accurately documenting the  
9 date of receipt of the application regardless of which delivery method is used.

10          (d) 1. Each county and each municipality shall designate a person or a  
11 governmental subunit of the county or municipality that is responsible for receiving  
12 applications under sub. (2) (a) and (b). Each county and each municipality shall  
13 notify the department of its designation under this subdivision. If a county or  
14 municipality does not notify the department of its designation, an application under  
15 sub. (2) (a) or (b) may be submitted to the county or municipality as follows:

16           a. For a municipality that is a town, to the chairperson of the town board.

17           b. For a municipality that is a village, to the village president.

18           c. For a municipality that is a city, to the city's superintendent of public works  
19 or, if the city has no superintendent of public works, to the city manager or, if the city  
20 has no city manager, to the mayor.

21           d. For a county, to the county highway commissioner.

22          2. An application may be submitted to the appropriate person or governmental  
23 subunit of a county or municipality under subd. 1. by mail, including certified mail,  
24 by electronic transmission, or in person. Each county and each municipality shall



1 ensure that there is a method of accurately documenting the date of receipt of the  
2 application regardless of which delivery method is used.

3 (9) (a) In this subsection, “adverse determination” means the denial of an  
4 application for initial issuance, renewal, or amendment of a written authorization  
5 under this section or the suspension or revocation of a written authorization under  
6 sub. (7).

7 (b) Any person aggrieved by an adverse determination by a municipality or  
8 county may obtain review of the adverse determination in the manner provided in  
9 ch. 68 or as provided under an ordinance or resolution adopted under s. 68.16.  
10 However, review of the initial determination of the municipality or county under s.  
11 68.09 or 68.10, or under the equivalent provision of an ordinance or resolution  
12 adopted by a municipality under s. 68.16, shall be made by, respectively, the  
13 governing body of the municipality or the county highway committee of the county.

14 (c) Any person aggrieved by an adverse determination by the department may  
15 obtain review of the adverse determination as a contested case under ch. 227.

16 (d) Notwithstanding any other provision of law, in lieu of administrative review  
17 under par. (b) or (c), any person aggrieved by an adverse determination by a  
18 municipality or county or by the department may file directly in the circuit court an  
19 action challenging the adverse determination.

20 **SECTION 43. Nonstatutory provisions.**

21 (1) No later than the 30th day after the effective date of this subsection, the  
22 department of transportation shall prescribe the form and procedures specified in  
23 section 348.40 (8) (a) and (c) of the statutes, as created by this act. For purposes of  
24 this subsection, the form and procedures shall not be considered a rule under section  
25 227.01 (13) of the statutes.

1

(2) Notwithstanding sections 348.40 (2) (c) and 348.40 (8) (a) of the statutes,  
as created by this act, applications under section 348.40 (2) (a) and (b) of the statutes,  
as created by this act, are not required to be made on the form prescribed under  
section 348.40 (8) (a) of the statutes, as created by this act, until January 1, 2015.

5

**SECTION 44. Effective dates.** This act takes effect on the 30th day after the  
day of publication, except as follows: 43

7

(1) SECTION 5(1) of this act takes effect on the day after publication.

8

(2) The treatment of sections 347.22 (2), 347.24 (3), 347.245 (1) and (5), 347.25  
(2g), and 348.27 (14r) (c) of the statutes takes effect on the first day of the 19th month  
beginning after publication.

10

11

(END)