

## Gary, Aaron

---

**From:** Fiocchi, Tim  
**Sent:** Tuesday, December 24, 2013 10:58 AM  
**To:** Gary, Aaron  
**Cc:** Portz, Elisabeth  
**Subject:** Lighting revision and other points  
**Attachments:** Lighting revision with line out.docx

Hi Aaron,

We've received starkly contrasting feedback on the lighting provision of the draft. The attached document is my best attempt at a compromise to simplify the requirements while maintaining a modern lighting and conspicuity requirement. If this creates problems for you functionally in the statute change it as needed. I didn't add the requirement discussed earlier that the lights be "lighted and visible."

In addition to these changes, the requirement should be applicable to machinery manufactured prior to January 1, 2014. For IoH manufactured after that date (I'm not sure this is necessary) the requirement should simply be that they keep the lighting and marking visible and in good working order. Going forward the feds have mandated lighting and marking.

Two other provisions:

- The next P draft should reflect updates to section 5 and 6 that were recently (I believe in the budget) altered 341.01 (2).
- We also need to add a provision to clarify that in addition to prohibiting charging a fee for the ag permits themselves, no fee may be charged to an applicant for any study done as a part of the process for determining whether the ag permit will be granted.

Finally, we are still working to resolve issues related to the weight and length exemption for implement dealers. I hope to send you something on that on the 26<sup>th</sup> (which incidentally is when I'm hoping you're reading this.)

Other than that, I think you should have all the necessary instructions for the P3 draft. Liz, please advise if I'm missing anything.

Thank you,

Tim

Tim Fiocchi  
Chief of Staff, Senator Jerry Petrowski  
29th Senate District  
(608) 266-2502

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **SECTION 10**

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

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

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

6. Retroreflective sheeting material, visible during hours of darkness from all distances within 1,000 to 100 feet of the rear of the implement of husbandry when directly in front of lawful lower beams of headlamps. This retroreflective sheeting

material shall consist of a smooth, flat, transparent exterior film with retroreflective

**SECTION 10**

~~elements embedded or suspended beneath the film so as to form a non-exposed retroreflective optical system. Retroreflective sheeting material shall meet the requirements of the latest edition of the ASTM Book of Standards of the American Society for Testing and Materials, ASTM D-4956 for type V sheeting or the closest then-applicable standard, except that the photometric requirements shall meet the minimum photometric performance requirements.~~

(d) In addition to any applicable requirement under par. (b) or (c), if a wide implement of husbandry has a total width in excess of 20 feet, no person may operate the implement of husbandry on a highway unless the implement of husbandry is accompanied by one or more escort vehicles operating with hazard lights activated. If operated on a two lane road, the vehicle shall be operated ahead of the wide implement of husbandry; if operated on a highway with three or more lanes the vehicle shall be operated behind the implement of husbandry.

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

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

347.245 (1) After January 1, 1970, no person may operate on a highway, day or night, any vehicle or equipment, any animal-drawn vehicle, or any other machinery, including all road machinery, that usually travels at speeds of less than 25 miles per hour or any vehicle operated under a special restricted operator's license issued under s. 343.135 or, any lightweight utility vehicle, as defined in s. 346.94 (21) (a) 2., or any wide implement of husbandry, as defined in s. 347.24 (3) (a), unless there is displayed on the most practicable visible rear area of the vehicle or combination of vehicles, a slow moving vehicle (SMV) emblem as described in and displayed as provided in sub. (2). Any towed vehicle or machine is exempt from this provision if the towing vehicle is visible from the rear and is in compliance with this section. All road machinery is excluded when it is engaged in actual construction or maintenance work either guarded by a flagman or clearly visible warning signs. Except as provided in s. 347.21 (1), the requirement of the emblem shall be in addition to any lighting devices required or permitted by law. Mopeds and motor bicycles are excluded from the provisions of this section unless they are operated under a special restricted operator's license issued under s. 343.135. Electric personal assistive mobility devices are excluded from the provisions of this section. The SMV emblem need not be displayed on vehicles moving directly across the highway.

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

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

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

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

## Gary, Aaron

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**From:** Fiocchi, Tim  
**Sent:** Sunday, December 29, 2013 3:41 PM  
**To:** Gary, Aaron  
**Subject:** RE: 92,000 pound limit on potato exemption

Hi Aaron,

I really need to talk with DOT about this. For now it should only change class B for potato harvesters. We should add the basic definition. Please let me know if there's anything else you need.

Thanks,  
Tim

↳ 1/2 the w/ Tim  
as of this time, reduction on Class B  
highways should apply to IOH except  
potato harvesters

----- Original message -----

**From:** "Gary, Aaron" <[Aaron.Gary@legis.wisconsin.gov](mailto:Aaron.Gary@legis.wisconsin.gov)>  
**Date:** 12/29/2013 2:15 PM (GMT-06:00)  
**To:** "Fiocchi, Tim" <[Tim.Fiocchi@legis.wisconsin.gov](mailto:Tim.Fiocchi@legis.wisconsin.gov)>  
**Subject:** RE: 92,000 pound limit on potato exemption

Sorry to keep pestering you, but this response makes me uncertain about your intent for *IOH in general* on Class B highways.

For an IOH that is *not* a potato harvester, would the permissible vehicle weight be subject to the 60% reduction on highways designated by locals as Class B highways? That is, on a Class B highway, is the permissible max weight for an IOH 92,000 or 55,200?

Also, DOT had suggested adding a definition of "potato harvester," a very basic definition along the lines of: a self-propelled implement of husbandry designed and used exclusively for harvesting potatoes. Do you want to add such a definition or do you think it is unnecessary?

Thanks. Aaron

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**From:** Fiocchi, Tim  
**Sent:** Friday, December 27, 2013 4:59 PM  
**To:** Gary, Aaron  
**Subject:** RE: 92,000 pound limit on potato exemption

It needs to be 92 on all but posted. Sorry for the delay.

----- Original message -----

**From:** "Gary, Aaron" <[Aaron.Gary@legis.wisconsin.gov](mailto:Aaron.Gary@legis.wisconsin.gov)>  
**Date:** 12/27/2013 3:11 PM (GMT-06:00)  
**To:** "Fiocchi, Tim" <[Tim.Fiocchi@legis.wisconsin.gov](mailto:Tim.Fiocchi@legis.wisconsin.gov)>  
**Cc:** "Portz, Elisabeth" <[Elisabeth.Portz@legis.wisconsin.gov](mailto:Elisabeth.Portz@legis.wisconsin.gov)>  
**Subject:** RE: 92,000 pound limit on potato exemption

Thanks.

And what was your intent for Class B highways? As I have now drafted it, the potato harvester is subject to lower *posted* weight limits over bridges and weak roads. There would be no "per-axle" weight limit for a potato harvester on either Class A highways or Class B highways, but there would be a max gross weight of 92,000 pounds on Class A highways and, under s. 348.16 (2), a max gross weight of 60% of that (55,200) on Class B highways. Is that what you want?

Thanks. Aaron

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**From:** Fiocchi, Tim  
**Sent:** Friday, December 27, 2013 2:20 PM  
**To:** Gary, Aaron  
**Subject:** RE: 92,000 pound limit on potato exemption

Yes you can delete that. They are very wide but not that long.

----- Original message -----

**From:** "Gary, Aaron" <[Aaron.Gary@legis.wisconsin.gov](mailto:Aaron.Gary@legis.wisconsin.gov)>  
**Date:** 12/27/2013 2:13 PM (GMT-06:00)  
**To:** "Fiocchi, Tim" <[Tim.Fiocchi@legis.wisconsin.gov](mailto:Tim.Fiocchi@legis.wisconsin.gov)>  
**Subject:** RE: 92,000 pound limit on potato exemption

Tim,

DOT's last email suggested that the length exception for potato harvesters wasn't necessary and could be deleted. In addition to the change below, do you want me to eliminate the length exception for potato harvesters (p. 17, lines 11-13 of LRB-2913/P2)?

I also have a couple of other questions, which I will send by separate email.

Thanks.

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

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**From:** Fiocchi, Tim  
**Sent:** Friday, December 27, 2013 9:36 AM  
**To:** Gary, Aaron  
**Cc:** Portz, Elisabeth  
**Subject:** 92,000 pound limit on potato exemption

Hi Aaron,

Per DOT's request, please add a 92,000 pound gross vehicle weight limit on the potato harvesters.

Thank you,

Tim

Tim Fiocchi  
Chief of Staff, Senator Jerry Petrowski  
29th Senate District  
(608) 266-2502

## Gary, Aaron

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**From:** Fiocchi, Tim  
**Sent:** Sunday, December 29, 2013 4:05 PM  
**To:** Gary, Aaron  
**Subject:** RE: Lighting revision and other points

I can't think of an instance where the language in the draft ought not apply to an ag CMV. I don't have it here and am halfway through a stomach bug so I maybe am forgetting something... The only issue might be who can drive them but short of that I believe it should apply throughout. DOT can correct me once they see the new language if need be.

Thanks,  
Tim

----- Original message -----

**From:** "Gary, Aaron" <Aaron.Gary@legis.wisconsin.gov>  
**Date:** 12/29/2013 3:44 PM (GMT-06:00)  
**To:** "Fiocchi, Tim" <Tim.Fiocchi@legis.wisconsin.gov>  
**Cc:** "Portz, Elisabeth" <Elisabeth.Portz@legis.wisconsin.gov>  
**Subject:** RE: Lighting revision and other points

Tim,  
In our meeting on 12/17, you gave me a document showing DOT's proposed rewrite of the "written authorization" provision that makes it a "no-fee permit" instead. There is no mention of Ag CMVs in the re-written language.

In the /P2 draft, an IOH was defined to include what we are now calling an Ag CMV, but in the new draft an IOH does *not* include an Ag CMV. Therefore, any place the /P2 draft refers to an IOH, I need to determine whether it should apply to an IOH only or to both an IOH and an Ag CMV. For the most part, I'm finding it pretty clear which is which. For this new "no-fee permit," is the permit available for IOH only or for both IOH and Ag CMVs?

Thanks. Aaron

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**From:** Fiocchi, Tim  
**Sent:** Friday, December 27, 2013 3:10 PM  
**To:** Gary, Aaron  
**Cc:** Portz, Elisabeth  
**Subject:** RE: Lighting revision and other points

Hi Aaron,

I should have been more clear - I'd intended to say that I didn't know where it would be best to add the phrase "lighted and visible" but that it should be included.

You're reading the date of manufacture language as intended. Essentially, there are new federal manufacturing requirements on IoH now that it is our understanding will exceed what is going to be required to be added/retrofit by the bill. Additionally, we don't want the state and federal requirements to conflict and having the cutoff date may accomplish this. I expect we'll get a good deal more input on the specifics of the federal requirements once the bill is moving and

will likely have to revisit this, but this is the best we can do for now. I believe the new requirements apply to the manufacture of all IOH.

Skip ag day.

While I am waiting to hear back on the dealer provision, I agree that Mitch's suggestion - that it be an exemption rather than an annual "all roads" permit - is a better approach. I don't remember the particulars of Mitch's suggestion but if you're still working on it yet this afternoon I would take that approach. I'm hoping based on the feedback we get that this provision will be included.

Thanks,

Tim

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**From:** Gary, Aaron  
**Sent:** Friday, December 27, 2013 2:38 PM  
**To:** Fiocchi, Tim  
**Cc:** Portz, Elisabeth  
**Subject:** RE: Lighting revision and other points

Tim,

With regard to the sentence in red below, I had added to the draft, after lighted, "and visible at the time of operation." Do you want me to omit this part about being visible at the time of operation?

With the lighting changes below, for an IOH manufactured before 1/1/14, a person may not operate a wide IOH on a highway unless it is equipped with the specified equipment and any light is lighted.

For an IOH manufactured on or after 1/1/14, will it apply to all IOH or only "wide" IOH? From what you've written, it seems the draft will say something like the following: No person may operate on a highway any [wide?] IOH manufactured on or after 1/1/14 unless it is equipped with all lighting and marking devices with which the IOH was originally equipped by the manufacturer and all such lighting and marking devices are in good working order and visible at the time of operation.

Please let me know if you have something else in mind. This provision will overlap with more specific provisions of current law (i.e. required head lights, tail lights, etc.), but I think that's OK.

DOT asked to omit any provision related to ag day. Is it your intent to leave this out of the draft?

I know you're still looking at the "dealer" exception. DOT's suggested modification to make the exception available only to farmers and not dealers is a significant change. At this point, I'm looking at incorporating Mitch Warren's suggestion at our first meeting - that the preferred way of drafting the exception is by modifying the definition of IOH. However, ultimately the drafting approach will depend on your final instructions on this topic.

Thanks. Aaron

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

---

**From:** Fiocchi, Tim  
**Sent:** Tuesday, December 24, 2013 10:58 AM  
**To:** Gary, Aaron  
**Cc:** Portz, Elisabeth  
**Subject:** Lighting revision and other points



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In addition to these changes, the requirement should be applicable to machinery manufactured prior to January 1, 2014. For IoH manufactured after that date (I'm not sure this is necessary) the requirement should simply be that they keep the lighting and marking visible and in good working order. Going forward the feds have mandated lighting and marking.

Two other provisions:

- The next P draft should reflect updates to section 5 and 6 that were recently (I believe in the budget) altered 341.01 (2).
- We also need to add a provision to clarify that in addition to prohibiting charging a fee for the ag permits themselves, no fee may be charged to an applicant for any study done as a part of the process for determining whether the ag permit will be granted.

Finally, we are still working to resolve issues related to the weight and length exemption for implement dealers. I hope to send you something on that on the 26<sup>th</sup> (which incidentally is when I'm hoping you're reading this.)

Other than that, I think you should have all the necessary instructions for the P3 draft. Liz, please advise if I'm missing anything.

Thank you,

Tim

Tim Fiocchi  
Chief of Staff, Senator Jerry Petrowski  
29th Senate District  
(608) 266-2502

## Gary, Aaron

---

**From:** Gary, Aaron  
**Sent:** Tuesday, December 31, 2013 10:42 AM  
**To:** Fiocchi, Tim  
**Cc:** Portz, Elisabeth  
**Subject:** RE: Lighting revision and other points

12/31 - wants option 1)

Hi Tim,

There's another issue I need to address related to the lighting and marking requirements and over-centerline operation. The lighting requirements for wide IOH begin to apply in roughly a year and a half. See p. 33, lines 8-10 of the /P2 draft. The over-centerline provision we've been discussing would explicitly allow a wide IOH to operate over-centerline (subject to other provisions like s. 346.09 (2) and (3)) if the wide IOH has the required lighting and marking. So there is a timing issue for the over-centerline provisions I'm drafting. The options as I see them are: 1) also delay the over-centerline provisions for approximately a year and a half, to coincide with the timing of the lighting and marking requirements; 2) draft it to take into account the delayed effective date for lighting and marking (what we call "double drafting"), so that for the first year and a half, the wide IOH can operate over-centerline without meeting the not-yet-effective lighting and marking requirements and, after a year and a half, when the new lighting and marking requirements go into effect, the wide IOH can only operate over-centerline if it complies with the new lighting and marking requirements; or 3) remove the delay for the lighting and marking requirements so that the over-centerline operation and lighting and marking requirements all go into effect with the rest of the bill (right now, that would be the 30th day after publication, but perhaps it could be extended for a few months.)

Please let me know how you'd like to proceed. Thanks. Aaron

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**From:** Fiocchi, Tim  
**Sent:** Tuesday, December 24, 2013 10:57 AM  
**To:** Gary, Aaron  
**Cc:** Portz, Elisabeth  
**Subject:** Lighting revision and other points

Hi Aaron,

We've received starkly contrasting feedback on the lighting provision of the draft. The attached document is my best attempt at a compromise to simplify the requirements while maintaining a modern lighting and conspicuity requirement. If this creates problems for you functionally in the statute change it as needed. I didn't add the requirement discussed earlier that the lights be "lighted and visible."

In addition to these changes, the requirement should be applicable to machinery manufactured prior to January 1, 2014. For IoH manufactured after that date (I'm not sure this is necessary) the requirement should simply be that they keep the lighting and marking visible and in good working order. Going forward the feds have mandated lighting and marking.

Two other provisions:

- The next P draft should reflect updates to section 5 and 6 that were recently (I believe in the budget) altered 341.01 (2).

He w/ Tim 1/2  
• dealer may operate any IOH on any  
roadway except interstate

• but report w/in 72 hours after

• must use state and county roads  
if possible

• still subject to posting (posted  
weight limits)

• exception for dealers that is written  
into IOH definition won't work —  
Tim wants dealer transport to go  
above operating limits for farmer  
w/o permit

• OK to go back to the permit  
approach for dealers, if the  
fare going is part of the permit

• will let me know if approach  
changes

## Gary, Aaron

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**From:** Fiocchi, Tim  
**Sent:** Thursday, January 02, 2014 11:45 AM  
**To:** Gary, Aaron  
**Subject:** Dealer language

We're good with the dealer language as we discussed.

Thanks,

Tim

Tim Fiocchi  
Chief of Staff, Senator Jerry Petrowski  
29th Senate District  
(608) 266-2502



State of Wisconsin  
2013 - 2014 LEGISLATURE

in 1/2  
needed  
1/6  
early AM



LRB-2913/22 P3

ARG:eev:rs

Done

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

egen

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 and  
12 providing a penalty.

Insert P3 insan

*Analysis by the Legislative Reference Bureau*

**Definition of implement of husbandry**

Current law includes various provisions relating to the operation on highways of implements of husbandry and farm tractors. An "implement of husbandry" is

generally defined as a vehicle or piece of equipment or machinery designed for agricultural purposes, used exclusively in the conduct of agricultural operations, and used principally off the highway, or a trailer-mounted bulk liquid fertilizer container. However, an “implement of husbandry” does not include certain vehicles, such as motor trucks or farm trucks, with or without a trailer attached, when operated as a commercial motor vehicle on a highway. 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.

This bill modifies the definition of “implement of husbandry.” Under the bill, an implement of husbandry is a self-propelled or towed vehicle manufactured, designed, or reconstructed to be used, and actually used, exclusively in the conduct of agricultural operations and the primary purpose of which is for off-highway use. An implement of husbandry includes a combination of vehicles in which each vehicle in the combination is an implement of husbandry. An implement of husbandry may include a farm tractor, a farm trailer, a self-propelled application-type vehicle such as a combine, or other vehicles.

The bill also creates a definition of a commercial motor vehicle converted for exclusive agricultural use, which is a type of implement of husbandry. A “commercial motor vehicle converted for exclusive agricultural use” is defined as a motor vehicle to which all of the following apply: 1) the vehicle is materially altered from its original construction, for the purpose of agricultural use, by the removal, addition, or substitution of essential parts; 2) prior to its alteration, the vehicle was designed and manufactured primarily for highway use; and 3) after its alteration, the vehicle is used exclusively in the conduct of agricultural operations and the vehicle’s primary purpose is for off-highway use.

Under the bill, the owner or operator of a commercial motor vehicle converted for exclusive agricultural use may certify, on a form prescribed by the Department of Transportation (DOT), that the vehicle and its operation satisfy all requirements to be a commercial motor vehicle converted for exclusive agricultural use. This certification may be offered to DOT or any traffic officer as evidence of the truth of the matters asserted in the certification, but the certification is not conclusive of these matters.

### ***Vehicle size and weight limitations***

Under current law, with limited exceptions, no person may operate on a highway any vehicle or combination of vehicles that exceeds certain statutory limits on size, weight, or load unless that person obtains a permit issued by DOT or a local highway authority. Current law imposes certain weight limitations on vehicles and vehicle combinations, including limitations based on the number and spacing of axles. Certain exceptions allow vehicles or vehicle combinations to operate without a permit at weights higher than the general statutory weight limitations. For example, from September 1 to December 31, a person may, without a permit, exceed the general statutory weight limitations by not more than 15 percent in certain vehicles or vehicle combinations that are: 1) transporting corn, soybeans, potatoes, vegetables, or cranberries from the field to storage or processing; or 2) transporting manure to or from a farm.

Also under current law, DOT or a local highway authority may impose special weight limits on highways that, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of the special limits. If special weight limits are imposed, the limits must be posted by highway signs along the affected highways. The special weight limits apply regardless of whether a vehicle is being operated under an overweight permit unless the permit expressly authorizes the special weight limits to be exceeded.

This bill creates an increased weight limit for all implements of husbandry that is approximately 15 percent higher than the general statutory weight limit. This increased weight allowance applies in lieu of, not in addition to, any other increased weight allowance for implements of husbandry. With this increased allowance, the maximum gross weight for an implement of husbandry operated on a highway without a permit or written authorization (discussed below) may not exceed 92,000 pounds. However, there is no weight limit for a potato harvester accompanied by one or more escort vehicles operating with hazard lights activated, except that a potato harvester is subject to posted special weight limits. If an implement of husbandry exceeds the increased weight allowance created under the bill, the amount of the overweight violation is computed based on the general statutory weight limitations, not on the weight allowance that is approximately 15 percent higher.

Under current law, unless an exception applies, a person may not, without a permit, operate on a highway any vehicle having a total width in excess of 8 feet 6 inches. Under one exception, there is no width limitation for an implement of husbandry temporarily operated on a highway in the course of performance of its work. Under another exception, a farm tractor may have a total outside width of up to 12 feet or, if operated on most parts of the interstate highway system, 9 feet. Under yet another exception, a farm tractor exceeding 12 feet in width, and an implement of husbandry not being operated in the course of performance of its work and exceeding 8 feet 6 inches in width, may be moved, towed, or hauled over the highways, without a permit, between one-half hour before sunrise and sunset on Mondays to Thursdays and from one-half hour before sunrise to 2 p.m. on Fridays, but this exception generally does not apply on the interstate highway system. DOT may issue annual or consecutive month permits for the movement, towing, or hauling of farm tractors exceeding 12 feet in width, and of implements of husbandry not being operated in the course of performance of their work and exceeding 8 feet 6 inches in width, on the interstate highway system.

Under this bill, there is generally no width limitation for implements of husbandry operated on a highway. However, if the implement of husbandry is a commercial motor vehicle converted for exclusive agricultural use, the vehicle's total width may not exceed 10 feet without a permit or written authorization (discussed below). Certain wide implements of husbandry are also subject to lighting and marking requirements (discussed below). The bill also repeals the exception under current law authorizing the operation of certain farm tractors and implements of husbandry that would otherwise not be authorized on the highway between one-half

hour before sunrise and sunset on Mondays to Thursdays and from one-half hour before sunrise to 2 p.m. on Fridays.

Under current law, unless an exception applies, a person may not, without a permit, operate on a highway any single vehicle with an overall length in excess of 45 feet or any combination of two vehicles with an overall length in excess of 70 feet. Under one exception, there is no length limitation for implements of husbandry temporarily operated on a highway.

Also under current law, unless an exception applies, a person may not, without a permit, operate on a highway any vehicle towing, or having attached to it, two or more other vehicles. Under one exception, two trailers used primarily as implements of husbandry in connection with seasonal agricultural activities or one such trailer and any other implement of husbandry may be towed by a farm tractor if the operation of the vehicle combination (implement of husbandry train) is exclusively a farming operation and not for the transportation of property for hire and if the overall length of the vehicle combination does not exceed 60 feet. Under another exception, two trailers transporting empty tanks used for hauling or storing liquid agricultural fertilizer or two implements of husbandry, including two empty trailers used primarily as implements of husbandry in connection with seasonal agricultural activities, may be towed by a motor truck or truck tractor if the overall length of the vehicle combination (truck-drawn agricultural train) does not exceed 60 feet.

This bill creates length limitations for implements of husbandry operated on a highway without a permit or written authorization (discussed below) based in part on the number of vehicles being operated. Under the bill, if the implement of husbandry is a single vehicle, it may not exceed 60 feet in length. If the implement of husbandry is a two-vehicle combination, it may not exceed 100 feet in length. If the vehicle combination is an implement of husbandry train or a truck-drawn agricultural train, its length may not exceed 70 feet or, if it is traveling at a speed of 20 miles per hour or less, 100 feet. However, if the implement of husbandry is a potato harvester accompanied by one or more escort vehicles operating with hazard lights activated, there is no length limitation for the implement of husbandry. The bill also modifies the statutory description of an implement of husbandry train to specify that it consists of three implements of husbandry.

Under current law, unless an exception applies, a person may not, without a permit, operate on a highway any vehicle having an overall height in excess of 13.5 feet. Under one exception, there is no height limitation for implements of husbandry temporarily operated on a highway.

Under this bill, there is no height limitation for implements of husbandry operated on a highway. The bill also specifies that the operator of the implement of husbandry is responsible for ensuring that there is adequate height clearance between the implement of husbandry and any overhead structure or obstruction.

This bill also modifies the existing annual or consecutive month overwidth permit issued by DOT for farm tractors and implements of husbandry. Under the bill, this permit applies only to farm tractors that are not implements of husbandry and the permit is available whenever such a farm tractor exceeds statutory width limitations.



The bill creates a new annual or consecutive month permit issued by DOT for implements of husbandry. Under the bill, DOT may issue these permits for the movement, towing, or hauling of implements of husbandry that exceed statutory limitations on size or weight.

The bill also creates a permit for persons engaged in the business of selling, repairing, or servicing implements of husbandry (dealers). DOT may issue annual or consecutive month permits to dealers authorizing implements of husbandry exceeding statutory size or weight limitations to be operated or transported on the highway for purposes related to the purchase or sale, repair, or servicing of the implement of husbandry. A dealer operating or transporting an implement of husbandry under a permit must, to the extent possible, use state trunk highways and county trunk highways and avoid using highways that have limited-capacity structures and must notify DOT within 72 hours of the route that was used.

This bill allows DOT or a municipality or county (local authority) to issue a written authorization allowing the operation on highways under its jurisdiction, without a permit, of implements of husbandry that exceed statutory limitations on size or weight. To be eligible for a written authorization, the implement of husbandry must comply with any applicable equipment requirement for an implement of husbandry and the application must be accompanied by an approved highway route plan. However, instead of reviewing individual applications, a municipality may, by resolution or ordinance, authorize operation of implements of husbandry exceeding statutory size or weight limitations on any or all highways under the municipality's jurisdiction and issue a form letter and copy of the resolution or ordinance to serve as the written authorization. In such a municipality, an application is not required to be accompanied by an approved highway route plan.

Under the bill, a written authorization is generally valid for a period of one calendar year, but may be renewed annually for subsequent calendar years. The written authorization may be amended during this valid period, including to change the route plan. No fee may be charged for issuance, renewal, or amendment of a written authorization. The issuing authority may impose reasonable conditions in issuing a written authorization. A person who violates a condition of a written authorization, including any weight limit specified in the written authorization, is subject to the same penalties as would be applicable if that person were operating without a written authorization. The issuing authority may suspend a written authorization due to seasonal conditions or road conditions and may suspend or revoke a written authorization for good cause, including violation of any term or condition of the written authorization. A written authorization must be carried on an implement of husbandry while it is being operated.

Under the bill, if DOT or a local authority denies an application for a written authorization, it must immediately notify the applicant in writing of the denial and the specific reason for the denial. If the application is made with respect to a self-propelled implement of husbandry having a limited purpose essential to planting or harvesting operations, the denial must include a reasonable, structurally based explanation for the denial and a suggested alternative highway route plan. For applications to DOT, the decision on the application must initially be made in one

of DOT's regional offices and, if the initial decision is a denial, must be reviewed in DOT's central office in Madison. Counties and municipalities must designate a person or governmental subunit responsible for receiving applications for written authorization, with default recipients specified by statute if the county or municipality fails to make such a designation.

If DOT or a local authority denies an application for initial issuance, renewal, or amendment of a written authorization or suspends or revokes a written authorization based on an assertion of good cause, the person aggrieved by the decision may obtain administrative and judicial review. Administrative review of the decision of a municipality or county is by, respectively, the governing body of the municipality or the county highway committee. Administrative review of DOT's central office decision is by the Division of Hearings and Appeals (DHA) in the Department of Administration. The decision of, respectively, the governing body of a municipality, the county highway committee, or DHA is subject to judicial review. An aggrieved person may also bypass administrative review and directly file an action in circuit court challenging the adverse decision.

### ***Vehicle lighting and marking requirements***

Current law imposes various equipment requirements for vehicles operated on highways, including certain lighting and marking requirements. Although these requirements are generally inapplicable to implements of husbandry, farm tractors, and self-propelled farm implements, current law does impose various specific requirements with respect to lighting and marking of implements of husbandry and other agricultural vehicles.

Under current law, during hours of darkness, the following requirements apply with respect to each described vehicle operated on the highway:

1. A farm tractor or self-propelled farm implement must carry the lighted headlamps and tail lamps that would be required of other vehicles and the only color of light that may show to the rear is red.
2. An implement of husbandry must generally be equipped with at least two lighted lamps or lanterns exhibiting a white light to the front and either two lighted lamps or lanterns exhibiting a red light to the rear or two red reflectors mounted on the rear. Also, if the implement of husbandry extends at least four feet to the left of the center line of a towing vehicle, it must be equipped with an amber reflector mounted on the left side, facing forward, to mark the extreme width of the implement of husbandry to drivers of oncoming vehicles.
3. A truck-drawn agricultural train must have mounted on each side of every vehicle in the train at least one lamp emitting red light visible to the side or at least one red reflector or one slow moving vehicle (SMV) emblem visible from the side.
4. An implement of husbandry train must have mounted on each side of every vehicle in the train at least one lamp emitting a red light visible to the side or at least one red reflector visible from the side.

Certain requirements also apply to a farm tractor, implement of husbandry, or self-propelled farm implement, whether attended or unattended, parked, or left standing on the roadway or shoulder of a highway during hours of darkness.

Under current law, at times other than hours of darkness, an implement of husbandry train operated on a highway must display a red flag at least 12 inches square on each rear corner of the rearmost vehicle in the train.

Under current law, a person may not operate on a highway, day or night, any vehicle that usually travels at speeds of less than 25 miles per hour unless an SMV emblem is displayed on the most practicable visible rear area. However, instead of the SMV emblem, a vehicle may be equipped with a yellow or amber flashing light at least four inches in diameter attached to the left rear. The SMV emblem is also not required if the vehicle is only moving directly across the highway. A towed vehicle is exempt from this requirement if an SMV emblem on the towing vehicle is visible from the rear. The SMV emblem must meet standards and specifications for design and mounting established by rule by DOT, but this rule must conform to standards and specifications approved by the American Society of Agricultural Engineers.

In addition to the lighting and marking requirements described above, this bill creates new lighting and marking requirements for implements of husbandry operated on the highway that exceed 15 feet in total width or that extend over the center of the roadway into a lane intended for the opposite direction of travel (wide implements of husbandry). A person may not operate on a highway a self-propelled wide implement of husbandry unless it is equipped with all of the following: 1) at least two amber flashing warning lamps, visible from both the front and rear; 2) at least two red retroreflective devices, visible during hours of darkness to the rear; 3) red retroreflective conspicuity material, and nonreflective red-orange fluorescent conspicuity material, visible to the rear; and 4) at least two strips of yellow retroreflective conspicuity material, visible to the front. A person may not operate on a highway a wide implement of husbandry that is not self-propelled unless it is equipped with all of the following: 1) at least two red tail lamps except that, if the implement of husbandry is less than four feet wide at its rearmost point, only one red tail lamp is required; 2) at least two amber flashing warning lamps, visible from both the front and rear, except that, if the implement of husbandry is asymmetrical and extends only to the left or right of the towing vehicle, only one flashing warning lamp is required; 3) if the implement of husbandry travels at a speed greater than 25 miles per hour, at least one stop lamp that lights when the operator has activated the brake or another control of the towing vehicle; 4) if the implement of husbandry is towed by or attached to the rear of another vehicle, red retroreflective conspicuity material, and nonreflective red-orange fluorescent conspicuity material, visible to the rear; 5) if the implement of husbandry is towed by or attached to the rear of another vehicle, at least two strips of yellow retroreflective conspicuity material visible to the front; and 6) retroreflective sheeting material, visible during hours of darkness to the rear. Any lamp or light required above must be lighted when the wide implement of husbandry is operated on a highway. The lamps or lights, devices, and material described above must be mounted in a certain way, generally to indicate the lateral extremities of the implement of husbandry. A wide implement of husbandry must also display an SMV emblem.

Under the bill, a person may not operate on a highway any self-propelled implement of husbandry exceeding 12 feet in total width unless it is equipped with

a 360-degree yellow or amber rotating strobe or beacon light, mounted at the highest practicable point, and the light is activated. If an implement of husbandry exceeds 20 feet in total width, in addition to all of the the applicable foregoing requirements, it must be accompanied by one or more escort vehicles operating with hazard lights activated.

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., the Department of Transportation, as required by law, will prepare a report to be printed as an appendix to this bill.

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 8-1

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). 348.27 (19) (d) 2. 348.27 (19) (d) 1.

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

14 340.01 (8m) Agricultural Commercial motor vehicle converted for exclusive agricultural

15 use" means a motor vehicle to which all of the following applies:

commercial

apply

substantially designed or equipped, or

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

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

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

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

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

1. (a) A self-propelled or towed vehicle manufactured, designed, or reconstructed to be used, and actually used, exclusively in the conduct of agricultural operations and the primary purpose of which is for off-highway use.

An "implement of husbandry" includes a commercial motor vehicle converted for exclusive agricultural use. An "implement of husbandry" may also include any of the following:

1. A farm tractor.

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

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

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

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

insert 9-8

insert 9-5

insert 9-17

be towed by, or to

insert 9424

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

3 341.01 (2) In this chapter: (b) ~~Notwithstanding chapter, notwithstanding s.~~  
 4 340.01 (42), "owner" means, with respect to a vehicle that is leased to a lessee for a  
 5 period of one year or more, the lessee of the vehicle for purposes of vehicle registration  
 6 under this chapter.

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

*as affected by 2013 Wisconsin Act 103,*

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

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

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

17 347.21 (2) No person shall operate on a highway, at times other than hours of  
 18 darkness, any train of ~~agricultural vehicles~~ implements of husbandry authorized by  
 19 s. 348.08 (1) (b) unless there is displayed a red flag at least 12 inches square on each  
 20 rear corner of the rearmost vehicle in the train.

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

22 347.22 (2) ~~No~~ Except as provided in s. 347.24 (3) (b) 1., no person shall operate  
 23 or park a farm tractor, self-propelled farm implement, or lightweight utility vehicle,  
 24 as defined in s. 346.94 (21) (a) 2., upon a highway during hours of darkness with any  
 25 lamp thereon showing any light to the rear other than red in color.

*insert 10-7*

*insert 10-10*

*manufactured before January 1, 2014,*

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

2 347.24 (3) (a) In this subsection, "wide implement of husbandry" means any  
3 implement of husbandry that has a total width in excess of 15 feet or that partly  
4 extends, when operated primarily on the right half of the roadway, over the center  
5 of the roadway into any lane intended for travel in the opposite direction.

6 (b) No person may operate on a highway any self-propelled wide implement  
7 of husbandry unless it is equipped with all of the following and any lamp or light  
8 required under this paragraph is lighted: *and visible at the time of operation*

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

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

19 3. Red retroreflective conspicuity material, *and* nonreflective red-orange  
20 fluorescent conspicuity material, visible to the rear of the implement of husbandry.  
21 The outer edge of the nonreflective conspicuity material shall be mounted within 25  
22 inches of, respectively, the extreme left and extreme right of the implement of  
23 husbandry and spaced as evenly as practicable.

24 4. At least 2 strips of yellow retroreflective conspicuity material visible to the  
25 front of the implement of husbandry. On the left and right sides of the implement

Subject to ss. 347.06 (1) and (3), 347.13 (2),  
and 347.22 (1),

1 of husbandry, the outer edge of at least one strip of this material shall be mounted  
2 within 16 inches of, respectively, the extreme left and extreme right of the implement  
3 of husbandry.

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

7 5.0.1 At least 2 red tail lamps mounted symmetrically to the rear of the implement  
8 of husbandry, or as close to the rear as practicable, at a height of not less than 1.3 feet

9 nor more than 10 feet and positioned laterally between 2 feet and 5 feet to the left  
10 and to the right of the center line of the implement of husbandry except that, if the  
11 tail lamps on the towing vehicle are not obscured, the tail lamps on the implement  
12 of husbandry may be positioned more than 5 feet from the center line of the  
13 implement of husbandry. However, if the implement of husbandry is less than 4 feet  
14 wide at its rearmost point, only one red tail lamp is required under this subdivision.

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



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

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

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

22 6. Retroreflective sheeting material, visible during hours of darkness from all  
23 distances within 1,000 to 100 feet of the rear of the implement of husbandry when  
24 directly in front of lawful lower beams of headlamps. This retroreflective sheeting  
25 material shall consist of a smooth, flat, transparent exterior film with retroreflective

1 elements embedded or suspended beneath the film so as to form a non-exposed  
 2 retroreflective optical system. Retroreflective sheeting material shall meet the  
 3 requirements of the latest edition of the ASTM Book of Standards of the American  
 4 Society for Testing and Materials, ASTM D-4956 for type V sheeting or the closest  
 5 then-applicable standard, except that the photometric requirements shall meet the  
 6 minimum photometric performance requirements.

7 (c) <sup>d</sup> (d) In addition to any applicable requirement under par. (b) <sup>e</sup> or (c), if a wide  
 8 implement of husbandry has a total width in excess of 20 feet, no person may operate  
 9 the implement of husbandry on a highway unless the implement of husbandry is  
 10 accompanied by <sup>e</sup> ~~one or more~~ <sup>an</sup> escort vehicles <sup>e</sup> operating with hazard lights activated.

insert  
14-10

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

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

14 347.245 (1) After January 1, 1970, no person may operate on a highway, day  
 15 or night, any vehicle or equipment, any animal-drawn vehicle, or any other  
 16 machinery, including all road machinery, that usually travels at speeds of less than  
 17 25 miles per hour or any vehicle operated under a special restricted operator's license  
 18 issued under s. 343.135 <sup>delete strike</sup> or any lightweight utility vehicle, as defined in s. 346.94 (21)

19 (a) 2., or any wide implement of husbandry, as defined in s. 347.24 (3) (a), unless there  
 20 is displayed on the most practicable visible rear area of the vehicle or combination  
 21 of vehicles, a slow moving vehicle (SMV) emblem as described in and displayed as  
 22 provided in sub. (2). Any towed vehicle or machine is exempt from this provision if  
 23 the towing vehicle is visible from the rear and is in compliance with this section. All  
 24 road machinery is excluded when it is engaged in actual construction or maintenance  
 25 work either guarded by a flagman or clearly visible warning signs. Except as

that is manufactured before January 1, 2014,

that is manufactured before  
January 1, 2014

1 provided in s. 347.21 (1), the requirement of the emblem shall be in addition to any  
2 lighting devices required or permitted by law. Mopeds and motor bicycles are  
3 excluded from the provisions of this section unless they are operated under a special  
4 restricted operator's license issued under s. 343.135. Electric personal assistive  
5 mobility devices are excluded from the provisions of this section. The SMV emblem  
6 need not be displayed on vehicles moving directly across the highway.

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

8 347.245 (5) This section does not apply to any vehicle or combination of vehicles  
9 to the left rear of which is attached a yellow or amber flashing light at least 4 inches  
10 in diameter, except to a wide implement of husbandry, as defined in s. 347.24 (3) (a).

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

*manufactured  
before January 1, 2014  
and*

12 347.25 (2g) No person may operate on a highway any self-propelled implement  
13 of husbandry having a total width in excess of 12 feet, unless it is equipped with a  
14 360-degree yellow or amber rotating strobe or beacon light, mounted at the highest  
15 practicable point, and the light is activated.

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

17 **348.03 Self-certification for certain implements of husbandry.** (1) The  
18 department shall prescribe a form for the owner or operator of <sup>an agricultural</sup> ~~a~~ commercial motor  
19 vehicle converted for exclusive agricultural use to certify that the vehicle and its  
20 operation satisfy all requirements specified in the definition under s. 340.01 <sup>(10).</sup> ~~(8m)~~  
21 and that the vehicle is an implement of husbandry.

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

✓  
insert  
15-15

large component

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

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

6  
7

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

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

large component  
9  
10

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

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

SECTION 18. 348.05 (3) of the statutes is repealed.

SECTION 19. 348.06 (2) of the statutes is amended to read:

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

insert 16-24

1 SECTION 20. 348.07 (2) (e) of the statutes is renumbered 348.07 (2) (e) 2. and  
2 amended to read:

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

insert  
17-6

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

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

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

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

15 348.08 (1) (b) ~~Two~~ <sup>delete strike</sup> trailers used primarily as ~~Except as provided in s. 348.07 (2)~~

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

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

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

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

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

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

17           348.15 (3) (b) The gross weight imposed on the highway by the wheels of any  
18 one axle may not exceed 20,000 pounds or, if the vehicle or combination of vehicles  
19 is an implement of husbandry, 23,000 pounds. <sup>insert 18-19</sup> In addition, the gross weight imposed  
20 on the highway by the wheels of the steering axle of a truck tractor may not exceed  
21 13,000 pounds unless the manufacturer’s rated capacity of the axle and the tires is  
22 sufficient to carry the weight, but not to exceed 20,000 pounds.

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

24           348.15 (3) (d) Notwithstanding ~~par.~~ pars. (c) and (g), 2 consecutive sets of  
25 tandem axles may impose on the highway a gross load of 34,000 pounds each if the

1 overall distance between the first and last axles of such consecutive sets of tandem  
2 axles is 36 feet or more.

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

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

11 **SECTION 28.** 348.15 (3) (g) of the statutes is created to read:

12 348.15 (3) (g) Notwithstanding par. (c), if the vehicle or combination of vehicles  
13 is an implement of husbandry, <sup>insert 19-13</sup> the gross weight imposed on the highway by any group  
14 of 2 or more consecutive axles of the vehicle or vehicle combination may not exceed  
15 the maximum gross weights in the following table for each of the respective distances  
16 between axles and the respective numbers of axles of a group: [See Figure 348.15 (3)  
17 (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			74,500	80,000	86,000	92,000	
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 <sup>(- insert 22-7)</sup> 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 <sup>per wheel, axle, or group of axles</sup> operated on a highway without a permit may  
 11 not exceed 92,000 pounds.

12 (c) ~~(b)~~ Notwithstanding sub. (3) (b), (c), and (g), there is no weight limitation for  
 13 an implement of husbandry that is <sup>or an empty</sup> 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). <sup>(insert 22-16)</sup>

insert 22-17

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, <sup>insert 24-2</sup> 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:~~ *repealed.*

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~~

✓  
 insert  
 24-5  
 →

change  
 component

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 (c) Agricultural vehicle  
10 348.27 (14r) ~~IMPLEMENTS OF HUSBANDRY~~ DEALER PERMITS. (a) In this subsection,

11 "dealer" means any person engaged in the business of selling, repairing, or servicing  
12 implements of husbandry or agricultural commercial motor vehicles

13 (b) The department may issue annual or consecutive month permits to dealers  
14 authorizing implements of husbandry and agricultural commercial motor vehicles  
15 exceeding size or weight limitations under  
16 this chapter to be operated or transported on the highway for purposes related to the  
17 purchase or sale, repair, or servicing of the implement of husbandry or agricultural  
18 commercial motor vehicle

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

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

insert 25-24

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 <sup>and agricultural commercial motor vehicles</sup> under the permit and shall avoid using highways that  
 4 have limited-capacity structures.

5 (f) A permit issued under this subsection shall require that, each time the  
 6 permittee operates or transports an implement of husbandry <sup>or agricultural commercial motor vehicle</sup> on the highway under  
 7 the permit, the permittee notify the department, within 72 hours after the operation  
 8 or transportation, of the route used. 348.27 (19)

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

10 **348.40 Written authorization to operate oversize or overweight**

11 implements of husbandry. (1) <sup>(a) sub</sup> In this section, "maintaining authority" means the  
 12 following: <sup>or its designee</sup>

13 1. (a) The department <sup>or its designee</sup> with respect to state trunk highways.

14 2. (b) The municipality or county responsible for maintenance of the highway  
 15 with respect to any highway that is not a state trunk highway, including any  
 16 connecting highway. <sup>subd. 3. par. (c)</sup>

17 (b) (2) (a) <sup>a no-fee permit</sup> Subject to <sup>subd. 3.</sup> par. (c) and <sup>par. (c)</sup> sub. (3), a person may apply to the maintaining  
 18 authority of a highway for ~~written authorization~~ to operate ~~on the highway, without~~  
 19 ~~a permit,~~ <sup>or agricultural commercial motor vehicle</sup> an implement of husbandry <sup>length</sup> that exceeds limitations on ~~size~~ or weight, or

20 both imposed by this chapter. ~~After a written authorization is issued, a person may~~  
 21 ~~also apply annually for renewal of the written authorization.~~ Upon receiving an

22 application <sup>subsection</sup> under this ~~paragraph~~, the maintaining authority shall <sup>provide the applicant with</sup> ~~make~~ a final  
 23 decision on the application within 3 weeks of its receipt. ~~If the maintaining authority~~

24 ~~fails to approve or deny the application within this period, the application is~~

56-10 ✓

for a no-fee permit

1 considered approved until the applicant receives a denial meeting the requirements  
2 under par. (d) 1.

3 2. <sup>subd. 3.</sup> (b) Subject to <sup>no-fee permit has been</sup> ~~par. (c)~~, any person to whom a ~~written authorization~~ <sup>is</sup> issued  
4 under this <sup>sub</sup> section may, at any time, apply for an amendment to the ~~written~~  
5 ~~authorization~~ <sup>permit</sup> to reflect a change in the applicant's circumstances or information,

6 including a change in the <sup>insert 27-6</sup> applicant's route plan. Upon receiving an application for  
7 amendment under this <sup>subdivision</sup> paragraph, the maintaining authority shall <sup>provide the applicant with</sup> ~~make~~ a ~~final~~  
8 decision on the application within 5 business days of its receipt. ~~If the maintaining~~

9 authority fails to approve or deny the application within this period, the application  
10 is considered approved until the applicant receives a denial meeting the  
11 requirements under par. (d) 1.

12 3. <sup>subd. 5. b.</sup> (c) Except as provided in <sup>subd. 1. or 2.</sup> par. (e) 2), an application under <sup>par. (a) or (b)</sup> par. (a) or (b) shall be  
13 made on the form prescribed by the department <sup>par. (d) 1.</sup> under ~~sub. (8) (a)~~ and shall be  
14 submitted as provided in sub. (8) (c) or (d), as applicable. <sup>a permit</sup>

15 4. <sup>subd. 1. or 2.</sup> (d) 1. If a maintaining authority denies <sup>an</sup> application under ~~par. (a) or (b)~~, it  
16 shall ~~immediately~~ notify the applicant in writing of the denial and the ~~specific reason~~ <sup>insert 27-16</sup>

17 ~~or reasons for~~ the denial. If the application is made with respect to ~~a self-propelled~~  
18 <sup>an</sup> implement of husbandry <sup>insert 27-18</sup> having a limited purpose essential to planting or harvesting  
19 ~~operations~~, any denial shall <sup>also</sup> include a reasonable, structurally based explanation for  
20 ~~the denial and~~ a suggested <sup>insert 27-20</sup> alternative route plan for operation of the implement of  
21 husbandry ~~on the highway~~.

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

1 office in Madison. If the department's final decision is a denial of the application, the  
 2 department shall give the notice required under subd. 1. and the applicant may  
 3 request review of this decision in a contested case hearing as provided under sub. (9)  
 4 (c) and s. 227.42.

5 5.a. (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 <sup>and agricultural commercial motor vehicles</sup> that exceed limitations on  
 8 size <sup>length</sup> or weight, or both, imposed by this chapter. A resolution or ordinance adopted  
 9 under this paragraph <sup>subdivision</sup> 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 b. (2) If a person applies to a municipality for written authorization <sup>a no-fee permit</sup> to operate  
 13 without a permit <sup>or agricultural commercial motor vehicle</sup> 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. <sup>subd. 3. and par. (c) 3.</sup>  
 15 do not apply to the application and the municipality <sup>maintaining authority</sup> may respond with a form letter  
 16 and a copy of the resolution or ordinance, which shall serve as the written  
 17 authorization <sup>sub</sup> under this section. <sup>approved permit</sup>

18 (c) (3) (a) <sup>any</sup> With respect to a highway under its jurisdiction, a maintaining  
 19 authority may issue a written authorization to operate <sup>no-fee permit authorizing operation</sup> on the highway without a  
 20 permit <sup>of</sup> an implement of husbandry <sup>length</sup> that exceeds limitations on size or weight, or both,

21 imposed by this chapter if all of the following apply <sup>applicable</sup> <sup>the requirements of this subsection</sup>  
 22 2 x. <sup>from complying</sup> <sup>are satisfied.</sup> The implement of husbandry complies with all equipment and other  
 23 requirements for an implement of husbandry specified in ch. 347.

A no-fee permit issued under this subsection does not exempt any

or agricultural commercial motor vehicle



for a no-fee permit  
under this  
subsection  
shall be

par. (b) 5. b.

insert 29-2

1 3. 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.

insert 29-9

10 5. (c) No fee may be charged for issuance, renewal, or amendment of a written  
11 authorization under this section. insert 29-11

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 a condition 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.

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

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

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

*no-fee permits, and amendments to no-fee permits,*

(d) (8) (a) The department shall prescribe an application form for initial issuance <sup>sub</sup> and renewal of written authorizations under this section. Except with respect to written authorizations <sup>permits</sup> under sub. (2) (e) 2, <sup>par. (b) S. B.</sup> this form shall be used by each maintaining authority. The application form shall require the applicant to provide, on the form or as an attachment, all of the following information:

a. 1. The applicant's contact information.

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

*insert 30-21*

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

*or agricultural commercial motor vehicles*

insert  
31-1

1 e. <sup>1</sup> (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 2. <sup>e</sup> (c) The department shall prescribe a procedure for the submission of  
6 applications to the ~~department~~ <sup>maintaining authority under par. (b) 1. and 2.</sup> 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 <sup>for</sup> 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 (e) 1. (9) (a) In this <sup>paragraph</sup> subsection, "adverse determination" means the denial of an  
4 application for initial issuance, renewal, or amendment of a written authorization<sup>no-fee permit</sup>  
5 under this <sup>sub</sup>section ~~or the suspension or revocation of a written authorization under~~  
6 ~~sub. (7).~~

7 2. (b) <sup>Notwithstanding s. 348.27 (9),</sup>

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

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

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

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 <sup>348.27(19)(d)</sup> ~~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.

348.27(19)(b) 3. and  
(d) 1.

1 (2) Notwithstanding section ~~348.40 (2) (c) and (8) (a)~~<sup>e</sup> of the statutes, as created  
 2 by this act, applications under section ~~348.40 (2) (a) and (b)~~<sup>e</sup> of the statutes, as created  
 3 by this act, are not required to be made on the form prescribed under section ~~348.40~~<sup>e</sup>  
 4 ~~(8) (a)~~<sup>e</sup> of the statutes, as created by this act, until January 1, 2015.  
 5

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33-4

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

7 (1) SECTION 43 (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~~  
 9 (2g), and 348.27 (14r) (c) of the statutes takes effect on the first day of the 19th month  
 10 beginning after publication.

(END)

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33-11

insert 33-8

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**INSERT ANAL-A:**

***Definition and registration of agricultural commercial motor vehicle***

The bill creates a definition of an agricultural commercial motor vehicle. An agricultural commercial motor vehicle (agricultural CMV) is defined as a commercial motor vehicle to which all of the following apply: 1) the vehicle is substantially designed or equipped, or materially altered from its original construction, for the purpose of agricultural use; 2) the vehicle was designed and manufactured primarily for highway use and was manufactured to meet federal motor vehicle highway safety standards; 3) the vehicle is used exclusively in the conduct of agricultural operations and the vehicle's primary purpose is for off-highway use; and 4) the vehicle is directly engaged in harvesting farm products, directly applies fertilizer, spray, or seeds to a farm field, or distributes feed to livestock. An agricultural CMV is not an implement of husbandry.

Under the bill, an agricultural CMV is exempt from motor vehicle registration with the Department of Transportation (DOT).

6

**INSERT ANAL-B:**

Current law authorizes local authorities to designate highways under their jurisdiction as class "B" highways. With limited exceptions, the maximum gross weight and per-axle vehicle weight permitted for vehicles on a class "B" highway is 60 percent of the weight allowed by statute if the vehicle were operating on a highway that is not designated as a class "B" highway.

7

**INSERT ANAL-C:**

(no R) If the implement of husbandry is an empty potato harvester accompanied by one or more escort vehicles operating with hazard lights activated, there is no per-axle weight limit for the potato harvester but the potato harvester is subject to posted special weight limits and is subject to the maximum gross weight limitation of 92,000 pounds. In addition, a potato harvester is exempt from the reduction of permissible vehicle weight when operating on a highway designated by local authorities as a class "B" highway.

1 **INSERT ANAL-D:**

(no 11) The bill establishes a total width limitation for agricultural commercial motor vehicles, operated without a permit, of 10 feet. The bill also eliminates DOT's issuance of farm machinery permits, repeals the general width limitation for farm tractors of 12 feet, and  
LE of 12 feet

2 **INSERT ANAL-E:**

The bill creates a new annual or consecutive month permit, referred to as a "no-fee permit," issued by DOT and local authorities for implements of husbandry and agricultural CMVs that exceed statutory length or weight limitations. For purposes of this no-fee permit, the bill defines a "maintaining authority" of a highway as: 1) DOT or its designee, with respect to a state trunk highway; or 2) the municipality or county responsible for maintenance of the highway or its designee (local authority), with respect to a highway that is not a state trunk highway. A maintaining authority may issue no-fee permits authorizing operation on highways under its jurisdiction of implements of husbandry and agricultural CMVs that exceed statutory length or weight limitations. A no-fee permit is not valid on interstate highways. With an exception, an application for a no-fee permit must be accompanied by a listing or map of the highways that may potentially be traveled under authorization of the permit. Under this exception, a municipality may, by resolution or ordinance, authorize operation of implements of husbandry and agricultural CMVs exceeding statutory length or weight limitations on any or all highways under the municipality's jurisdiction and issue a form letter and copy of the resolution or ordinance to serve as the approved permit. In such a municipality, a no-fee permit application is not required to be accompanied by a listing or map of the highways to be traveled under the permit and is not required to be made on a form prescribed by DOT for the application. Upon application, a no-fee permit may be amended by the maintaining authority to reflect changes in the applicant's circumstances, including a change in the highways to be traveled.

Under the bill, no fee may be charged for issuance or amendment of a no-fee permit or for any study or investigation in connection with the permit application. If a maintaining authority denies an application for a no-fee permit, it must notify the applicant in writing of the denial and the notice must include a reasonable and structurally-based explanation of the denial. If the application is made with respect to certain self-propelled implements of husbandry, including combines, forage harvesters, and fertilizer or pesticide application equipment, the denial must also include a suggested alternate list or map of highways for operation of the implement of husbandry.

The bill also creates a permit for persons engaged in the business of selling, repairing, or servicing implements of husbandry or agricultural CMVs (dealers). DOT may issue annual or consecutive month permits to dealers authorizing implements of husbandry and agricultural CMVs exceeding statutory size or weight

limitations to be operated or transported on the highway for purposes related to the purchase or sale, repair, or servicing of the implement of husbandry or agricultural CMV. A dealer operating or transporting an implement of husbandry or agricultural CMV under a permit must, to the extent possible, use state trunk highways and county trunk highways and avoid using highways that have limited-capacity structures and must notify DOT within 72 hours of the route that was used. The permit may not authorize operation on interstate highways.

Under current law, if any bill introduced in either house of the legislature directly or indirectly establishes an exception to vehicle weight limitations, DOT must prepare a report, containing specified information, relating to the bill within six weeks after the bill is introduced and before any vote is taken on the bill. This bill directs DOT not to prepare such a report on this bill because DOT recently completed the *Implements of Husbandry Study* that contained the same or similar information that would be contained in a report on this bill.

1           **INSERT ANAL-F:**

(no P)

which

An implement of husbandry manufactured on or after January 1, 2014, may not be operated on a highway unless it is equipped with all lighting and marking devices with which the implement of husbandry was originally equipped by the manufacturer and all such lighting and marking devices are in good working order and visible at the time of operation.

2           **INSERT ANAL-G:**

The bill also eliminates the requirement that an implement of husbandry train operated on a highway during the day must display a red flag on each rear corner of the rearmost vehicle in the train.

***Rules of the road relating to wide implements of husbandry***

Under current law, on all roadways of sufficient width, the operator of a vehicle must generally drive on the right half of the roadway and in the right-hand lane of a three-lane highway, subject to various exceptions, such as when the operator is making a left turn or U-turn or is overtaking and passing another vehicle. A vehicle operator must also drive as nearly as practicable entirely within a single lane and, on a three-lane highway, may not drive in the center lane, subject to exceptions like those discussed above. With an exception, a vehicle operator may not drive in a lane when signs or signals indicate that the lane is allocated exclusively to vehicles moving in the opposite direction.

Also under current law, on a two-way roadway: 1) operators of vehicles proceeding in opposite directions must pass each other to the right and give to the other at least one-half of the main traveled portion of the roadway as nearly as possible; and 2) a vehicle operator may not drive on the left side of the center of the roadway on a grade or curve where the operator's view is obstructed or, with an exception, in an area designated by signs or pavement marking as a no-passing zone.

lit



In general, a person may not drive a motor vehicle so slowly as to impede the normal movement of traffic and the operator of a slow-moving vehicle must, if practicable, yield the roadway to an overtaking vehicle.

This bill creates an exception allowing a wide implement of husbandry that satisfies applicable lighting and marking requirements and that is operated as much as practicable on the right half of the roadway and within a single lane to: 1) extend over the center of the roadway into a lane intended for travel in the opposite direction; 2) extend into the passing lane of a three-lane highway; and 3) extend into another lane intended for travel in the same direction if it does not impede other vehicles approaching from the rear. However, this exception does not exempt the operator of the wide implement of husbandry from the requirements and prohibitions above that: a vehicle operator must pass a vehicle proceeding in the opposite direction on the right and yield half of the roadway if possible; a vehicle operator may not drive on the left side of the roadway on a grade or curve where the operator's view is obstructed or in an area designated as a no-passing zone; and a vehicle operator may not drive so slowly as to impede the normal movement of traffic and must, if practicable, yield the roadway to an overtaking vehicle.

↑ specifying

3  
***Required disclosures in sales of farm equipment***

3  
6 Under current law, no person in the business of selling a tractor or other machinery used in the business of farming (farm equipment) may sell farm equipment unless, at the time of sale, the farm equipment is equipped with specified safety equipment, including lights, reflectors, and an SMV emblem meeting applicable vehicle equipment requirements, if the farm equipment can be operated on a highway. However, this requirement does not apply to sales of farm equipment to another person in the business of selling farm equipment for the purpose of resale, sales of farm equipment for the purpose of salvage, and most sales by auction. A person who violates this requirement may be required to forfeit not more than \$500 for each violation.

Under this bill, no person in the business of selling farm equipment may sell farm equipment that can be operated on a highway unless, at the time of sale, the person who sells the farm equipment discloses to the buyer the gross vehicle weight and axle weights of the farm equipment. The exceptions and penalty described above also apply with respect to this requirement.

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