



State of Wisconsin
2013 - 2014 LEGISLATURE

in
1/6



LRB-2913/1
ARG:ey:rs

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RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Changes
on pp. 6, 11,
12, 17, 18,
19, 27 only

-regen

1 AN ACT *to repeal* 341.01 (2) (a), 347.21 (2), 348.05 (2) (c), 348.05 (3), 348.17 (6)

2 (a) 3. and 348.27 (14); *to renumber* 100.47 (3); *to renumber and amend*

3 348.07 (2) (e) and 348.17 (5); *to amend* 100.47 (2) (c), 100.47 (4) (intro.), 341.05

4 (17), 346.09 (1), 346.13 (1), (2) and (3), 347.21 (1m), 347.22 (2), 347.245 (1),

5 347.245 (5), 348.05 (2) (a), 348.06 (2), 348.08 (1) (b), 348.08 (1) (d), 348.08 (2),

6 348.15 (3) (b), 348.15 (3) (d), 348.15 (3) (f) 2., 348.15 (8), 348.16 (2), 348.17 (6)

7 (a) 2., 348.21 (3) (intro.), 348.25 (4) (intro.), 348.25 (8) (b) (intro.), 348.25 (8) (b)

8 3. (intro.), 348.25 (8) (e) and 348.25 (8) (f); *to repeal and recreate* 340.01 (24);

9 and *to create* 100.47 (3) (b), 227.01 (13) (rs), 340.01 (1o), 346.05 (1) (g), 346.13

10 (4), 347.24 (3), 347.25 (2g), 348.01 (2) (bp), 348.02 (6), 348.03, 348.05 (2) (am),

11 348.07 (2) (e) 1., 348.15 (3) (g), 348.15 (9), 348.17 (5) (a) 1. and 2., 348.21 (3t),

1 348.25 (8) (b) 5., 348.27 (14r) and 348.27 (19) of the statutes; **relating to:**
2 operation of agricultural vehicles on highways and providing a penalty.

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 that is manufactured, designed, or reconstructed to be used and that is exclusively used in the conduct of agricultural operations. 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 combine, or other vehicles.

Definition and registration of agricultural commercial motor vehicles

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).

Under the bill, the owner or operator of an agricultural CMV may certify, on a form prescribed by DOT, that the vehicle and its operation satisfy all requirements to be an agricultural CMV. 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.

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.

This bill creates an increased weight limit for all implements of husbandry and agricultural CMVs that is approximately 15 percent higher than the general statutory weight limit. For implements of husbandry, 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 or agricultural CMV operated on a highway without a permit may not exceed 92,000 pounds, although the increased weight allowance does not apply on interstate highways. If an implement of husbandry or agricultural CMV 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. 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.

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 (farm machinery 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, certain wide implements of husbandry are subject to lighting and marking requirements (discussed below). 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 of 12 feet for farm tractors, and 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 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. 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.

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. *No fee may be charged for the permit.*

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, which contained the same or similar information that would be contained in a report on this bill.

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 wide implement of husbandry manufactured before January 1, 2014, 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 to the rear; 3) red retroreflective conspicuity material, visible to the rear; 4) at least two strips of yellow retroreflective conspicuity material, visible to the front; 5) at least two red tail lamps; and 6) 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. Any lamp or light required above must be lighted and visible when the wide implement of husbandry is operated on a highway and the lamps or lights, devices, and material described above must generally be mounted so as to indicate the lateral extremities of the implement of husbandry. A wide implement of husbandry manufactured before January 1, 2014, must also display an SMV emblem. 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.

Under the bill, a person may not operate on a highway any self-propelled implement of husbandry manufactured before January 1, 2014, that exceeds 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 the applicable foregoing requirements, it must be accompanied by an escort vehicle operating with hazard lights activated.

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 it as a no-passing zone. 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, specifying 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.

Required disclosures in sales of farm equipment

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.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 100.47 (2) (c) of the statutes is amended to read:

2 100.47 (2) (c) Lights and, reflectors, and other marking devices meeting the
3 applicable requirements under ch. 347, if farm equipment that can be operated on
4 a highway.

5 **SECTION 2.** 100.47 (3) of the statutes is renumbered 100.47 (3) (a).

6 **SECTION 3.** 100.47 (3) (b) of the statutes is created to read:

7 100.47 (3) (b) No person in the business of selling farm equipment may sell
8 farm equipment that can be operated on a highway unless, at the time of sale, the
9 person who sells the farm equipment discloses to the buyer the gross vehicle weight
10 and axle weights of the farm equipment.

11 **SECTION 4.** 100.47 (4) (intro.) of the statutes is amended to read:

12 100.47 (4) **EXCEPTIONS.** (intro.) ~~Subsection (2) does~~ Subsections (2) and (3) (b)
13 do not apply to:

14 **SECTION 5.** 227.01 (13) (rs) of the statutes is created to read:

1 227.01 (13) (rs) Relates to any form prescribed by the department of
2 transportation under s. 348.03 (1) or 348.27 (19) (d) 1. or procedure prescribed under
3 s. 348.27 (19) (d) 2.

4 **SECTION 6.** 340.01 (1o) of the statutes is created to read:

5 340.01 (1o) “Agricultural commercial motor vehicle” means a commercial
6 motor vehicle to which all of the following apply:

7 (a) The vehicle is substantially designed or equipped, or materially altered
8 from its original construction, for the purpose of agricultural use.

9 (b) The vehicle was designed and manufactured primarily for highway use and
10 was manufactured to meet federal motor vehicle safety standard certification label
11 requirements as specified in 49 CFR 567.

12 (c) The vehicle is used exclusively in the conduct of agricultural operations and
13 the vehicle’s primary purpose is for off-highway use.

14 (d) The vehicle is directly engaged in harvesting farm products, directly applies
15 fertilizer, spray, or seeds to a farm field, or distributes feed to livestock.

16 **SECTION 7.** 340.01 (24) of the statutes is repealed and recreated to read:

17 340.01 (24) (a) Subject to par. (b), “implement of husbandry” means all of the
18 following:

19 1. A self-propelled or towed vehicle that is manufactured, designed, or
20 reconstructed to be used and that is exclusively used in the conduct of agricultural
21 operations. An “implement of husbandry” may include any of the following:

22 a. A farm tractor.

23 b. A self-propelled combine, a self-propelled forage harvester, self-propelled
24 fertilizer or pesticide application equipment but not including manure application
25 equipment, or another self-propelled vehicle that directly engages in harvesting

1 farm products, directly applies fertilizer, spray, or seeds but not manure, or
2 distributes feed to livestock.

3 c. A farm wagon, farm trailer, ^{manure trailer,} or trailer adapted to be towed by, or to tow or pull,
4 another implement of husbandry.

5 2. A combination of vehicles in which each vehicle in the vehicle combination
6 is an implement of husbandry as described in subd. 1.

7 (b) "Implement of husbandry" does not include any of the following:

8 1. An agricultural commercial motor vehicle.

9 2. A vehicle the existing design of which is primarily for the transportation of
10 property on a highway.

11 **SECTION 8.** 341.01 (2) (a) of the statutes, as affected by 2013 Wisconsin Act 103,
12 is repealed.

13 **SECTION 9.** 341.05 (17) of the statutes is amended to read:

14 341.05 (17) The vehicle is an implement of husbandry or an agricultural
15 commercial motor vehicle.

16 **SECTION 10.** 346.05 (1) (g) of the statutes is created to read:

17 346.05 (1) (g) If the vehicle is a wide implement of husbandry, as defined in s.
18 347.24 (3) (a), being operated in compliance with any applicable requirement under
19 s. 347.24 (3), 347.245 (1), or 347.25 (2g), and the vehicle is operated as much as
20 practicable on the right half of the roadway and in the right-hand lane of a 3-lane
21 highway, a portion of the vehicle may extend over the center of the roadway into any
22 lane intended for travel in the opposite direction and may extend into any passing
23 lane of a 3-lane highway. A wide implement of husbandry operated as described in
24 this paragraph is subject to any restriction under ss. 346.06, 346.09 (2) and (3), and
25 346.59.

1 **SECTION 11.** 346.09 (1) of the statutes is amended to read:

2 346.09 (1) Upon any roadway where traffic is permitted to move in both
3 directions simultaneously, the operator of a vehicle shall not drive to the left side of
4 the center of the roadway in overtaking and passing another vehicle proceeding in
5 the same direction unless such left side is clearly visible and is free of oncoming
6 traffic for a sufficient distance ahead to permit such overtaking and passing to be
7 done in safety. In no case when overtaking and passing on a roadway divided into
8 4 or more clearly indicated lanes shall the operator of a vehicle drive to the left of the
9 pavement marking indicating allocation of lanes to vehicles moving in the opposite
10 direction or, in the absence of such marking, to the left of the center of the roadway.
11 Except as provided in sub. (3) (b) and s. 346.05 (1) (g), in no case shall the operator
12 of a vehicle drive in a lane when signs or signals indicate that such lane is allocated
13 exclusively to vehicles moving in the opposite direction.

****NOTE: It is unclear to me what circumstances are contemplated by the last sentence of s. 346.09 (1) as opposed to s. 346.09 (3) (a). As drafted, the new provision in s. 346.05 (1) (g) trumps the last sentence in s. 346.09 (1) but s. 346.09 (3) (a) trumps s. 346.05 (1) (g). It is not clear to me what this will mean in the real world or whether this is workable. However, if the last sentence of s. 346.09 (1) were to trump the new provision in s. 346.05 (1) (g), would that essentially nullify the intended effect of s. 346.05 (1) (g)?

14 **SECTION 12.** 346.13 (1), (2) and (3) of the statutes are amended to read:

15 346.13 (1) The Except as provided in sub. (4), the operator of a vehicle shall
16 drive as nearly as practicable entirely within a single lane and shall not deviate from
17 the traffic lane in which the operator is driving without first ascertaining that such
18 movement can be made with safety to other vehicles approaching from the rear.

19 (2) Upon Except as provided in s. 346.05 (1) (g), upon a 2-way roadway which
20 is divided into 3 lanes the operator of a vehicle may not drive in the center lane except
21 when overtaking and passing another vehicle where the roadway is clearly visible
22 and the center lane is clear of traffic within a safe distance, or in preparation for a

1 left turn or U-turn, or where the center lane is at the time allocated exclusively to
2 traffic moving in the direction the vehicle is proceeding and is marked or posted to
3 give notice of the allocation.

4 (3) Notwithstanding sub. (2), but subject to sub. (4), when lanes have been
5 marked or posted for traffic moving in a particular direction or at designated speeds,
6 the operator of a vehicle shall drive in the lane designated.

7 **SECTION 13.** 346.13 (4) of the statutes is created to read:

8 346.13 (4) Upon a 2-way roadway with at least 2 lanes for travel in each
9 direction, a wide implement of husbandry, as defined in s. 347.24 (3) (a), that is being
10 operated in compliance with any applicable requirement under s. 347.24 (3), 347.245
11 (1), or 347.25 (2g), and that is being operated as much as practicable within a single
12 lane may, to the extent necessary, extend into another lane intended for travel in the
13 same direction if it does not impede other vehicles approaching from the rear.

14 **SECTION 14.** 347.21 (1m) of the statutes is amended to read:

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

22 **SECTION 15.** 347.21 (2) of the statutes is repealed.

23 **SECTION 16.** 347.22 (2) of the statutes is amended to read:

24 347.22 (2) ~~No~~ Except as provided in s. 347.24 (3) (b) 1., no person shall operate
25 or park a farm tractor, self-propelled farm implement, or lightweight utility vehicle,

1 as defined in s. 346.94 (21) (a) 2., upon a highway during hours of darkness with any
2 lamp thereon showing any light to the rear other than red in color.

3 **SECTION 17.** 347.24 (3) of the statutes is created to read:

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

8 (b) No person may operate on a highway any wide implement of husbandry
9 manufactured before January 1, 2014, unless it is equipped with all of the following
10 and any lamp or light required under this paragraph is lighted and visible at the time
11 of operation:

12 1. At least 2 amber flashing warning lamps, visible from both the front and rear
13 of the implement of husbandry. These lamps shall be mounted, as nearly as
14 practicable, to indicate the extreme width of the implement of husbandry, but not
15 more than 16 inches from the lateral extremities of the implement of husbandry.

16 2. At least 2 red retroreflective devices, visible to the rear and mounted, as
17 nearly as practicable, to indicate the extreme left and extreme right of the implement
18 of husbandry, including any projections.

19 3. Red retroreflective conspicuity material, visible to the rear and mounted
20 within 25 inches of, respectively, the extreme left and extreme right of the implement
21 of husbandry and spaced as evenly as practicable.

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

1 within 16 inches of, respectively, the extreme left and extreme right of the implement
2 of husbandry.

3 5. Subject to ss. 347.06 (1) and (3), 347.13 (2), and 347.22 (1), at least 2 red tail
4 lamps mounted symmetrically to the rear of the implement of husbandry, or as close
5 to the rear as practicable.

6 6. If the implement of husbandry is designed to travel and does travel at a speed
7 greater than 25 miles per hour, at least one stop lamp that lights when the operator
8 has activated the service brake or another primary control used to slow the towing
9 vehicle.

10 (c) In addition to any applicable requirement under par. (b), if a wide implement
11 of husbandry has a total width in excess of 20 feet, no person may operate the
12 implement of husbandry on a highway unless the implement of husbandry is
13 accompanied by an escort vehicle operating with hazard lights activated. If the
14 implement of husbandry is being operated on a highway with only one lane for travel
15 in each direction, the escort vehicle shall be operated ahead of the implement of
16 husbandry on the highway. If the implement of husbandry is being operated on a
17 highway with more than one lane for travel in each direction or on a 3-lane highway,
18 the escort vehicle shall be operated behind the implement of husbandry on the
19 highway.

20 (d) No person may operate on a highway any implement of husbandry
21 manufactured on or after January 1, 2014, unless it is equipped with all lighting and
22 marking devices with which the implement of husbandry was originally equipped by
23 the manufacturer and all such lighting and marking devices are in good working
24 order and visible at the time of operation.

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

3 **SECTION 18.** 347.245 (1) of the statutes is amended to read:

4 347.245 (1) After January 1, 1970, no person may operate on a highway, day
5 or night, any vehicle or equipment, any animal-drawn vehicle, or any other
6 machinery, including all road machinery, that usually travels at speeds of less than
7 25 miles per hour or any vehicle operated under a special restricted operator's license
8 issued under s. 343.135 or any lightweight utility vehicle, as defined in s. 346.94 (21)
9 (a) 2., or any wide implement of husbandry, as defined in s. 347.24 (3) (a), that is
10 manufactured before January 1, 2014, unless there is displayed on the most
11 practicable visible rear area of the vehicle or combination of vehicles, a slow moving
12 vehicle (SMV) emblem as described in and displayed as provided in sub. (2). Any
13 towed vehicle or machine is exempt from this provision if the towing vehicle is visible
14 from the rear and is in compliance with this section. All road machinery is excluded
15 when it is engaged in actual construction or maintenance work either guarded by a
16 flagman or clearly visible warning signs. Except as provided in s. 347.21 (1), the
17 requirement of the emblem shall be in addition to any lighting devices required or
18 permitted by law. Mopeds and motor bicycles are excluded from the provisions of this
19 section unless they are operated under a special restricted operator's license issued
20 under s. 343.135. Electric personal assistive mobility devices are excluded from the
21 provisions of this section. The SMV emblem need not be displayed on vehicles
22 moving directly across the highway.

23 **SECTION 19.** 347.245 (5) of the statutes is amended to read:

24 347.245 (5) This section does not apply to any vehicle or combination of vehicles
25 to the left rear of which is attached a yellow or amber flashing light at least 4 inches

1 in diameter, except to a wide implement of husbandry, as defined in s. 347.24 (3) (a),
2 that is manufactured before January 1, 2014.

3 **SECTION 20.** 347.25 (2g) of the statutes is created to read:

4 347.25 (2g) No person may operate on a highway any self-propelled implement
5 of husbandry manufactured before January 1, 2014, and having a total width in
6 excess of 12 feet, unless it is equipped with a 360-degree yellow or amber rotating
7 strobe or beacon light, mounted at the highest practicable point, and the light is
8 activated.

9 **SECTION 21.** 348.01 (2) (bp) of the statutes is created to read:

10 348.01 (2) (bp) "Potato harvester" means a self-propelled implement of
11 husbandry designed and used exclusively for harvesting potatoes.

12 **SECTION 22.** 348.02 (6) of the statutes is created to read:

13 348.02 (6) The provisions of this chapter apply to implements of husbandry and
14 agricultural commercial motor vehicles.

****NOTE: DOT requested that a provision like this be added to s. 348.02, but the
provision is not necessary. There is no provision in s. 348.02, unlike s. 347.02 (1) (intro.)
and (b), that creates a "blanket exemption" in ch. 348 for implements of husbandry. There
is also no nexus between vehicle registration under ch. 341 and size and weight
limitations under ch. 348. I recommend that created s. 348.02 (6) be removed because it
is superfluous.

15 **SECTION 23.** 348.03 of the statutes is created to read:

16 **348.03 Self-certification for agricultural commercial motor vehicles.**

17 (1) The department shall prescribe a form for the owner or operator of an
18 agricultural commercial motor vehicle to certify that the vehicle and its operation
19 satisfy all requirements specified in the definition under s. 340.01 (1o).

20 (2) The certification on the form under sub. (1) of an owner or operator of an
21 agricultural commercial motor vehicle may be offered to the department or any

1 traffic officer as evidence of the truth of the matters asserted in the certification, but
2 the certification is not conclusive of such matters.

3 **SECTION 24.** 348.05 (2) (a) of the statutes is amended to read:

4 348.05 (2) (a) No Subject to ss. 347.24 (3), 347.245 (1), and 347.25 (2g), no
5 limitation for implements of husbandry temporarily operated upon a highway in the
6 course of performance of its work.

7 **SECTION 25.** 348.05 (2) (am) of the statutes is created to read:

8 348.05 (2) (am) Ten feet for an agricultural commercial motor vehicle.

9 **SECTION 26.** 348.05 (2) (c) of the statutes is repealed.

10 **SECTION 27.** 348.05 (3) of the statutes is repealed.

11 **SECTION 28.** 348.06 (2) of the statutes is amended to read:

12 348.06 (2) Implements of husbandry of any height may be temporarily
13 operated upon a highway without a permit for excessive height. The operator of the
14 implement of husbandry is responsible for ensuring that there is adequate height
15 clearance between the implement of husbandry and any overhead structure or
16 obstruction, including any utility line.

****NOTE: Given the definitional changes in the /P3 draft, s. 348.06 (2) no longer
applies to what are now referred to as agricultural commercial motor vehicles. Please
advise if this is not consistent with your intent.

17 **SECTION 29.** 348.07 (2) (e) of the statutes is renumbered 348.07 (2) (e) 2. and
18 amended to read:

19 348.07 (2) (e) 2. No limitation One hundred feet for implements of husbandry
20 temporarily operated upon a highway that are 2-vehicle combinations.

****NOTE: Given the definitional changes in the /P3 draft, s. 348.07 (2) (e) no longer
applies to what are now referred to as agricultural commercial motor vehicles. Please
advise if this is not consistent with your intent.

21 **SECTION 30.** 348.07 (2) (e) 1. of the statutes is created to read:

1 348.07 (2) (e) 1. Sixty feet for an implement of husbandry that is a single
2 vehicle.

3 **SECTION 31.** 348.08 (1) (b) of the statutes is amended to read:

4 348.08 (1) (b) ~~Two trailers used primarily as implements of husbandry in~~
5 ~~connection with seasonal agricultural activities or one such trailer and any other~~
6 ~~implement of husbandry may, without such permit, be drawn by a farm tractor if the~~
7 ~~operation of such combination of vehicles is exclusively a farming operation and not~~
8 ~~for the transportation of property for hire and, or attached to, another implement of~~
9 husbandry if the overall length of such combination of vehicles does not exceed 60
10 70 feet, or 100 feet if the vehicle combination is traveling at a speed of not more than
11 20 miles per hour.

12 **SECTION 32.** 348.08 (1) (d) of the statutes is amended to read:

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

21 **SECTION 33.** 348.08 (2) of the statutes is amended to read:

22 348.08 (2) Whenever any train of ~~agricultural vehicles~~ implements of
23 husbandry is being operated under sub. (1) (b), the train shall be equipped as
24 provided in s. 347.21 (1m) ~~and (2)~~. Whenever any train of agricultural vehicles is
25 being operated under sub. (1) (d), the train shall be equipped as provided in s. 347.21

or agricultural commercial motor vehicle

1 (1) ~~and (2)~~. The trailer hitches of a train of agricultural vehicles described in this
2 subsection shall be of a positive nature so as to prevent accidental release.

3 **SECTION 34.** 348.15 (3) (b) of the statutes is amended to read:

4 348.15 (3) (b) The gross weight imposed on the highway by the wheels of any
5 one axle may not exceed 20,000 pounds or, if the vehicle or combination of vehicles
6 is an implement of husbandry or agricultural commercial motor vehicle, 23,000
7 pounds. In addition, the gross weight imposed on the highway by the wheels of the
8 steering axle of a truck tractor may not exceed 13,000 pounds unless the
9 manufacturer's rated capacity of the axle and the tires is sufficient to carry the
10 weight, but not to exceed 20,000 pounds.

11 **SECTION 35.** 348.15 (3) (d) of the statutes is amended to read:

12 348.15 (3) (d) Notwithstanding ~~par.~~ pars. (c) and (g), 2 consecutive sets of
13 tandem axles may impose on the highway a gross load of 34,000 pounds each if the
14 overall distance between the first and last axles of such consecutive sets of tandem
15 axles is 36 feet or more.

16 **SECTION 36.** 348.15 (3) (f) 2. of the statutes is amended to read:

17 348.15 (3) (f) 2. Notwithstanding pars. (a) to (c) and (g), sub. (4), and ss. 348.17
18 and 349.16, and subject to subd. 3., in the case of a heavy-duty vehicle equipped with
19 idle reduction technology, the gross weight of the vehicle, and the gross weight
20 imposed on the highway by the wheels of any one axle or axle group of the vehicle,
21 may exceed the applicable weight limitation specified in pars. (a) to (c) or (g) or posted
22 as provided in s. 348.17 (1) by not more than 400 pounds or the weight of the idle
23 reduction technology, whichever is less.

24 **SECTION 37.** 348.15 (3) (g) of the statutes is created to read:

1 348.15 (3) (g) Notwithstanding par. (c), if the vehicle or combination of vehicles
2 is an implement of husbandry or agricultural commercial motor vehicle, the gross
3 weight imposed on the highway by any group of 2 or more consecutive axles of the
4 vehicle or vehicle combination may not exceed the maximum gross weights in the
5 following table for each of the respective distances between axles and the respective
6 numbers of axles of a group: [See Figure 348.15 (3) (g) following]

Figure 348.15 (3) (g):

Maximum gross weight in pounds on a group of—

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

Distances in feet between foremost and rear- most axles of a group	2 axles of a vehicle or combina- tion of vehicles	3 axles of a vehicle or combina- tion of vehicles	4 axles of a vehicle or combina- tion of vehicles	5 axles of a vehicle or combina- tion of vehicles	6 axles of a vehicle or combina- tion of vehicles	7 axles of a vehicle or combina- tion of vehicles	8 axles of a vehicle or combina- tion of vehicles
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 38. 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 39.** 348.15 (9) of the statutes is created to read:

6 348.15 (9) (a) Except as provided in par. (c), the increased weight allowance for
7 implements of husbandry and agricultural commercial motor vehicles under sub. (3)
8 (b) and (g) applies in lieu of, not in addition to, any other increased weight allowance
9 for implements of husbandry authorized under this chapter.

10 (b) The maximum gross weight for an implement of husbandry or agricultural
11 commercial motor vehicle operated on a highway without a permit may not exceed
12 92,000 pounds.

13 (c) Notwithstanding sub. (3) (b), (c), and (g), there is no weight limitation per
14 wheel, axle, or group of axles for an implement of husbandry that is an empty potato
15 harvester if the potato harvester is accompanied by one or more escort vehicles
16 operating with hazard lights activated, except that such a potato harvester is subject
17 to any weight limitation posted as provided in s. 348.17 (1). A potato harvester is
18 subject to the maximum gross weight limitation for implements of husbandry
19 specified in par. (b).

20 (d) The increased weight allowance for implements of husbandry and
21 agricultural commercial motor vehicles under sub. (3) (b) and (g) does not apply on
22 any highway that is a part of the national system of interstate and defense highways.

23 **SECTION 40.** 348.16 (2) of the statutes is amended to read:

24 348.16 (2) Except as provided in sub. (3) and s. 348.175 and subject to any
25 modifications made by a city of the first class pursuant to s. 349.15 (3), no person,

1 without a permit therefor, shall operate on a class "B" highway any vehicle or
2 combination of vehicles imposing wheel, axle, group of axles, or gross weight on the
3 highway exceeding 60 percent of the weights authorized in s. 348.15 (3). This
4 subsection does not apply to a potato harvester.

5 **SECTION 41.** 348.17 (5) of the statutes is renumbered 348.17 (5) (a) and
6 amended to read:

7 348.17 (5) (a) From September 1 to December 31 of each year, no permit shall
8 be required for the transportation of corn, soybeans, potatoes, vegetables, or
9 cranberries from the field to storage on the grower's owned or leased land, from the
10 field to initial storage at a location not owned or leased by the grower, or from the field
11 to initial processing in a vehicle or combination of vehicles ~~having a registered gross~~
12 ~~weight of 50,000 pounds or more or described in s. 340.01 (24) (b) that exceeds the~~
13 ~~weight limitations under s. 348.15 by not more than 15 percent.~~ and that satisfies
14 any of the following:

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

17 **SECTION 42.** 348.17 (5) (a) 1. and 2. of the statutes are created to read:

18 348.17 (5) (a) 1. Has a registered gross weight of 50,000 pounds or more.

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

22 **SECTION 43.** 348.17 (6) (a) 2. of the statutes is amended to read:

23 348.17 (6) (a) 2. Is ~~described in s. 340.01 (24) (b)~~ a motor truck, farm truck, road
24 tractor, truck tractor, or farm truck tractor or such a vehicle combined with a

1 semitrailer, trailer, or farm trailer, when the vehicle or combination is a commercial
2 motor vehicle operated on a highway.

3 SECTION 44. 348.17 (6) (a) 3. of the statutes is repealed.

4 SECTION 45. 348.21 (3) (intro.) of the statutes is amended to read:

5 348.21 (3) (intro.) Except as provided in sub. (3g), and subject to sub. (3t), any
6 person violating s. 348.15 or 348.16 or any weight limitation posted as provided in
7 s. 348.17 (1) or in a declaration issued under s. 348.175 or authorized under s. 348.17
8 (3), (5), or (6) or in an overweight permit issued under s. 348.26 or 348.27 may be
9 penalized as follows:

10 SECTION 46. 348.21 (3t) of the statutes is created to read:

11 348.21 (3t) (a) In the case of a violation of s. 348.15 (3) (g), the penalty shall be
12 computed on the basis of the weights stated in s. 348.15 (3) (c).

13 (b) In the case of a violation of s. 348.15 (3) (b) involving an implement of
14 husbandry or agricultural commercial motor vehicle, the penalty shall be computed
15 on the basis of a permissible weight of 20,000 pounds.

16 SECTION 47. 348.25 (4) (intro.) of the statutes is amended to read:

17 348.25 (4) (intro.) Except as provided under s. 348.26 (4), (6), or (7) or 348.27
18 (3), (3m), (4m), (9), (9m), (9r), (9t), (10), (12), (14r), (15), (16), ~~or (18)~~, or (19), permits
19 shall be issued only for the transporting of a single article or vehicle which exceeds
20 statutory size, weight or load limitations and which cannot reasonably be divided or
21 reduced to comply with statutory size, weight or load limitations, except that:

22 SECTION 48. 348.25 (8) (b) (intro.) of the statutes is amended to read:

23 348.25 (8) (b) (intro.) Unless Except as provided in s. 348.27 (19) (c) 5., unless
24 a different fee is specifically provided, the department shall charge the following fees
25 for the first permit and each subsequent or revalidated annual or multiple trip

1 permit issued under s. 348.27 except that no fee may be charged for the amendment
2 of a permit under s. 348.27 (3m):

3 SECTION 49. 348.25 (8) (b) 3. (intro.) of the statutes is amended to read:

4 348.25 (8) (b) 3. (intro.) Except as provided in subd. 4. ~~[and] subd. 4m. subs.~~
5 4., 4m., and 5., for a vehicle or combination of vehicles, the weight of which exceeds
6 any of the provisions of s. 348.15 (3): *No fee may be charged*

7 SECTION 50. 348.25 (8) (b) 5. of the statutes is created to read:

8 348.25 (8) (b) 5. For a permit issued under s. 348.27 (14r) \$300.

****NOTE: I believe that the existing fee structure for the dealer permit would be very confusing. I have therefore added an annual fee of \$300, the same fee provided under s. 348.25 (8) (b) 4. and 4m. Please advise if you would like to insert a different fee for the dealer permit or would like to retain the existing fee structure based on size and weight set forth in s. 348.25 (8) (b).

9 SECTION 51. 348.25 (8) (e) of the statutes is amended to read:

10 348.25 (8) (e) ~~The~~ Except as provided in s. 348.27 (19) (c) 5., the officer or agency
11 authorized to issue a permit under s. 348.26 or 348.27 may require any applicant for
12 a permit under s. 348.26 or 348.27 to pay the cost of any special investigation
13 undertaken to determine whether a permit should be approved or denied.

14 SECTION 52. 348.25 (8) (f) of the statutes is amended to read:

15 348.25 (8) (f) Any local officer or agency authorized to issue a permit under s.
16 348.26 or 348.27 may charge a permit issuance fee for each permit issued under s.
17 348.26 and for the first and each subsequent or revalidated permit issued under s.
18 348.27. This paragraph does not apply to the amendment of a permit under s. 348.27
19 (3m) or to a permit issued under s. 348.27 (19). *(14r) or*

20 SECTION 53. 348.27 (14) of the statutes is repealed.

21 SECTION 54. 348.27 (14r) of the statutes is created to read:

1 348.27 (14r) AGRICULTURAL VEHICLE DEALER PERMITS. (a) In this subsection,
2 “dealer” means any person engaged in the business of selling, repairing, or servicing
3 implements of husbandry or agricultural commercial motor vehicles.

4 (b) The department may issue annual or consecutive month permits to dealers
5 authorizing implements of husbandry and agricultural commercial motor vehicles
6 exceeding size or weight limitations under this chapter to be operated or transported
7 on the highway for purposes related to the purchase or sale, repair, or servicing of
8 the implement of husbandry or agricultural commercial motor vehicle.

9 (c) Any person operating or transporting an implement of husbandry under a
10 permit issued under this subsection shall comply with ss. 347.24 (3), 347.245 (1), and
11 347.25 (2g), as applicable. For purposes of this paragraph, the requirements under
12 ss. 347.24 (3), 347.245 (1), and 347.25 (2g) shall apply to an implement of husbandry
13 being transported to the same extent as if the implement of husbandry were being
14 operated.

15 (d) A permit issued under this subsection may not authorize the operation or
16 transportation of any implement of husbandry or agricultural commercial motor
17 vehicle in excess of any weight limitation posted as provided in s. 348.17 (1) or on any
18 highway that is a part of the national system of interstate and defense highways.

19 (e) To the extent possible, a permittee under this subsection shall use state
20 trunk highways and county trunk highways in operating or transporting
21 implements of husbandry and agricultural commercial motor vehicles under the
22 permit and shall avoid using highways that have limited-capacity structures.

23 (f) A permit issued under this subsection shall require that, each time the
24 permittee operates or transports an implement of husbandry or agricultural

1 commercial motor vehicle on the highway under the permit, the permittee notify the
2 department, within 72 hours after the operation or transportation, of the route used.

3 **SECTION 55.** 348.27 (19) of the statutes is created to read:

4 348.27 (19) NO-FEE PERMITS FOR IMPLEMENTS OF HUSBANDRY AND AGRICULTURAL
5 COMMERCIAL MOTOR VEHICLES THAT EXCEED LENGTH OR WEIGHT LIMITATIONS. (a) In this
6 subsection, “maintaining authority” means the following:

7 1. The department or its designee, with respect to state trunk highways.

8 2. The municipality or county responsible for maintenance of the highway or
9 its designee, with respect to any highway that is not a state trunk highway, including
10 any connecting highway.

11 (b) 1. Subject to subd. 3. and par. (c), a person may apply to the maintaining
12 authority of a highway for a no-fee permit to operate an implement of husbandry or
13 agricultural commercial motor vehicle that exceeds limitations on length or weight,
14 or both, imposed by this chapter. Upon receiving an application for a no-fee permit
15 under this subsection, the maintaining authority shall provide the applicant with a
16 final decision on the application within 3 weeks of its receipt.

17 2. Subject to subd. 3. and par. (c), any person to whom a no-fee permit has been
18 issued under this subsection may, at any time, apply for an amendment to the permit
19 to reflect a change in the applicant’s circumstances or information, including a
20 change in the listing or map of highways to be traveled. Upon receiving an
21 application for amendment under this subdivision, the maintaining authority shall
22 provide the applicant with a decision on the application within 5 business days of its
23 receipt.

24 3. Except as provided in subd. 5. b., an application under subd. 1. or 2. shall be
25 made on the form prescribed by the department under par. (d) 1.

1 4. If a maintaining authority denies a permit application under subd. 1. or 2.,
2 it shall notify the applicant in writing of the denial and the notice shall include a
3 reasonable and structurally based explanation of the denial. If the application is
4 made with respect to an implement of husbandry described in s. 340.01 (24) (a) 1. b.,
5 any denial shall also include a suggested alternate list or map of highways for
6 operation of the implement of husbandry.

7 5. a. The governing body of a municipality may, by resolution or ordinance,
8 authorize operation on any or all highways under the municipality's jurisdiction of
9 implements of husbandry and agricultural commercial motor vehicles that exceed
10 limitations on length or weight, or both, imposed by this chapter. A resolution or
11 ordinance adopted under this subd. 5. a. is valid only for one calendar year and, to
12 be valid in any succeeding calendar year, must be reaffirmed by the governing body
13 of the municipality.

14 b. If a person applies for a no-fee permit to operate an implement of husbandry
15 or agricultural commercial motor vehicle on a highway for which authorization is
16 provided by resolution or ordinance under subd. 5. a., then subd. 3. and par. (c) 3. do
17 not apply to the application and the maintaining authority may respond with a form
18 letter and a copy of the resolution or ordinance, which shall serve as the approved
19 permit under this subsection.

20 (c) 1. With respect to any highway under its jurisdiction, a maintaining
21 authority may issue a no-fee permit authorizing operation on the highway of an
22 implement of husbandry or agricultural commercial motor vehicle that exceeds
23 limitations on length or weight, or both, imposed by this chapter if the applicable
24 requirements of this subsection are satisfied.

1 2. A no-fee permit issued under this subsection does not exempt any implement
2 of husbandry or agricultural commercial motor vehicle from complying with all
3 equipment and other requirements for an implement of husbandry or agricultural
4 commercial motor vehicle specified in ch. 347.

5 3. Except as provided in par. (b) 5. b., an application for a no-fee permit under
6 this subsection shall be accompanied by a listing or map of the highways that may
7 potentially be traveled under authorization of the permit.

8 4. A no-fee permit issued under this subsection is not valid on any highway that
9 is a part of the national system of interstate and defense highways.

10 5. No fee may be charged for issuance or amendment of a permit under this
11 subsection, or for any study, investigation, or other review in connection with an
12 application for a permit or amendment of a permit under this subsection.

13 (d) 1. The department shall prescribe an application form for no-fee permits,
14 and amendments to no-fee permits, under this subsection. Except with respect to
15 permits under par. (b) 5. b., this form shall be used by each maintaining authority.
16 The application form shall require the applicant to provide, on the form or as an
17 attachment, all of the following information:

18 a. The applicant's contact information.

19 b. A listing or map of the highways that may potentially be traveled under
20 authorization of the permit.

21 c. Identification of the types of implements of husbandry or agricultural
22 commercial motor vehicles for which the application is made; the length, number of
23 axles, make, model, and estimated weight of the implements of husbandry or
24 agricultural commercial motor vehicles; and the time of year and frequency that

1 these implements of husbandry or agricultural commercial motor vehicles are
2 expected to be operated on the highway.

3 d. Changes to the original application when requesting an amendment to a
4 previously issued no-fee permit.

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

6 2. The department shall prescribe a procedure for the submission of
7 applications to the maintaining authority under par. (b) 1. and 2. The procedure
8 shall allow an application to be submitted by mail, including certified mail, by
9 electronic transmission, or in person, and shall include a method for accurately
10 documenting the date of receipt of the application regardless of which delivery
11 method is used.

12 (e) 1. In this paragraph, “adverse determination” means the denial of an
13 application for issuance or amendment of a no-fee permit under this subsection.

14 2. Notwithstanding s. 348.25 (9), any person aggrieved by an adverse
15 determination by a municipality or county may obtain review of the adverse
16 determination in the manner provided in ch. 68 or as provided under an ordinance
17 or resolution adopted under s. 68.16. However, review of the initial determination
18 of the municipality or county, under s. 68.09 or 68.10 or under the equivalent
19 provision of an ordinance or resolution adopted by a municipality under s. 68.16,
20 shall be made by, respectively, the governing body of the municipality or the county
21 highway committee of the county.

22 3. Any person aggrieved by an adverse determination by the department may
23 petition as provided in s. 348.25 (9).

24 **SECTION 56. Nonstatutory provisions.**

1 (1) No later than the 30th day after the effective date of this subsection, the
2 department of transportation shall prescribe the form and procedures specified in
3 section 348.27 (19) (d) of the statutes, as created by this act. For purposes of this
4 subsection, the form and procedures shall not be considered a rule under section
5 227.01 (13) of the statutes.

6 (2) Notwithstanding section 348.27 (19) (b) 3. and (d) 1. of the statutes, as
7 created by this act, applications under section 348.27 (19) (b) 1. and 2. of the statutes,
8 as created by this act, are not required to be made on the form prescribed under
9 section 348.27 (19) (d) 1. of the statutes, as created by this act, until January 1, 2015.

10 (3) Notwithstanding section 13.096 (2) of the statutes, the department of
11 transportation shall not prepare a report on this bill under section 13.096 (2) and (3)
12 of the statutes because the department recently completed the Implements of
13 Husbandry Study, with a Phase II report dated July 31, 2013, and a Phase II
14 addendum report dated September 20, 2013, which contained the same or similar
15 information that would be contained in a report on this bill under section 13.096 (2)
16 and (3) of the statutes.

17 **SECTION 57. Effective dates.** This act takes effect on the 30th day after the
18 day of publication, except as follows:

19 (1) SECTION 56 (1) of this act takes effect on the day after publication.

20 (2) The treatment of sections 100.47 (2) (c), 346.05 (1) (g), 346.09 (1), 346.13 (1),
21 (2), (3), and (4), 347.21 (1m) and (2), 347.22 (2), 347.24 (3), 347.245 (1) and (5), 347.25
22 (2g), and 348.27 (14r) (c) of the statutes takes effect on the first day of the 19th month
23 beginning after publication.

