

**2015 DRAFTING REQUEST**

**Bill**

Received: 3/16/2015 Received By: agary  
Wanted: As time permits Same as LRB:  
For: Jerry Petrowski (608) 266-2502 By/Representing: Tim Fiocchi  
May Contact: Drafter: agary  
Subject: Transportation - highways Addl. Drafters:  
Transportation - motor vehicles Extra Copies:  
Transportation - other  
Transportation - traffic laws

Submit via email: YES  
Requester's email: Sen.Petrowski@legis.wisconsin.gov  
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Implements of husbandry and agricultural commercial motor vehicles (trailer legislation to 2013 Act 377)

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**Instructions:**

Companion to LRB-0648; see attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 3/16/2015	csicilia 3/16/2015	rschluet 3/16/2015	_____			
/1				_____	lparisi 3/16/2015	mbarman 3/16/2015	State S&L

FE Sent For:

*at intro*  
*3/23/15*

<END>

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/? agary

Handwritten: 1 3/16 15

Handwritten signature and date 3/16/15

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FE Sent For:

<END>

Handwritten note: PAs: Please jacket /1. Thx. ARG

## Gary, Aaron

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**From:** Fiocchi, Tim  
**Sent:** Monday, March 16, 2015 10:39 AM  
**To:** Gary, Aaron  
**Cc:** Portz, Elisabeth  
**Subject:** Companion loH draft and jacket

Hi Aaron,

Can you send me a Senate companion to 0648 and jacket?

---

Thanks,

Tim

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



State of Wisconsin  
2015 - 2016 LEGISLATURE

in  
3/16

-1984/1  
LRB-~~05481~~  
ARG:sac&cjs:rs

2015 BILL

TODAY

stays

Companion - no changes

SA✓

Gen Cat

1 AN ACT *to renumber and amend* 340.01 (1o) (e); *to amend* 340.01 (24) (a) 1.  
2 b. and c. and 2., 348.01 (2) (bp), 348.05 (3m) (a), 348.06 (2) (intro.), 348.07 (1),  
3 348.07 (2) (e) 2., 348.09 (3), 348.15 (3) (b), 348.15 (3) (g) (intro.), 348.15 (9) (a),  
4 348.15 (9) (b), 348.15 (9) (c) 1., 348.15 (9) (d), 348.15 (9) (e) 1. (intro.), 348.15 (9)  
5 (e) 2., 348.15 (9) (e) 3., 348.15 (9) (f) 1., 348.15 (9) (f) 2. a., 348.15 (9) (f) 2. b.,  
6 348.15 (9) (f) 2. c., 348.15 (9) (f) 3., 348.16 (2), 348.21 (3t) (b), 348.27 (19) (b) 1.,  
7 348.27 (19) (b) 4m. a., 348.27 (19) (b) 5. a., 348.27 (19) (b) 5. c., 348.27 (19) (b)  
8 5. d., 348.27 (19) (c) 1., 348.27 (19) (d) 3. a. and 348.27 (19) (e) 2.; and *to create*  
9 340.01 (1o) (e) 4. and 5., 347.45 (5), 348.05 (3m), 348.05 (3m) (c), 348.07 (2r),  
10 348.15 (9) (cm), 348.15 (9) (e) 4., 348.15 (9) (f) 1m., 348.27 (19) (c) 1m., 348.27  
11 (19) (c) 8., 348.27 (19) (c) 9., 348.27 (19) (cm), 348.27 (19) (d) 1. cm., 348.27 (19)  
12 (d) 3. e. and 348.27 (19) (d) 4. of the statutes; **relating to:** operating implements

**BILL**

1 of husbandry and agricultural commercial motor vehicles on highways and  
2 transporting implements of husbandry by trailer on highways.

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

Current law includes various provisions relating to the operation on highways of implements of husbandry and agricultural commercial motor vehicles (agricultural CMVs). 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 may include a farm tractor or a towed vehicle such as a farm trailer or manure trailer. An implement of husbandry may also include such farm equipment as a self-propelled combine; a self-propelled forage harvester; self-propelled fertilizer or pesticide application equipment (but not including manure application equipment); a power unit towing tillage, planting, or cultivation equipment; or another self-propelled vehicle that directly engages in harvesting farm products, directly applies fertilizer, spray, or seeds (but not manure), or distributes feed to livestock (hereafter “farm equipment”). An implement of husbandry may also be a combination of vehicles in which each vehicle in the combination is an implement of husbandry or in which a towed implement of husbandry, such as a farm trailer, is towed by a farm truck, farm truck tractor, or motor truck. An agricultural CMV is a commercial motor vehicle that: 1) is substantially designed or equipped, or materially altered from its original construction, for the purpose of agricultural use; 2) was designed and manufactured primarily for highway use and, with an exception, was manufactured to meet federal motor vehicle highway safety standards; 3) is used exclusively in the conduct of agricultural operations; and 4) 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.

This bill makes changes to the definitions of implement of husbandry and agricultural CMV. Under the bill, a combination of vehicles is an implement of husbandry if the combination consists of any implement of husbandry towed by a farm truck, farm truck tractor, or motor truck. The bill also specifies that a power unit towing harvesting equipment is an implement of husbandry of the farm equipment type and that a grain cart is an implement of husbandry of the same type as a farm trailer. The bill clarifies that, if an implement of husbandry consists of a power unit towing tillage, planting, harvesting, or cultivation equipment, the power unit may be a farm tractor. The bill also specifies that a vehicle directly applying lime to a farm field may be an agricultural CMV. Under the bill, an agricultural CMV includes a vehicle assisting a harvesting vehicle by receiving farm products as they are harvested and includes a vehicle off-loading manure when field conditions do not permit manure application directly to the field.

Under current law, no person may operate on a highway any vehicle or combination of vehicles that exceeds certain statutory size or weight limits unless

**BILL**

the person obtains a permit issued by the Department of Transportation (DOT) or a local highway authority or unless an exception applies. Statutory restrictions on vehicle size and weight generally apply to the vehicle as loaded. The general statutory weight limits on vehicles and vehicle combinations operated on a highway include weight limits per wheel, axle, and group of axles (based on the number and spacing of axles). DOT and local highway authorities may also impose, by posting highway signs on weakened highways, special weight limits that are less than the general statutory weight limits. In addition, local authorities may designate highways under their jurisdiction as class “B” highways, which results, with exceptions, in the maximum permissible weight for vehicles on these highways being reduced to 60 percent of the otherwise applicable statutory weight.

Under current law, increased statutory per-axle and per-axle group weight limits for implements of husbandry and agricultural CMVs are approximately 15 percent higher than the general statutory weight limits. However, an implement of husbandry or agricultural CMV operated on a highway may not, without a permit, have a gross weight of more than 92,000 pounds, subject to limited exceptions. The increased weight allowance for implements of husbandry and agricultural CMVs, and the gross weight limit of 92,000 pounds, expires on January 1, 2020, at which time the general statutory weight limits again apply to implements of husbandry and agricultural CMVs.

Under current law, there are additional weight limit exceptions applicable to implements of husbandry and agricultural CMVs operated on a highway, which also expire on January 1, 2020. For example, there is no weight limit per wheel, axle, or group of axles for any of the following implements of husbandry: 1) an empty potato harvester if certain conditions are met; 2) farm equipment traveling between fields, or between a farm and a field, on the highway for a distance of 0.5 miles or less; or 3) farm equipment operated on a highway under the jurisdiction of a county or municipality, unless the county or municipality has adopted an ordinance designating statutory weight limits for the highway. A potato harvester identified in item 1), above, and farm equipment identified in item 3), above, is subject to the gross weight limit of 92,000 pounds, but farm equipment identified in item 2), above, is not. These implements of husbandry identified in items 1) to 3), above, are subject to posted special weight limits but are not subject to a reduction of permissible weight on class “B” highways. In addition, there is no weight limit per wheel, axle, or group of axles, and no gross weight limit, for an implement of husbandry or agricultural CMV being operated or transported by an implement dealer or farmer for repair, servicing, or delivery if certain conditions are met, but these vehicles are subject to posted special weight limits. If a county or municipality has adopted an ordinance designating statutory weight limits for farm equipment as provided in item 3), above, the ordinance must be valid for at least one calendar year and must be adopted on or before January 15 of the calendar year in which it takes effect. The county or municipality must also forward to DOT a copy of the ordinance and DOT must publish it on DOT’s Internet site.

This bill provides that the additional weight limit exceptions identified in items 2) and 3), above, also apply to an agricultural CMV except when being used to apply

**BILL**

or offload manure or assist a harvester. The bill expands the increased weight limit for implements of husbandry and agricultural CMVs operated on a highway to also apply to two-vehicle combinations transporting by trailer or semitrailer an implement of husbandry or agricultural CMV from farm to field, from field to field, or from farm to farm. Subject to the exceptions discussed below, the 92,000 pound gross weight limit also applies to these two-vehicle combinations transporting implements of husbandry or agricultural CMVs, and this increased weight allowance also expires on January 1, 2020. The bill further provides that the additional weight limit exceptions identified in items 1) to 3), above, also apply to a two-vehicle combination transporting by trailer or semitrailer such an implement of husbandry or agricultural CMV (with respect to items 2) and 3)) from farm to field, from field to field, or from farm to farm. Under the bill, an ordinance designating statutory weight limits for farm equipment as provided in item 3), above, and any amendment to such an ordinance, must be adopted on or before November 30 of the year before the ordinance or amendment takes effect and must be forwarded to DOT no later than January 20 of the year it takes effect. The bill also removes a limitation under current law that provisions applicable to potato harvesters apply only if the potato harvester is a self-propelled vehicle.

Under current law, a “maintaining authority” of a highway may issue a “no-fee permit” authorizing operation on the highway of implements of husbandry and agricultural CMVs that exceed statutory weight limits. These permits may be issued, and remain valid, only until January 1, 2020. Current law 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. 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. With limited exceptions, information in the permit application must be kept confidential. If a no-fee permit is issued, upon application, the 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. 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 that relates to the preservation of the roadway. If the application is made with respect to farm equipment and the only basis to deny the application is the listing or map of highways accompanying the application, the maintaining authority must modify the application to include an approved alternate route or map of highways for operation of the farm equipment and approve the application. This approved alternate route or map of highways may include highways that are not under the jurisdiction of the maintaining authority issuing the permit only upon prior approval of the maintaining authority having jurisdiction over those highways. If a no-fee permit application is denied, the applicant has a right to administrative review of the decision.

This bill allows a no-fee permit to be issued for a two-vehicle combination transporting by trailer or semitrailer an implement of husbandry or agricultural



**BILL**

CMV from farm to field, from field to field, or from farm to farm. In addition, for purposes of permit issuance, the bill treats agricultural CMVs in a manner similar to farm equipment. The bill also specifies that a vehicle or vehicle combination operating under a no-fee permit on a highway under the jurisdiction of the maintaining authority that issued the permit may cross any intersecting highway. Under the bill, a municipality is not subject to open meetings requirements in making its initial determination on an application for a no-fee permit. The bill further requires a local authority, in a meeting to review the denial of a no-fee permit application, to deliberate or conduct any proceeding related to the review in closed session, with the permit applicant present for any evidentiary hearing or argument. The local authority must keep confidential all information provided by the permit applicant during the proceeding, but this information may be included in the written decision and may be disclosed in any court proceeding for judicial review of the decision.

Under current law, a county or municipality may, by ordinance, authorize operation of implements of husbandry and agricultural CMVs exceeding statutory length or weight limitations on any or all highways under the county's or municipality's jurisdiction. The ordinance serves as a no-fee permit. The ordinance must be valid for at least one calendar year and must be adopted on or before January 15 of the calendar year in which it takes effect. The county or municipality must also forward to DOT a copy of the ordinance and DOT must publish it on DOT's Internet site. Under the bill, the ordinance, and any amendment to the ordinance, must be adopted on or before November 30 of the year before the ordinance or amendment takes effect and must be forwarded to DOT no later than January 20 of the year it takes effect.

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. However, there is generally no width limitation for implements of husbandry operated on a highway, although certain wide implements of husbandry are subject to lighting and marking requirements. There is also no width limitation if the implement of husbandry is being operated or transported by an implement dealer or farmer for repair, servicing, or delivery and certain conditions are met.

Under this bill, there is no width limitation for implements of husbandry being transported by trailer or semitrailer on a highway from farm to field, from field to field, or from farm to farm, at times other than hours of darkness, although certain wide implements of husbandry are subject to lighting and marking requirements.

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, an implement of husbandry operated on a highway without a permit may not exceed 60 feet in length if the implement of husbandry is a single vehicle or 100 feet in length if the implement of husbandry is a two-vehicle combination. These same length limits also apply if the implement of husbandry is being operated or transported by an implement dealer or farmer for repair, servicing, or delivery and certain conditions are met.

**BILL**

Under this bill, these same length limits also apply to an implement of husbandry being transported by trailer or semitrailer on a highway from farm to field, from field to field, or from farm to farm. The bill also provides for an overall length limit of 100 feet for a two-vehicle combination transporting by trailer or semitrailer an implement of husbandry from farm to field, from field to field, or from farm to farm.

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 limit for an implement of husbandry. However, with an exception, the operator of the implement of husbandry is responsible for ensuring that there is adequate height clearance between the implement of husbandry and overhead structures or obstructions.

Under this bill, there is no height limit for a two-vehicle combination transporting by trailer or semitrailer an implement of husbandry from farm to field, from field to field, or from farm to farm, but the operator of the two-vehicle combination is, with an exception, responsible for ensuring that there is adequate height clearance between the implement of husbandry being transported and any overhead structure or obstruction.

Under current law, vehicle equipment requirements do not apply to implements of husbandry unless application is expressly specified by statute. Current law prohibits a person from operating on a highway any vehicle, including an implement of husbandry, that has on the periphery of its tires any flange, cleat, or other protuberance of any material other than rubber that projects beyond the tread of the traction surface of the tire, except that implements of husbandry may be operated with metal tires or tires having protuberances that will not injure the highway.

This bill specifies that an implement of husbandry having rubber tracks or tracks made of equivalent material may be operated on a highway if it will not injure the highway.

Under current law, if any bill introduced in either house of the legislature directly or indirectly establishes an exception to vehicle weight limits, 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.

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

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

- 1           **SECTION 1.** 340.01 (1o) (e) of the statutes is renumbered 340.01 (1o) (e) (intro.)  
2 and amended to read:

**BILL**

1           340.01 (1o) (e) (intro.) The vehicle is ~~directly engaged in~~ being used in any of  
2 the following ways:

3           1. For directly harvesting farm products, directly applies.

4           2. For directly applying fertilizer, lime, spray, or seeds, but not manure, to a  
5 farm field, or distributes.

6           3. For directly distributing feed to livestock.

7           **SECTION 2.** 340.01 (1o) (e) 4. and 5. of the statutes are created to read:

8           340.01 (1o) (e) 4. For assisting another vehicle directly harvesting farm  
9 products by receiving farm products as they are harvested.

10          5. For directly applying manure to a farm field or for off-loading manure if field  
11 conditions do not permit manure application by the vehicle directly to the field.

12          **SECTION 3.** 340.01 (24) (a) 1. b. and c. and 2. of the statutes are amended to read:

13          340.01 (24) (a) 1. b. A self-propelled combine; a self-propelled forage  
14 harvester; self-propelled fertilizer or pesticide application equipment but not  
15 including manure application equipment; towed tillage, planting, harvesting, and  
16 cultivation equipment and its towing farm tractor or other power unit; or another  
17 self-propelled vehicle that directly engages in harvesting farm products, directly  
18 applies fertilizer, spray, or seeds but not manure, or distributes feed to livestock.

19          c. A farm wagon, grain cart, farm trailer, manure trailer, or trailer adapted to  
20 be towed by, or to tow or pull, another implement of husbandry.

21          2. A combination of vehicles in which each vehicle in the vehicle combination  
22 is an implement of husbandry as described in subd. 1. or in which an implement of  
23 husbandry described in subd. 1. -e- is towed by a farm truck, farm truck tractor, or  
24 motor truck.

25          **SECTION 4.** 347.45 (5) of the statutes is created to read:

**BILL****SECTION 4**

1           347.45 (5) Notwithstanding sub. (2), an implement of husbandry equipped  
2 with rubber tracks or tracks made of equivalent material may be operated on a  
3 highway if such operation will not injure the highway.

4           **SECTION 5.** 348.01 (2) (bp) of the statutes is amended to read:

5           348.01 (2) (bp) “Potato harvester” means ~~a self-propelled~~ an implement of  
6 husbandry designed and used exclusively for harvesting potatoes.

7           **SECTION 6.** 348.05 (3m) of the statutes is created to read:

8           348.05 (3m) (a) Implements of husbandry of any width may be transported by  
9 trailer or semitrailer, without a permit, on a highway from farm to field, from field  
10 to field, or from farm to farm, at times other than hours of darkness.

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

13           **SECTION 7.** 348.05 (3m) (a) of the statutes, as created by 2015 Wisconsin Act  
14 .... (this act), is amended to read:

15           348.05 (3m) (a) ~~Implements~~ Subject to par. (c), implements of husbandry of any  
16 width may be transported by trailer or semitrailer, without a permit, on a highway  
17 from farm to field, from field to field, or from farm to farm, at times other than hours  
18 of darkness.

19           **SECTION 8.** 348.05 (3m) (c) of the statutes is created to read:

20           348.05 (3m) (c) Paragraph (a) applies only if the person transporting the  
21 implement of husbandry complies with ss. 347.24 (3), 347.245 (1), and 347.25 (2g),  
22 as applicable. For purposes of this paragraph, the requirements under ss. 347.24 (3),  
23 347.245 (1), and 347.25 (2g) shall apply to an implement of husbandry being  
24 transported to the same extent as if the implement of husbandry were being  
25 operated.

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1           **SECTION 9.** 348.06 (2) (intro.) of the statutes is amended to read:

2           348.06 (2) (intro.) Implements of husbandry, and 2-vehicle combinations  
3 transporting by trailer or semitrailer implements of husbandry from farm to field,  
4 from field to field, or from farm to farm, of any height may be operated upon a  
5 highway without a permit for excessive height. The operator of the implement of  
6 husbandry or 2-vehicle combination is responsible for ensuring that there is  
7 adequate height clearance between the implement of husbandry being operated or  
8 transported and any overhead structure or obstruction, other than a structure or  
9 obstruction that is any of the following:

10           **SECTION 10.** 348.07 (1) of the statutes is amended to read:

11           348.07 (1) No person, without a permit therefor, may operate on a highway any  
12 single vehicle with an overall length in excess of 45 feet or any combination of 2  
13 vehicles with an overall length in excess of 70 feet, except as otherwise provided in  
14 subs. (2), (2a), (2m), (2r), and (4m) and s. 348.08 (1).

15           **SECTION 11.** 348.07 (2) (e) 2. of the statutes is amended to read:

16           348.07 (2) (e) 2. One hundred feet for implements of husbandry that are  
17 2-vehicle combinations and for 2-vehicle combinations transporting by trailer or  
18 semitrailer implements of husbandry from farm to field, from field to field, or from  
19 farm to farm.

20           **SECTION 12.** 348.07 (2r) of the statutes is created to read:

21           348.07 (2r) Subsection (2) (e) also applies to implements of husbandry while  
22 being transported by trailer or semitrailer on a highway from farm to field, from field  
23 to field, or from farm to farm.

24           **SECTION 13.** 348.09 (3) of the statutes is amended to read:

**BILL****SECTION 13**

1           348.09 (3) This section does not apply if the load is an implement of husbandry  
2 ~~or agricultural commercial motor vehicle~~ being transported as provided in s. 348.05  
3 (2g) or (3m).

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

5           348.15 (3) (b) The gross weight imposed on the highway by the wheels of any  
6 one axle may not exceed 20,000 pounds or, if the vehicle or combination of vehicles  
7 is an implement of husbandry or agricultural commercial motor vehicle, or is a  
8 2-vehicle combination transporting by trailer or semitrailer an implement of  
9 husbandry or agricultural commercial motor vehicle from farm to field, from field to  
10 field, or from farm to farm, and is operated on or before January 1, 2020, 23,000  
11 pounds. In addition, the gross weight imposed on the highway by the wheels of the  
12 steering axle of a truck tractor may not exceed 13,000 pounds unless the  
13 manufacturer's rated capacity of the axle and the tires is sufficient to carry the  
14 weight, but not to exceed 20,000 pounds.

15           **SECTION 15.** 348.15 (3) (g) (intro.) of the statutes is amended to read:

16           348.15 (3) (g) (intro.) Notwithstanding par. (c), if the vehicle or combination of  
17 vehicles is an implement of husbandry or agricultural commercial motor vehicle, or  
18 is a 2-vehicle combination transporting by trailer or semitrailer an implement of  
19 husbandry or agricultural commercial motor vehicle from farm to field, from field to  
20 field, or from farm to farm, and is operated on or before January 1, 2020, the gross  
21 weight imposed on the highway by any group of 2 or more consecutive axles of the  
22 vehicle or vehicle combination may not exceed the maximum gross weights in the  
23 following table for each of the respective distances between axles and the respective  
24 numbers of axles of a group: [See Figure 348.15 (3) (g) following]

25           **SECTION 16.** 348.15 (9) (a) of the statutes is amended to read:

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1           348.15 (9) (a) Except as provided in pars. (c), (cm), (e), and (f), the increased  
2 weight allowance for implements of husbandry and agricultural commercial motor  
3 vehicles under sub. (3) (b) and (g) applies in lieu of, not in addition to, any other  
4 increased weight allowance for implements of husbandry authorized under this  
5 chapter.

6           **SECTION 17.** 348.15 (9) (b) of the statutes is amended to read:

7           348.15 (9) (b) Except as provided in par. (e), the maximum gross weight for an  
8 implement of husbandry or agricultural commercial motor vehicle operated on a  
9 highway without a permit may not exceed 92,000 pounds. Except as provided in par.  
10 (e), the maximum gross weight for a 2-vehicle combination transporting by trailer  
11 or semitrailer an implement of husbandry or agricultural commercial motor vehicle  
12 from farm to field, from field to field, or from farm to farm, and operated on a highway  
13 without a permit, may not exceed 92,000 pounds.

14           **SECTION 18.** 348.15 (9) (c) 1. of the statutes is amended to read:

15           348.15 (9) (c) 1. Notwithstanding sub. (3) (a), (b), (c), and (g), there is no weight  
16 limitation per wheel, axle, or group of axles for an implement of husbandry that is  
17 an empty potato harvester if, subject to subd. 2., the potato harvester is accompanied  
18 by one or more escort vehicles operating with hazard lights activated, except that  
19 such a potato harvester is subject to any weight limitation posted as provided in s.  
20 348.17 (1). Except as provided in par. (e), a potato harvester is subject to the  
21 maximum gross weight limitation for implements of husbandry specified in par. (b).

22           **SECTION 19.** 348.15 (9) (cm) of the statutes is created to read:

23           348.15 (9) (cm) 1. Notwithstanding sub. (3) (a), (b), (c), and (g), there is no  
24 weight limitation per wheel, axle, or group of axles for a 2-vehicle combination  
25 transporting by trailer or semitrailer an empty potato harvester from farm to field,

**BILL**

1 from field to field, or from farm to farm if, subject to subd. 2., the 2-vehicle  
2 combination is accompanied by one or more escort vehicles operating with hazard  
3 lights activated, except that such a 2-vehicle combination is subject to any weight  
4 limitation posted as provided in s. 348.17 (1). Except as provided in par. (e), such a  
5 2-vehicle combination transporting a potato harvester is subject to the maximum  
6 gross weight limitation for 2-vehicle combinations transporting implements of  
7 husbandry specified in par. (b).

8 2. A 2-vehicle combination transporting a potato harvester is not required to  
9 be accompanied by any escort vehicle under subd. 1. if the potato harvester is being  
10 transported from farm to field, from field to field, or from farm to farm on a highway  
11 for a distance of 0.5 miles or less.

12 **SECTION 20.** 348.15 (9) (d) of the statutes is amended to read:

13 348.15 (9) (d) The increased weight allowance for implements of husbandry  
14 and agricultural commercial motor vehicles under sub. (3) (b) and (g) does not apply  
15 on any highway that is a part of the national system of interstate and defense  
16 highways. The increased weight allowance for 2-vehicle combinations transporting  
17 implements of husbandry or agricultural commercial motor vehicles under sub. (3)  
18 (b) and (g) does not apply on any highway that is a part of the national system of  
19 interstate and defense highways.

20 **SECTION 21.** 348.15 (9) (e) 1. (intro.) of the statutes is amended to read:

21 348.15 (9) (e) 1. (intro.) Notwithstanding par. (c) and sub. (3) (a), (b), (c), and  
22 (g), but subject to subd. 3., there is no weight limitation per wheel, axle, or group of  
23 axles, and no gross weight limitation, for an implement of husbandry or agricultural  
24 commercial motor vehicle while being operated or transported by an implement  
25 dealer or farmer for purposes of delivery, repair, or servicing of the implement of



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1 husbandry or agricultural commercial motor vehicle if the implement of husbandry  
2 or agricultural commercial motor vehicle is being operated or transported under  
3 either of the following circumstances:

4 **SECTION 22.** 348.15 (9) (e) 2. of the statutes is amended to read:

5 348.15 (9) (e) 2. Notwithstanding par. (c) and sub. (3) (a), (b), (c), and (g), but  
6 subject to subd. 3., there is no weight limitation per wheel, axle, or group of axles,  
7 and no gross weight limitation, for an implement of husbandry described in s. 340.01  
8 (24) (a) 1. b., or for an agricultural commercial motor vehicle used as described in s.  
9 340.01 (1o) (e) 1., 2., or 3., that is traveling between fields or between a farm and a  
10 field and is operated on the highway for a distance of 0.5 miles or less.

11 **SECTION 23.** 348.15 (9) (e) 3. of the statutes is amended to read:

12 348.15 (9) (e) 3. Subdivisions 1. and 2., and 4. do not apply on any highway that  
13 is a part of the national system of interstate and defense highways or that is posted  
14 with a weight limitation as provided in s. 348.17 (1).

15 **SECTION 24.** 348.15 (9) (e) 4. of the statutes is created to read:

16 348.15 (9) (e) 4. Notwithstanding par. (cm) and sub. (3) (a), (b), (c), and (g), but  
17 subject to subd. 3., there is no weight limitation per wheel, axle, or group of axles,  
18 and no gross weight limitation, for a 2-vehicle combination transporting by trailer  
19 or semitrailer an implement of husbandry described in s. 340.01 (24) (a) 1. b. or  
20 agricultural commercial motor vehicle used as described in s. 340.01 (1o) (e) 1., 2.,  
21 or 3. from farm to field, from field to field, or from farm to farm, on a highway for a  
22 distance of 0.5 miles or less.

23 **SECTION 25.** 348.15 (9) (f) 1. of the statutes is amended to read:

24 348.15 (9) (f) 1. Notwithstanding par. (c) and sub. (3) (a), (b), (c), and (g), and  
25 except as provided in subd. 3. and par. (e), there is no weight limitation per wheel,

**BILL**

1 axle, or group of axles, and no gross weight limitation other than that specified in par.  
2 (b), for an implement of husbandry described in s. 340.01 (24) (a) 1. b., or for an  
3 agricultural commercial motor vehicle used as described in s. 340.01 (1o) (e) 1., 2.,  
4 or 3., being operated on a highway that is not designated under subd. 2. a.

5 **SECTION 26.** 348.15 (9) (f) 1m. of the statutes is created to read:

6 348.15 (9) (f) 1m. Notwithstanding par. (cm) and sub. (3) (a), (b), (c), and (g),  
7 and except as provided in subd. 3. and par. (e), there is no weight limitation per wheel,  
8 axle, or group of axles, and no gross weight limitation other than that specified in par.  
9 (b), for a 2-vehicle combination transporting by trailer or semitrailer an implement  
10 of husbandry described in s. 340.01 (24) (a) 1. b. or agricultural commercial motor  
11 vehicle used as described in s. 340.01 (1o) (e) 1., 2., or 3. from farm to field, from field  
12 to field, or from farm to farm, on a highway that is not designated under subd. 2. a.

13 **SECTION 27.** 348.15 (9) (f) 2. a. of the statutes is amended to read:

14 348.15 (9) (f) 2. a. The governing body of a municipality or county may, by  
15 resolution or ordinance, designate highways under the municipality's or county's  
16 jurisdiction, for maintenance purposes, on which the statutory weight limits  
17 prescribed under this section, other than this paragraph, for implements of  
18 husbandry or agricultural commercial motor vehicles apply to implements of  
19 husbandry described in s. 340.01 (24) (a) 1. b., and to agricultural commercial motor  
20 vehicles used as described in s. 340.01 (1o) (e) 1., 2., or 3., that are operated or  
21 transported on the highway and to 2-vehicle combinations transporting them. If a  
22 resolution or ordinance is adopted under this subd. 2. a., any weight limit resulting  
23 from the resolution or ordinance is considered to be a weight limit imposed by this  
24 chapter and any violation is considered to be a violation of the applicable weight  
25 limits prescribed under this section.

**BILL**

1           **SECTION 28.** 348.15 (9) (f) 2. b. of the statutes is amended to read:

2           348.15 (9) (f) 2. b. For a resolution or ordinance under this subdivision to be  
3 effective in any calendar year, the resolution or ordinance must be adopted on or  
4 before ~~January 15 of that calendar year or in a~~ November 30 of the prior year. A  
5 resolution or ordinance adopted under this subdivision shall be valid for at least one  
6 calendar year. No amendment to a resolution or ordinance is effective in a calendar  
7 year unless the amendment was adopted on or before November 30 of the prior year.

8           **SECTION 29.** 348.15 (9) (f) 2. c. of the statutes is amended to read:

9           348.15 (9) (f) 2. c. ~~Each~~ No later than January 20 of the year after it adopts or  
10 amends a resolution or ordinance under this subdivision, each municipality or  
11 county that designates highways under subd. 2. a. shall forward to the department  
12 a copy of the resolution or ordinance, and the department shall publish the resolution  
13 or ordinance on the department's Internet site.

14           **SECTION 30.** 348.15 (9) (f) 3. of the statutes is amended to read:

15           348.15 (9) (f) 3. ~~Subdivision 1. does~~ Subdivisions 1. and 1m. do not apply on any  
16 highway that is a state trunk highway or that is posted with a weight limitation as  
17 provided in s. 348.17 (1).

18           **SECTION 31.** 348.16 (2) of the statutes is amended to read:

19           348.16 (2) Except as provided in sub. (3) and s. 348.175 and subject to any  
20 modifications made by a city of the first class pursuant to s. 349.15 (3), no person,  
21 without a permit therefor, shall operate on a class "B" highway any vehicle or  
22 combination of vehicles imposing wheel, axle, group of axles, or gross weight on the  
23 highway exceeding 60 percent of the weights authorized in s. 348.15 (3). This  
24 subsection does not apply, from April 24, 2014, to January 1, 2020, to ~~a potato~~  
25 ~~harvester or an implement of husbandry or agricultural commercial motor vehicle~~

**BILL****SECTION 31**

1 being operated or transported, or to a 2-vehicle combination transporting an  
2 implement of husbandry or agricultural commercial motor vehicle, as described in  
3 s. 348.15 (9) (c), (cm), (e), or (f) 1. or 1m.

4 **SECTION 32.** 348.21 (3t) (b) of the statutes is amended to read:

5 348.21 **(3t)** (b) In the case of a violation of s. 348.15 (3) (b) involving an  
6 implement of husbandry or agricultural commercial motor vehicle or a 2-vehicle  
7 combination transporting an implement of husbandry or agricultural commercial  
8 motor vehicle, the penalty shall be computed on the basis of a permissible weight of  
9 20,000 pounds.

10 **SECTION 33.** 348.27 (19) (b) 1. of the statutes is amended to read:

11 348.27 **(19)** (b) 1. Subject to subds. 3. and 5. b. and par. (c), a person may apply  
12 to the maintaining authority of a highway for an annual or consecutive month,  
13 no-fee permit to operate an implement of husbandry or agricultural commercial  
14 motor vehicle that exceeds limitations on length or weight, or both, imposed by this  
15 chapter. Subject to subds. 3. and 5. b. and par. (c), a person may also apply to the  
16 maintaining authority of a highway for an annual or consecutive month, no-fee  
17 permit to operate a 2-vehicle combination transporting by trailer or semitrailer an  
18 implement of husbandry or agricultural commercial motor vehicle that exceeds  
19 limitations on length or weight, or both, imposed by this chapter and that is being  
20 transported on the highway from farm to field, from field to field, or from farm to  
21 farm. Upon receiving an application for a no-fee permit under this subsection, the  
22 maintaining authority shall provide the applicant with a final decision on the  
23 application within 3 weeks of its receipt. If the maintaining authority fails to  
24 approve or deny the application within this 3-week period, the application is  
25 considered approved until the applicant receives a denial meeting the requirements

**BILL**

1 under subd. 4. or until 6 weeks from receipt of the application. If the maintaining  
2 authority fails to approve or deny the application within 6 weeks of its receipt, the  
3 application is approved.

4 **SECTION 34.** 348.27 (19) (b) 4m. a. of the statutes is amended to read:

5 348.27 (19) (b) 4m. a. If a maintaining authority receives a permit application  
6 with respect to an implement of husbandry described in s. 340.01 (24) (a) 1. b., or with  
7 respect to an agricultural commercial motor vehicle for use as described in s. 340.01  
8 (1o) (e) 1., 2., or 3., and the only basis to deny the application is the listing or map of  
9 highways under par. (c) 3. accompanying the application, the maintaining authority  
10 shall modify the application to include an approved alternate route or map of  
11 highways for operation or transportation of the implement of husbandry or  
12 agricultural commercial motor vehicle and approve the application.

13 **SECTION 35.** 348.27 (19) (b) 5. a. of the statutes is amended to read:

14 348.27 (19) (b) 5. a. The governing body of a municipality or county may, by  
15 resolution or ordinance, authorize operation on any or all highways under the  
16 municipality's or county's jurisdiction of implements of husbandry and agricultural  
17 commercial motor vehicles that exceed limitations on length or weight, or both,  
18 imposed by this chapter. The governing body of a municipality or county may also,  
19 by resolution or ordinance, authorize operation on any or all highways under the  
20 municipality's or county's jurisdiction of 2-vehicle combinations transporting by  
21 trailer or semitrailer an implement of husbandry or agricultural commercial motor  
22 vehicle that exceeds limitations on length or weight, or both, imposed by this chapter  
23 and that is being transported from farm to field, from field to field, or from farm to  
24 farm. If the governing body of a municipality or county adopts a resolution or  
25 ordinance under this subd. 5. a., the resolution or ordinance shall be valid for at least

**BILL****SECTION 35**

1 one calendar year. For a resolution or ordinance under this subd. 5. a. to be effective  
2 in any calendar year, the resolution or ordinance must be adopted on or before  
3 ~~January 15 of that calendar year or in a~~ November 30 of the prior year. No  
4 amendment to a resolution or ordinance is effective in a calendar year unless the  
5 amendment was adopted on or before November 30 of the prior year.

6 **SECTION 36.** 348.27 (19) (b) 5. c. of the statutes is amended to read:

7 348.27 (19) (b) 5. c. If the governing body of a municipality or county adopts a  
8 resolution or ordinance under subd. 5. a. that applies to fewer than all of the  
9 highways under the municipality's or county's jurisdiction or that authorizes  
10 operation or transportation of implements of husbandry and agricultural  
11 commercial motor vehicles but imposes conditions, restrictions, or limitations on this  
12 operation or transportation, then a person may apply for a permit under subd. 1. for  
13 operation or transportation of an implement of husbandry or agricultural  
14 commercial motor vehicle on any highway or under any circumstance not authorized  
15 by the resolution or ordinance.

16 **SECTION 37.** 348.27 (19) (b) 5. d. of the statutes is amended to read:

17 348.27 (19) (b) 5. d. ~~Each~~ No later than January 20 of the year after it adopts  
18 or amends a resolution or ordinance under this subdivision, each municipality or  
19 county that adopts a resolution or ordinance under this subdivision shall forward to  
20 the department a copy of the resolution or ordinance, and the department shall  
21 publish the resolution or ordinance on the department's Internet site.

22 **SECTION 38.** 348.27 (19) (c) 1. of the statutes is amended to read:

23 348.27 (19) (c) 1. With respect to any highway under its jurisdiction, and as  
24 provided in subd. 8, and par. (b) 4m. b., a maintaining authority may issue an annual  
25 or consecutive month, no-fee permit authorizing operation on the highway of an

**BILL**

1 implement of husbandry or agricultural commercial motor vehicle that exceeds  
2 limitations on length or weight, or both, imposed by this chapter if the applicable  
3 requirements of this subsection are satisfied.

4 **SECTION 39.** 348.27 (19) (c) 1m. of the statutes is created to read:

5 348.27 (19) (c) 1m. With respect to any highway under its jurisdiction, and as  
6 provided in subd. 9. and par. (b) 4m. b., a maintaining authority may issue an annual  
7 or consecutive month, no-fee permit authorizing operation on the highway of a  
8 2-vehicle combination transporting by trailer or semitrailer an implement of  
9 husbandry or agricultural commercial motor vehicle that exceeds limitations on  
10 length or weight, or both, imposed by this chapter and that is being transported from  
11 farm to field, from field to field, or from farm to farm, if the applicable requirements  
12 of this subsection are satisfied.

13 **SECTION 40.** 348.27 (19) (c) 8. of the statutes is created to read:

14 348.27 (19) (c) 8. In addition to the authorization under subd. 1., a no-fee  
15 permit issued under this subsection authorizes an implement of husbandry or  
16 agricultural commercial motor vehicle being operated in compliance with the permit  
17 to cross any highway that intersects with a highway under the jurisdiction of the  
18 maintaining authority that issued the permit.

19 **SECTION 41.** 348.27 (19) (c) 9. of the statutes is created to read:

20 348.27 (19) (c) 9. In addition to the authorization under subd. 1m., a no-fee  
21 permit issued under this subsection authorizes a 2-vehicle combination  
22 transporting an implement of husbandry or agricultural commercial motor vehicle  
23 in compliance with the permit to cross any highway that intersects with a highway  
24 under the jurisdiction of the maintaining authority that issued the permit.

25 **SECTION 42.** 348.27 (19) (cm) of the statutes is created to read:

**BILL**

1           348.27 (19) (cm) If a no-fee permit is issued under this subsection authorizing  
2 a 2-vehicle combination to transport by trailer or semitrailer an implement of  
3 husbandry, the permit shall require the person transporting the implement of  
4 husbandry to comply with ss. 347.24 (3), 347.245 (1), and 347.25 (2g), as applicable.

5 For purposes of this paragraph, the requirements under ss. 347.24 (3), 347.245 (1),  
6 and 347.25 (2g) shall apply to an implement of husbandry being transported to the  
7 same extent as if the implement of husbandry were being operated.

8           **SECTION 43.** 348.27 (19) (d) 1. cm. of the statutes is created to read:

9           348.27 (19) (d) 1. cm. If the application is for operation of a 2-vehicle  
10 combination transporting by trailer or semitrailer an implement of husbandry or  
11 agricultural commercial motor vehicle, a description of the power unit and trailer or  
12 semitrailer of the 2-vehicle combination, including make, model, estimated vehicle  
13 weight, and vehicle registration number, if applicable.

14           **SECTION 44.** 348.27 (19) (d) 3. a. of the statutes is amended to read:

15           348.27 (19) (d) 3. a. Except as provided in subd. 3. b., c., and d., and e., a  
16 maintaining authority shall keep confidential all information provided by an  
17 applicant for a permit under this subsection and this information is not open to public  
18 inspection, copying, or disclosure under s. 19.35.

19           **SECTION 45.** 348.27 (19) (d) 3. e. of the statutes is created to read:

20           348.27 (19) (d) 3. e. This subdivision does not prohibit a maintaining authority  
21 from disclosing information to the permit applicant or the applicant's agent or from  
22 disclosing, in any court proceeding, information necessary for judicial review of the  
23 maintaining authority's decision.

24           **SECTION 46.** 348.27 (19) (d) 4. of the statutes is created to read:



**BILL**

1           348.27 (19) (d) 4. In making its initial determination on an application for a  
2 no-fee permit under this subsection, a municipality is not subject to the  
3 requirements under subch. V of ch. 19.

4           **SECTION 47.** 348.27 (19) (e) 2. of the statutes is amended to read:

5           348.27 (19) (e) 2. Notwithstanding s. 348.25 (9), any person aggrieved by an  
6 adverse determination by a municipality or county may obtain review of the adverse  
7 determination in the manner provided in ch. 68 or as provided under an ordinance  
8 or resolution adopted under s. 68.16. However, review of the initial determination  
9 of the municipality or county, under s. 68.09 or 68.10 or under the equivalent  
10 provision of an ordinance or resolution adopted by a municipality under s. 68.16,  
11 shall be made by, respectively, the governing body of the municipality or the county  
12 highway committee of the county. Notwithstanding ss. 19.83 (1) and 19.85 (1), any  
13 deliberation or proceeding, at a meeting of the governing body of a municipality or  
14 county or any of its committees, related to review of an adverse determination shall  
15 be conducted in closed session, with the permit applicant and any agent of the  
16 applicant present for any evidentiary hearing or argument. The municipality or  
17 county shall keep confidential all information provided by or on behalf of the permit  
18 applicant during the proceeding and this information is not open to public inspection,  
19 copying, or disclosure under s. 19.35, except that this information may be included  
20 in the written decision provided to the permit applicant or applicant's agent and may  
21 be disclosed in any court proceeding for judicial review of the decision.

22           **SECTION 48. Nonstatutory provisions.**

23           (1) Notwithstanding section 13.096 (2) of the statutes, the department of  
24 transportation shall not prepare a report on this bill under section 13.096 (2) and (3)  
25 of the statutes.

