

2015 DRAFTING REQUEST

Bill

Received: 11/17/2014 Received By: agary
Wanted: As time permits Same as LRB:
For: Keith Ripp (608) 266-3404 By/Representing: Elisabeth Portz
May Contact: Drafter: agary
Subject: Transportation - highways Addl. Drafters:
Transportation - motor vehicles
Transportation - other Extra Copies: EVM, ZDW
Transportation - traffic laws

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

Pre Topic:

No specific pre topic given

Topic:

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

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	agary 12/9/2014	csicilia 12/17/2014	rschluet 11/25/2014	_____	srose 11/25/2014		State S&L
/P2	agary 1/30/2015	csicilia 2/5/2015	rschluet 12/17/2014	_____	mbarman 12/17/2014		State S&L
/P3	agary	csicilia	rschluet	_____	mbarman		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	3/3/2015	3/5/2015	3/6/2015	_____	2/5/2015		S&L
/P4	agary 3/10/2015	csicilia 3/10/2015	rschluet 3/10/2015	_____	mbarman 3/6/2015		State S&L
/1				_____	lparisi 3/10/2015	mbarman 3/16/2015	State S&L

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<END>

→ At
Intro.

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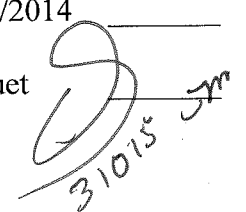
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/P4				_____	mbarman		State
				_____	3/6/2015		S&L

*1 gjs 3/10
15*

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CJS

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3/5/15 CJS

Vers. Drafted

Reviewed

Typed
2/5/2015

Proofed

Submitted
2/5/2015

Jacketed

Required
S&L

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104 g315 ^{3/5} <END>

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Handwritten notes:
/P3 gjs 2/15
/P3 gjs 2/15
[Signature] 2/15

FE Sent For:

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/P1	agary 11/21/2014	scalvin 11/24/2014	rschluet 11/25/2014		srose 11/25/2014		State S&L

FE Sent For: P2 gjs 12/17/14 / P2 gjs 12/17/14



<END>

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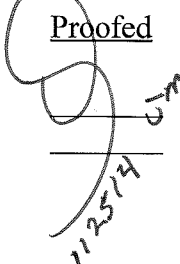
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/P1	agary	1P1 sac 11/24/2014	1P1 sac 11/24/2014				

FE Sent For:

<END>

Gary, Aaron

From: Portz, Elisabeth
Sent: Friday, November 14, 2014 11:12 AM
To: Fiocchi, Tim; Gary, Aaron
Subject: IoH Follow-Up Bill Draft

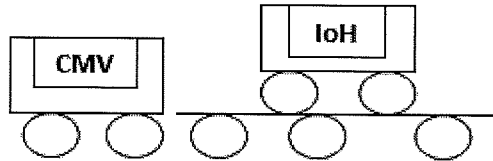
Good morning Aaron,

Hope you are ready for IoH, because here it is! These are items we would like folded into one bill.

1. We would like to provide parity between regulation of axle weights for IoH and Ag-CMV operated for purposes of spraying pesticides or spreading lime or fertilizer but not including manure. We would like to accomplish this by creating a category system similar to that for IoH. Under the current IoH law, IoH used primarily for planting and harvesting are included in category B and are subject to certain exemptions. We would like to make the same category for Ag-CMVs and apply the same exemptions (alternate route approval, opt-in option, etc.)
 - a. Located under 340.01 (1o)
2. AG-CMVs- spreaders into nursing trucks- need to clarify 340.01 (e) –clarify that it can also deliver fertilizer. Need to clarify what “directly applies” means.
 - a. Located under 340.01 (1o) (e)
 - b. Suggested language: “Directly applies” includes off-loading of manure if and only if field conditions do not permit application directly in the field.
3. Update “power unit” definition to stipulate that it also includes tractors.
 - a. Located under 340.01 (24) (a) (1) (b)
 - b. Came from Farm Bureau
4. Clarify that a farmer does not need a no-fee permit when crossing another maintaining authority’s roadway if they are overweight.
 - a. See following scenario: If a farmer is traveling along a town road with an IOH that requires a permit and needs to cross an intersection with a State road, does that farmer also need a permit to cross over the State road or is that considered incidental movement? Note: the farmers is not traveling along the State road, just through the intersection of the town road and the State road.
 - i. *Current Answer from DOT on current law “The legal answer is, yes, a No Fee Permit would be needed to cross the State highway if they are overweight. A statutory change would be needed to not require a State permit for this scenario.”*
5. Previous law before IoH specifically gave people the ability to move “wide” machinery on trailers between fields without having to get a permit. Now that IoH repealed a portion of that statute, anyone moving, towing or hauling wide IOH will have to get a special permit. Under Act 377, you can freely operate a wide IOH between fields without a permit, but because we repealed s. 348.05 (3), you cannot freely move, haul or tow wide IOH between fields without a special permit. We would like to re-instate the repealed language only for hours other than hours of darkness.
6. Provide clarity in Wisconsin Statute that tracked Implements of Husbandry are permissible on the road.
 - a. This would be in line with new DOT policy on tracked vehicles.
 - i. The policy (HMM 04-05-02) addresses this issue and recommends that only rubber tracks be used on roadways.
7. Increase the Size and Weight Limits for IoH Transported by Trailer

- a. Background: Many factors, including current motor carrier size/weight limits and the need to apply and pay for a permit, deter operators from using a trailer to carry IoH, which results in accelerated damage to pavements and structures from the higher axle weights.
- b. Recommendation: Allow an IoH to be transported by trailer without a permit from farm to field, field to field and farm to farm, in accordance with existing size/weight limits for IoH. Apply the same lighting and marking requirements that currently exist for wide IoH to this vehicle combination.

- Example:



A typical truck tractor and 3-axle semi-trailer weigh 35,000 lbs. This will allow the hauling of an IoH of up to 57,000 lbs. and accommodate power units with high axle weights to operate without a permit. This provision encourages the use of trailers in transporting IoH by removing certain barriers to IoH operation.

8. Expand the Eligibility for the No-fee Permit to Include IoH Transported by Trailer and Towed by Non-IoH Power Units
 - a. Background: Many factors, including current motor carrier size/weight limits and the need to apply and pay for a permit, deter operators from using a trailer to carry IoH, which results in accelerated damage to pavements and structures from the higher axle weights.
 - b. Recommendation: Expand the eligibility for a no-fee permit to non-IoH power unit and trailer transporting an IoH from farm to field, field to field and farm to farm. Apply the same lighting and marking requirements that currently exist for wide IoH to this vehicle combination.

Please let us know if you have any questions, and thanks for agreeing to take on the IoH follow-up! We appreciate your expertise on these issues.

Liz

Elisabeth Portz
 Clerk, Assembly Committee on Transportation
 Office of Wisconsin State Representative Keith Ripp
 42nd Assembly District
 (608) 266-3404



in
11/21



SAC

wanted by 11/26

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen car

1 AN ACT **relating to:** operating implements of husbandry and agricultural
2 commercial motor vehicles on highways and transporting implements of
3 husbandry by trailer on highways.

Analysis by the Legislative Reference Bureau

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

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

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

4 SECTION 1. 340.01 (1o) (e) of the statutes is renumbered 340.01 (1o) (e) (intro.)
5 and amended to read:

6 340.01 (1o) (e) ^(intro.) The vehicle is ~~directly engaged in~~ being used in any of the
7 following ways:

8 1. For directly harvesting farm products, directly applies fertilizer, spray, or,

1 2. For directly applying seeds to a farm field, or distributes,

2 7. For distributing feed to livestock.

History: 1971 c. 100 s. 23; 1971 c. 201, 211, 233, 277, 307; 1973 c. 86, 157, 182, 185, 272, 333, 335; 1973 c. 336 s. 79; 1975 c. 25, 120, 121, 136, 192, 199, 320, 326; 1975 c. 429 ss. 2m, 2r, 3, 4, 8, 9; 1977 c. 5; 1977 c. 29 ss. 1405 to 1410, 1654 (3); 1977 c. 30 s. 5; 1977 c. 43, 55, 57, 116, 193, 272, 288, 418; 1979 c. 36, 221; 1979 c. 333 s. 5; 1979 c. 345; 1981 c. 20, 159, 329; 1983 a. 27, 78, 124, 130, 175; 1983 a. 189 ss. 249, 329 (17m), (24); 1983 a. 223, 227, 243, 270, 457, 459; 1983 a. 512 s. 8; 1983 a. 538; 1985 a. 29, 65; 1985 a. 146 s. 8; 1985 a. 165, 187, 287; 1987 a. 259, 270, 349, 399; 1989 a. 31; 1989 a. 75 s. 1; 1989 a. 102; 1989 a. 105 ss. 13 to 30, 37, 41, 42; 1989 a. 134, 170; 1991 a. 39, 239, 269, 277, 316; 1993 a. 15, 16, 63, 159, 198, 213, 246, 260, 399, 436, 490; 1995 a. 27 s. 9145 (1); 1995 a. 36, 77, 113, 138, 225, 436, 448; 1997 a. 27, 164, 252, 277; 1999 a. 9, 31, 80, 85, 109, 140; 2001 a. 10, 16, 90, 102, 105, 109; 2003 a. 30, 33, 97, 192, 320, 321; 2005 a. 455; 2007 a. 11; 2007 a. 20 ss. 3190m, 3190p, 3220c; 2007 a. 27; 2007 a. 33 s. 8; 2007 a. 130, 175; 2009 a. 85, 97, 100, 122, 177, 311, 320; 2011 a. 32, 73, 101, 208, 265; 2013 a. 39, 67, 83, 103, 106, 165, 253, 325, 377.

3 **SECTION 2.** 340.01 (1o) (e) 3., 4., 5. and 6. of the statutes are created to read:

4 340.01 (1o) (e) 3. For directly applying lime or fertilizer, but not manure, to a
5 farm field.

****NOTE: In subds. 3. and 4., I have used the more specific terms in the instructions. Would you prefer a more generic provision, such as "For directly applying fertilizer or spray, but not manure, to a farm field," similar to the language of current law in s. 340.01 (1o) (e)?

6 340.01 (1o) (e) 4. For directly spraying pesticides on a farm field.

7 5. For delivering fertilizer, including manure, to a farm field.

****NOTE: In subd. 5., I think the provision should be clear as to whether or not "fertilizer" includes manure. I have assumed it does. Please let me know if you intended the opposite. If you intended the opposite, I don't understand how the manure, which cannot be delivered or applied by the agricultural commercial motor vehicle (AgCMV), can be "off-loaded" by it. See also note after subd. 6.

8 6. For off-loading manure delivered as provided in subd. 5. if field conditions
9 do not permit manure application by the vehicle directly to the field.

****NOTE: I'm not sure what "off-loading" entails, but this is the term used in the instructions. I'm also not sure how subd. 6. fits with subd. 3., since use of the vehicle to apply manure is not a qualifying use.

10 **SECTION 3.** 340.01^x (24) (a) 1. b. of the statutes is amended to read:

11 340.01 (24) (a) 1. b. A self-propelled combine; a self-propelled forage
12 harvester; self-propelled fertilizer or pesticide application equipment but not
13 including manure application equipment; towed tillage, planting, and cultivation
14 equipment and its towing farm tractor or other power unit; or another self-propelled
15 vehicle that directly engages in harvesting farm products, directly applies fertilizer,
16 spray, or seeds but not manure, or distributes feed to livestock.

History: 1971 c. 100 s. 23; 1971 c. 201, 211, 233, 277, 307; 1973 c. 86, 157, 182, 185, 272, 333, 335; 1973 c. 336 s. 79; 1975 c. 25, 120, 121, 136, 192, 199, 320, 326; 1975 c. 429 ss. 2m, 2r, 3, 4, 8, 9; 1977 c. 5; 1977 c. 29 ss. 1405 to 1410, 1654 (3); 1977 c. 30 s. 5; 1977 c. 43, 55, 57, 116, 193, 272, 288, 418; 1979 c. 36, 221; 1979 c. 333 s. 5; 1979

c. 345; 1981 c. 20, 159, 329; 1983 a. 27, 78, 124, 130, 175; 1983 a. 189 ss. 249, 329 (17m), (24); 1983 a. 223, 227, 243, 270, 457, 459; 1983 a. 512 s. 8; 1983 a. 538; 1985 a. 29, 65; 1985 a. 146 s. 8; 1985 a. 165, 187, 287; 1987 a. 259, 270, 349, 399; 1989 a. 31; 1989 a. 75 s. 1; 1989 a. 102; 1989 a. 105 ss. 13 to 30, 37, 41, 42; 1989 a. 134, 170; 1991 a. 39, 239, 269, 277, 316; 1993 a. 15, 16, 63, 159, 198, 213, 246, 260, 399, 436, 490; 1995 a. 27 s. 9145 (1); 1995 a. 36, 77, 113, 138, 225, 436, 448; 1997 a. 27, 164, 252, 277; 1999 a. 9, 31, 80, 85, 109, 140; 2001 a. 10, 16, 90, 102, 105, 109; 2003 a. 30, 33, 97, 192, 320, 321; 2005 a. 455; 2007 a. 11; 2007 a. 20 ss. 3190m, 3190p, 3220c; 2007 a. 27; 2007 a. 33 s. 8; 2007 a. 130, 175; 2009 a. 85, 97, 100, 122, 177, 311, 320; 2011 a. 32, 73, 101, 208, 265; 2013 a. 39, 67, 83, 103, 106, 165, 253, 325, 377.

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

2 347.45 (5) Notwithstanding sub. (2), an implement of husbandry equipped
3 with rubber tracks or tracks made of equivalent material may be operated on a
4 highway.

****NOTE: I believe this new sub. (5) is unnecessary unless your intent is to allow tracked implements of husbandry (IOHs) to damage the highway. Section 347.45 seems to be the only pertinent statutory provision. I believe that s. 347.45 (1) does not apply to IOHs. See s. 347.02 (1) (b), stats. I believe that s. 347.45 (2), which does apply to IOHs, allows for tracked IOHs if they “will not injure the highway.” See s. 347.02 (2) (a), stats. By implication, s. 347.45 (5), created above, would allow tracked IOHs that do injure the highway.

****NOTE: I have not amended s. 348.02 (2) in this draft. I concluded that the language in s. 348.02 (2) – “except as otherwise provided in this chapter” – is sufficient to cover the size exceptions in ss. 348.05 (3m) and 348.07 (2m) and (2r). As discussed in the Note after s. 348.15 (3) (h) of the draft, there is no weight exception to this provision, as the total permissible weight is calculated to include both the IOH (the load) and the vehicle combination transporting it.

5 **SECTION 5.** 348.05 (3m) of the statutes is created to read:

6 348.05 (3m) (a) Implements of husbandry of any width may be transported by
7 trailer or other means, without a permit, on a highway from farm to field, from field
8 to field, or from farm to farm, at times other than hours of darkness.

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

****NOTE: I have attempted to reconcile items 5. and 7. of the drafting instructions, which significantly overlap. In doing so, I first attempted to recreate parts of s. 348.05 (3), 2011 stats. (repealed by 2013 Act 377), as modified according to the drafting instructions. (For your reference, ss. 348.05 (3) and 348.27 (14), in their form just before repeal by Act 377, are repeated below.) Initially I prepared the new s. 348.05 (3m), based on the item 5. instructions, to read as follows: “(3m) Implements of husbandry of any width may be transported on a highway, without a permit, at times other than hours of darkness. This subsection does not apply to the national system of interstate and defense highways, except for that portion of I 39 between USH 51 and I 90/94.” This language is so broad that it would render other provisions surplusage and it also seems inconsistent with the item 7. instructions. I therefore revised the provision in an attempt to harmonize instruction items 5. and 7., which is the language that appears above.

****NOTE: The term “hours of darkness” is defined in s. 340.01 (23), stats.

****NOTE: Before its repeal in Act 377, s. 348.05 (3) read as follows: “Farm tractors exceeding 12 feet in width and all other farm machinery and implements of husbandry

exceeding 8 feet 6 inches in width not being operated in the course of performance of its work may be moved, towed or hauled over the highways without a special permit issued under s. 348.27 (14) 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. Such overwidth machinery shall not be moved, towed or hauled on any Wisconsin highway, other than any overwidth machinery that is not a commercial motor vehicle on that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39, which is part of the national system of interstate and defense highways without a special permit issued under s. 348.27 (14)."

****NOTE: Before its repeal in Act 377, s. 348.27 (14) read as follows: "FARM MACHINERY PERMITS. The department may issue annual or consecutive month permits for the movement, towing or hauling of farm tractors exceeding 12 feet in width and all other farm machinery and implements of husbandry exceeding 8 feet 6 inches in width not being operated in the course of performance of its work on highways designated as part of the national system of interstate and defense highways. A permit under this subsection is not required for the movement, towing or hauling of any overwidth machinery that is not a commercial motor vehicle and which is authorized by s. 348.05 (3) on that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39."

1 **SECTION 6.** 348.05 (3m) (a) of the statutes, as created by 2015 Wisconsin Act
2 (this act), is amended to read:

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

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

8 348.05 (3m) (c) Paragraph (a) applies only if the person transporting the
9 implement of husbandry complies with ss. 347.24 (3), 347.245 (1), and 347.25 (2g),
10 as applicable. For purposes of this paragraph, the requirements under ss. 347.24 (3),
11 347.245 (1), and 347.25 (2g) shall apply to an implement of husbandry being
12 transported to the same extent as if the implement of husbandry were being
13 operated.

****NOTE: This provision is somewhat similar to the provision in 2013 Act 377 allowing farmers and implement dealers to transport IOHs for purposes of repair.

Accordingly, the language in created s. 348.05 (3m) (c) is similar to the language in s. 348.05 (2g) (b), which takes effect on November 1, 2015.

****NOTE: In the provisions of 2013 Act 377 allowing farmers and implement dealers to transport IOHs for purposes of repair, no exception was created for height under s. 348.06. I cannot remember why, although an IOH placed on a trailer will extend higher and the trailer might be driven faster, possibly creating increased risk. Do you want to include any treatment in s. 348.06 relating to height limits for IOH carried on a trailer? Although there is no height limit for an IOH operated on a highway, under current law and this draft, the general 13.5 feet height limit would apply if the IOH is carried on a trailer, and the height would be measured from the ground to the top of the load, so it would include both the trailer and the projection of the IOH above the trailer. See s. 348.02 (2), stats.

1 SECTION 8. 348.07 (1) of the statutes is amended to read:

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

History: 1975 c. 279; 1977 c. 29 ss. 1487g to 1487m, 1654 (9) (b); 1977 c. 418; 1979 c. 255; 1981 c. 159, 176; 1983 a. 20, 78, 192; 1985 a. 165, 187; 1987 a. 30; 1991 a. 39, 72; 1995 a. 193; 1997 a. 27; 1999 a. 85, 186; 2003 a. 213, 234; 2005 a. 363, 365; 2007 a. 11, 93; 2011 a. 53, s. 2.; 2011 a. 54, 243; 2013 a. 99, 220, 369, 377; s. 13.92 (2) (i).

6 SECTION 9. 348.07 (2r) of the statutes is created to read:

7 348.07 (2r) Subsection (2) (e) also applies to implements of husbandry while
8 being transported by trailer on a highway from farm to field, from field to field, or
9 from farm to farm.

(2r)
~~xxxx~~ Note: Subsection (2r) creates a length exception

****NOTE: In chs. 340 to 349, "trailer" is a defined term and means a trailer that can carry property "wholly on its own structure ..." and is drawn by another vehicle. See s. 340.01 (71). In contrast, a "semitrailer" uses the power unit in part to support the weight of the load. See s. 340.01 (57). A "farm trailer" can be either a "trailer" or "semitrailer" that is used for specific agricultural purposes. See s. 340.01 (17). In this draft, I have used the term "trailer" because that is the term used in the instructions and because trailers seem better suited to support heavier weights. Is this consistent with your intent, or did you intend to include "semitrailers" as well as "trailers"?

10 SECTION 10. 348.09 (3) of the statutes is amended to read:

11 348.09 (3) This section does not apply if the load is an implement of husbandry
12 or agricultural commercial motor vehicle being transported as provided in s. 348.05
13 (2g) or (3m).

History: 1999 a. 85; 2013 a. 377.

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

only for the IOH being transported, not for the trailer on which it is transported. Please advise if this is not

1 348.15 (3) (d) Notwithstanding pars. (c) ~~and~~, (g), and (h), 2 consecutive sets of
 2 tandem axles may impose on the highway a gross load weight of 34,000 pounds each
 3 if the overall distance between the first and last axles of such consecutive sets of
 4 tandem axles is 36 feet or more.

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70; 1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279; 2013 a. 377.

****NOTE: I made a technical correction by changing "load" to "weight." Please advise if you would like to omit this "clean-up" change.

5 **SECTION 12.** 348.15 (3) (f) 2. of the statutes is amended to read:

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

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70; 1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279; 2013 a. 377.

13 **SECTION 13.** 348.15 (3) (h) of the statutes is created to read:

14 348.15 (3) (h) Notwithstanding pars. (b), (c), and (g), in the case of a 2-vehicle
 15 combination transporting by trailer an implement of husbandry on a highway from
 16 farm to field, from field to field, or from farm to farm, the gross weight imposed on
 17 the highway by the wheels of any one axle or axle group may exceed the applicable
 18 weight limitation specified in pars. (b) and (c) by 15%^{e-15 percent} if the gross weight of the vehicle
 19 combination does not exceed the maximum gross weight specified in sub. (9) (b). This
 20 paragraph does not apply to vehicles operated after January 1, 2020.

****NOTE: My understanding is that s. 348.15 (3) (b) and (g) provide an additional weight allowance of approximately 15 percent for IOH operated on the highway. This provision provides a similar weight allowance for IOH transported by trailer, but the maximum permissible weight must accommodate both the weight of the IOH and the weight of the transporting vehicle combination.

1 **SECTION 14.** 348.15 (8) of the statutes is amended to read:

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

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70; 1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279; 2013 a. 377.

6 **SECTION 15.** 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 an implement of husbandry from farm to field, from field to field, or from farm to
12 farm, and operated on a highway without a permit, may not exceed 92,000 pounds.

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70; 1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279; 2013 a. 377.

13 **SECTION 16.** 348.15 (9) (cm) of the statutes is created to read:

14 348.15 (9) (cm) 1. Notwithstanding sub. (3) (a), (b), (c),[✓] and (h),[✓] there is no
15 weight limitation per wheel, axle, or group of axles for a 2-vehicle combination
16 transporting by trailer an empty potato harvester from farm to field, from field to
17 field, or from farm to farm if, subject to subd. 2., the 2-vehicle combination is
18 accompanied by one or more escort vehicles operating with hazard lights activated,
19 except that such a 2-vehicle combination is subject to any weight limitation posted
20 as provided in s. 348.17 (1).[✓] Except as provided in par. (e),[✓] such a 2-vehicle
21 combination transporting a potato harvester is subject to the maximum gross weight
22 limitation for 2-vehicle combinations transporting implements of husbandry
23 specified in par. (b).^{*}

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

****NOTE: In this draft, I have included sub. (3) (a) in the phrase “Notwithstanding ... sub. (3) (a), (b), (c) ...” because the provision contains an exception for a “weight limitation per wheel ...” In similar provisions in 2013 Act 377, I did not reference sub. (3) (a). See s. 348.15 (9) (c) 1., (e) 1. (intro.) and 2., and (f) 1., stats. In this draft, do you want me to also add a cross-reference to sub. (3) (a) in the “notwithstanding” list in any of these provisions created in Act 377?

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

6 348.15 (9) (d) The increased weight allowance for implements of husbandry
 7 and agricultural commercial motor vehicles under sub. (3) (b) and (g) does not apply
 8 on any highway that is a part of the national system of interstate and defense
 9 highways. The increased weight allowance for 2-vehicle combinations transporting
 10 implements of husbandry under sub. (3) (h) does not apply on any highway that is
 11 a part of the national system of interstate and defense highways.

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70; 1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279; 2013 a. 377.

12 **SECTION 18.** 348.15 (9) (e) 2. of the statutes is amended to read:

13 348.15 (9) (e) 2. Notwithstanding par. (c) and sub. (3) (b), (c), and (g), but subject
 14 to subd. 3., there is no weight limitation per wheel, axle, or group of axles, and no
 15 gross weight limitation, for an implement of husbandry described in s. 340.01 (24)
 16 (a) 1. b., or for an agricultural commercial motor vehicle used as described in s. 340.01
 17 (1o) (e) 3. or 4., that is traveling between fields or between a farm and a field and is
 18 operated on the highway for a distance of 0.5 miles or less.

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70; 1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279; 2013 a. 377.

****NOTE: Did you intend this provision to be limited to the Ag CMV uses described in s. 340.01 (1o) (e) 3. or 4.? If not, which uses (as described in subds. 1. to 7. of that provision) should the exception apply to? (This question also arises with respect to the treatments in this bill of ss. 348.15 (9) (f) 1. and 2. a. and 348.27 (19) (b) 4m. a.)

1 **SECTION 19.** 348.15 (9) (e) 3. of the statutes is amended to read:

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

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1674 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70; 1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279; 2013 a. 377.

5 **SECTION 20.** 348.15 (9) (e) 4. of the statutes is created to read:

6 348.15 (9) (e) 4. Notwithstanding par. (cm) and sub. (3) (a), (b), (c), and (h), but
7 subject to subd. 3., there is no weight limitation per wheel, axle, or group of axles,
8 and no gross weight limitation, for an implement of husbandry described in s. 340.01
9 (24) (a) 1. b. that is being transported by trailer, from farm to field, from field to field,
10 or from farm to farm, on a highway for a distance of 0.5 miles or less.

11 **SECTION 21.** 348.15 (9) (f) 1. of the statutes is amended to read:

12 348.15 (9) (f) 1. Notwithstanding par. (c) and sub. (3) (b), (c), and (g), and except
13 as provided in subd. 3. and par. (e), there is no weight limitation per wheel, axle, or
14 group of axles, and no gross weight limitation other than that specified in par. (b),
15 for an implement of husbandry described in s. 340.01 (24) (a) 1. b., or for an
16 agricultural commercial motor vehicle used as described in s. 340.01 (1o) (e) 3. or 4.,
17 being operated on a highway that is not designated under subd. 2. a.

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1674 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70; 1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279; 2013 a. 377.

18 **SECTION 22.** 348.15 (9) (f) 1m. of the statutes is created to read:

19 348.15 (9) (f) 1m. Notwithstanding par. (cm) and sub. (3) (a), (b), (c), and (h),
20 and except as provided in subd. 3. and par. (e), there is no weight limitation per wheel,
21 axle, or group of axles, and no gross weight limitation other than that specified in par.
22 (b), for an implement of husbandry described in s. 340.01 (24) (a) 1. b. that is being

1 transported by trailer, from farm to field, from field to field, or from farm to farm, on
2 a highway that is not designated under subd. 2. a. ✓

3 **SECTION 23.** 348.15 (9) (f) 2. a. of the statutes is amended to read:

4 348.15 (9) (f) 2. a. The governing body of a municipality or county may, by
5 resolution or ordinance, designate highways under the municipality's or county's
6 jurisdiction, for maintenance purposes, on which the statutory weight limits
7 prescribed under this section, other than this paragraph, for implements of
8 husbandry or agricultural commercial motor vehicles apply to implements of
9 husbandry described in s. 340.01 (24) (a) 1. b. operated or transported on the highway
10 and to agricultural commercial motor vehicles used as described in s. 340.01 (1o) (e)
11 3. or 4. ✓ If a resolution or ordinance is adopted under this subd. 2. a., any weight limit
12 resulting from the resolution or ordinance is considered to be a weight limit imposed
13 by this chapter and any violation is considered to be a violation of the applicable
14 weight limits prescribed under this section.

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70;
1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279; 2013 a. 377.

15 **SECTION 24.** 348.15 (9) (f) 3. of the statutes is amended to read:

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

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70;
1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279; 2013 a. 377.

19 **SECTION 25.** 348.16 (2) of the statutes is amended to read:

20 348.16 (2) Except as provided in sub. (3) and s. 348.175 and subject to any
21 modifications made by a city of the first class pursuant to s. 349.15 (3), no person,
22 without a permit therefor, shall operate on a class "B" highway any vehicle or
23 combination of vehicles imposing wheel, axle, group of axles, or gross weight on the

1 highway exceeding 60 percent of the weights authorized in s. 348.15 (3). This
 2 subsection does not apply, from April 24, 2014, to January 1, 2020, to ~~a potato~~
 3 harvester or an implement of husbandry or agricultural commercial motor vehicle
 4 being operated or transported as described in s. 348.15 (9) (c), (cm), (e), or (f) 1. or 1m.

History: 1981 c. 312; 2001 a. 16; 2009 a. 177; 2011 ~~a~~257; 2013 a. 377.

5 **SECTION 26.** 348.21 (3t) (bm) of the statutes is created to read:

6 348.21 (3t) (bm) In the case of a violation of s. 348.15 (3) (h), the penalty shall
 7 be computed as follows:

8 1. On the basis of the weights stated in s. 348.15 (3) (c) if the violation relates
 9 to the weight imposed by any group of axles.

10 2. On the basis of a permissible weight of 20,000 pounds if the violation relates
 11 to the weight imposed by the wheels of any one axle.

12 **SECTION 27.** 348.27 (19) (b) 1. of the statutes is amended to read:

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

1 authority fails to approve or deny the application within this 3-week period, the
2 application is considered approved until the applicant receives a denial meeting the
3 requirements under subd. 4. or until 6 weeks from receipt of the application. If the
4 maintaining authority fails to approve or deny the application within 6 weeks of its
5 receipt, the application is approved.

History: 1973 c. 157, 316; 1973 c. 333 s. 190m; 1973 c. 336; 1975 c. 25, 285; 1977 c. 29 ss. 1488m, 1654 (8) (a); 1977 c. 30 s. 5; 1977 c. 191, 197, 272, 273, 418; 1979 c. 34, 315, 326; 1981 c. 20, 69, 163, 215, 391; 1983 a. 78 ss. 32 to 35, 37; 1983 a. 529; 1985 a. 29 s. 3202 (3); 1985 a. 202, 212; 1987 a. 27; 1989 a. 31, 35, 130, 305; 1991 a. 258; 1993 a. 62, 439; 1995 a. 113, 163, 227, 347, 348; 1997 a. 27, 35, 237; 1999 a. 85; 2001 a. 16; 2003 a. 210, 241; 2005 a. 119, 167, 250; 2007 a. 11, 16, 171; 2009 a. 28, 222, 229; 2011 a. 20, 32, 53, 55, 56, 58, 59, 117, 243; 2013 a. 20, 34, 48; 2013 a. 165 ss. 76, 114; 2013 a. 216, 377.

6 **SECTION 28.** 348.27 (19) (b) 4m. a. of the statutes is amended to read:

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

History: 1973 c. 157, 316; 1973 c. 333 s. 190m; 1973 c. 336; 1975 c. 25, 285; 1977 c. 29 ss. 1488m, 1654 (8) (a); 1977 c. 30 s. 5; 1977 c. 191, 197, 272, 273, 418; 1979 c. 34, 315, 326; 1981 c. 20, 69, 163, 215, 391; 1983 a. 78 ss. 32 to 35, 37; 1983 a. 529; 1985 a. 29 s. 3202 (3); 1985 a. 202, 212; 1987 a. 27; 1989 a. 31, 35, 130, 305; 1991 a. 258; 1993 a. 62, 439; 1995 a. 113, 163, 227, 347, 348; 1997 a. 27, 35, 237; 1999 a. 85; 2001 a. 16; 2003 a. 210, 241; 2005 a. 119, 167, 250; 2007 a. 11, 16, 171; 2009 a. 28, 222, 229; 2011 a. 20, 32, 53, 55, 56, 58, 59, 117, 243; 2013 a. 20, 34, 48; 2013 a. 165 ss. 76, 114; 2013 a. 216, 377.

15 **SECTION 29.** 348.27 (19) (b) 5. a. of the statutes is amended to read:

16 348.27 (19) (b) 5. a. The governing body of a municipality or county may, by
17 resolution or ordinance, authorize operation on any or all highways under the
18 municipality's or county's jurisdiction of implements of husbandry and agricultural
19 commercial motor vehicles that exceed limitations on length or weight, or both,
20 imposed by this chapter. The governing body of a municipality or county may also,
21 by resolution or ordinance, authorize operation on any or all highways under the
22 municipality's or county's jurisdiction of 2-vehicle combinations transporting by

1 trailer an implement of husbandry that exceeds limitations on length or weight, or
2 both, imposed by this chapter and that is being transported from farm to field, from
3 field to field, or from farm to farm. If the governing body of a municipality or county
4 adopts a resolution or ordinance under this subd. 5. a., the resolution or ordinance
5 shall be valid for at least one calendar year. For a resolution or ordinance under this
6 subd. 5. a. to be effective in any calendar year, the resolution or ordinance must be
7 adopted on or before January 15 of that calendar year or in a prior year.

History: 1973 c. 157, 316; 1973 c. 333 s. 190m; 1973 c. 336; 1975 c. 25, 285; 1977 c. 29 ss. 1488m, 1654 (8) (a); 1977 c. 30 s. 5; 1977 c. 191, 197, 272, 273, 418; 1979 c. 34, 315, 326; 1981 c. 20, 69, 163, 215, 391; 1983 a. 78 ss. 32 to 35, 37; 1983 a. 529; 1985 a. 29 s. 3202 (3); 1985 a. 202, 212; 1987 a. 27; 1989 a. 31, 35, 130, 305; 1991 a. 258; 1993 a. 62, 439; 1995 a. 113, 163, 227, 347, 348; 1997 a. 27, 35, 237; 1999 a. 85; 2001 a. 16; 2003 a. 210, 241; 2005 a. 119, 167, 250; 2007 a. 11, 16, 171; 2009 a. 28, 222, 229; 2011 a. 20, 32, 53, 55, 56, 58, 59, 117, 243; 2013 a. 20, 34, 48; 2013 a. 165 ss. 76, 114; 2013 a. 216, 377.

8 **SECTION 30.** 348.27 (19) (b) 5. c. of the statutes is amended to read:

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

History: 1973 c. 157, 316; 1973 c. 333 s. 190m; 1973 c. 336; 1975 c. 25, 285; 1977 c. 29 ss. 1488m, 1654 (8) (a); 1977 c. 30 s. 5; 1977 c. 191, 197, 272, 273, 418; 1979 c. 34, 315, 326; 1981 c. 20, 69, 163, 215, 391; 1983 a. 78 ss. 32 to 35, 37; 1983 a. 529; 1985 a. 29 s. 3202 (3); 1985 a. 202, 212; 1987 a. 27; 1989 a. 31, 35, 130, 305; 1991 a. 258; 1993 a. 62, 439; 1995 a. 113, 163, 227, 347, 348; 1997 a. 27, 35, 237; 1999 a. 85; 2001 a. 16; 2003 a. 210, 241; 2005 a. 119, 167, 250; 2007 a. 11, 16, 171; 2009 a. 28, 222, 229; 2011 a. 20, 32, 53, 55, 56, 58, 59, 117, 243; 2013 a. 20, 34, 48; 2013 a. 165 ss. 76, 114; 2013 a. 216, 377.

18 **SECTION 31.** 348.27 (19) (c) 1. of the statutes is amended to read:

19 348.27 (19) (c) 1. With respect to any highway under its jurisdiction, and as
20 provided in subd. 8. and par. (b) 4m. b., a maintaining authority may issue an annual
21 or consecutive month, no-fee permit authorizing operation on the highway of an
22 implement of husbandry or agricultural commercial motor vehicle that exceeds

1 limitations on length or weight, or both, imposed by this chapter if the applicable
2 requirements of this subsection are satisfied.

History: 1973 c. 157, 316; 1973 c. 333 s. 190m; 1973 c. 336; 1975 c. 25, 285; 1977 c. 29 ss. 1488m, 1654 (8) (a); 1977 c. 30 s. 5; 1977 c. 191, 197, 272, 273, 418; 1979 c. 34, 315, 326; 1981 c. 20, 69, 163, 215, 391; 1983 a. 78 ss. 32 to 35, 37; 1983 a. 529; 1985 a. 29 s. 3202 (3); 1985 a. 202, 212; 1987 a. 27; 1989 a. 31, 35, 130, 305; 1991 a. 258; 1993 a. 62, 439; 1995 a. 113, 163, 227, 347, 348; 1997 a. 27, 35, 237; 1999 a. 85; 2001 a. 16; 2003 a. 210, 241; 2005 a. 119, 167, 250; 2007 a. 11, 16, 171; 2009 a. 28, 222, 229; 2011 a. 20, 32, 53, 55, 56, 58, 59, 117, 243; 2013 a. 20, 34, 48; 2013 a. 165 ss. 76, 114; 2013 a. 216, 377.

3 **SECTION 32.** 348.27 (19) (c) 1m. of the statutes is created to read:

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

11 **SECTION 33.** 348.27 (19) (c) 8. of the statutes is created to read:

12 348.27 (19) (c) 8. In addition to the authorization under subd. 1., a no-fee
13 permit issued under this subsection authorizes an implement of husbandry or
14 agricultural commercial motor vehicle being operated in compliance with the permit
15 to cross, at the point of intersection, any highway that intersects with a highway
16 under the jurisdiction of the maintaining authority that issued the permit.

17 **SECTION 34.** 348.27 (19) (c) 9. of the statutes is created to read:

18 348.27 (19) (c) 9. In addition to the authorization under subd. 1m., a no-fee
19 permit issued under this subsection authorizes a 2-vehicle combination
20 transporting an implement of husbandry in compliance with the permit to cross, at
21 the point of intersection, any highway that intersects with a highway under the
22 jurisdiction of the maintaining authority that issued the permit.

23 **SECTION 35.** 348.27 (19) (cm) of the statutes is created to read:

LRB-0648

12/5

Mtg w/ Tim and Liz - 123 south

- went through LRB-0648/P1 draft, specifically reviewing the notes
- make these changes (attached ^{P2} draft)
- re note a p. 8 of P1, contact DOT / Tom

Gary, Aaron

From: Portz, Elisabeth
Sent: Thursday, December 04, 2014 10:36 AM
To: Gary, Aaron
Cc: Fiocchi, Tim
Subject: FW: IoH Follow-Up Bill Draft

Hey Aaron,

Here was DOT's response to your questions. Let us know if you need any further clarification.

Thanks!

Liz

From: Yahn, Nate - DOT [mailto:Nate.Yahn@dot.wi.gov]
Sent: Thursday, December 04, 2014 9:38 AM
To: Portz, Elisabeth; Fiocchi, Tim
Cc: Rhatigan, Tom M - DOT
Subject: RE: IoH Follow-Up Bill Draft

Liz/Tim,

Below (in red) are the responses to Aaron's questions. Again, we want to encourage the trailering of IoH during operation. Thus, we recommend that the operator not be required to obtain a permit for trailered IoH being transported from farm to field, field to field and farm to farm. Right now, an operator would have to get a permit (and the required payment) to operate as depicted below.

Please let me know if either of you have any questions on this.

Nate

Nate Yahn

Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
Phone: (608) 266-1114

From: Portz, Elisabeth [mailto:Elisabeth.Portz@legis.wisconsin.gov]
Sent: Wednesday, November 19, 2014 12:50 PM
To: Yahn, Nate - DOT
Subject: FW: IoH Follow-Up Bill Draft

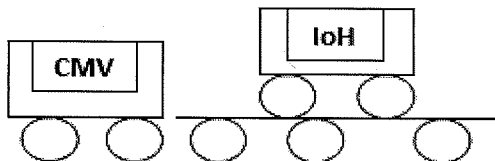
Hey Nate,

Last week, Tim and I sent in our first request for and IoH clean-up bill. Aaron responded with a question below regarding a provision that we included from DOT. Here is what we sent him:

1. Increase the Size and Weight Limits for IoH Transported by Trailer
 - a. Background: Many factors, including current motor carrier size/weight limits and the need to apply and pay for a permit, deter operators from using a trailer to carry IoH, which results in accelerated damage to pavements and structures from the higher axle weights.

- b. Recommendation: Allow an IoH to be transported by trailer without a permit from farm to field, field to field and farm to farm, in accordance with existing size/weight limits for IoH. Apply the same lighting and marking requirements that currently exist for wide IoH to this vehicle combination.

- Example:



A typical truck tractor and 3-axle semi-trailer weigh 35,000 lbs. This will allow the hauling of an IoH of up to 57,000 lbs. and accommodate power units with high axle weights to operate without a permit. This provision encourages the use of trailers in transporting IoH by removing certain barriers to IoH operation.

Could you check with your people to get clarification on Aaron's questions below? It was our (Tim and I) understanding that the weight limits for trailers would increase 15% and that they would be eligible for a no-fee permit.

Thanks!

Liz

From: Gary, Aaron
Sent: Wednesday, November 19, 2014 11:12 AM
To: Portz, Elisabeth; Fiocchi, Tim
Subject: RE: IoH Follow-Up Bill Draft

Hi Liz,

I'm preparing a preliminary draft (no analysis), with lots of questions. This should get the ball rolling. However, there is one issue on which I feel I need guidance before I can start drafting. It is item 7, as it relates to the weight limits. In Act 377, we created a new grid for IOH weight limits in s. 348.15 (3) (g). These weight limits are based on number of axles and axle spacing. Did you intend that this new grid apply to IoH being transported? **[Yes. Would not require the operator to obtain a permit for IoH being transported by a trailer from farm to field, field to field, and farm to farm].** Would we be looking at the number and spacing of axles of the IoH being transported or the tractor-trailer combination that is actually transporting it? **[The number of axles and spacing of the transporting vehicle or vehicle combination].** Also, the permissible weight of a vehicle is generally calculated as the vehicle weight plus its load. If a tractor-trailer combination is transporting an IoH, do we look at the weight of the IoH alone or the IoH plus the tractor-trailer that is hauling it? **[Weight of the truck-tractor/semi-trailer combination and the load it is carrying]**

According to DOT, the new grid created in Act 377 in s. 348.15 (3) (g) is approximately 15% higher than the generally applicable grid in s. 348.15 (3) (c). Instead of trying to fit 2-vehicle combinations hauling IoH into s. 348.15 (3) (g), perhaps it makes more sense to give them an additional 15% or 20% on top of the amount allowed under s. 348.15 (3) (c). See, for example, s. 348.15 (3) (e) allowing additional weight for vehicles transporting livestock. (I am also planning to create the various exceptions to the increased "base" permissible weight for IOH being transported, to track these exceptions for IoH being operated.) **[Allow transport under the weights in 348.15(3)(g). Allowing 15% above 348.15(3)(c) would bring in the issue that some of the axle combinations are already at or above 15% above the Federal Bridge Formula]**

Please let me know how I should proceed on this issue.



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0648/01 P2
ARG:sac:rs

in
12/9

wanted by 12/17 \$45

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAC
x-rebld

Gen Cat

1 **AN ACT to renumber and amend** 340.01 (1o) (e); **to amend** 340.01 (24) (a) 1.
2 b., 348.05 (3m) (a), 348.07 (1), 348.09 (3), 348.15 (3) (d), 348.15 (3) (f) 2., 348.15
3 (8), 348.15 (9) (b), 348.15 (9) (d), 348.15 (9) (e) 2., 348.15 (9) (e) 3., 348.15 (9) (f)
4 1., 348.15 (9) (f) 2. a., 348.15 (9) (f) 3., 348.16 (2), 348.27 (19) (b) 1., 348.27 (19)
5 (b) 4m. a., 348.27 (19) (b) 5. a., 348.27 (19) (b) 5. c. and 348.27 (19) (c) 1.; and **to**
6 **create** 340.01 (1o) (e) 3., 4., 5. and 6., 347.45 (5), 348.05 (3m), 348.05 (3m) (c),
7 348.07 (2r), 348.15 (3) (h), 348.15 (9) (cm), 348.15 (9) (e) 4., 348.15 (9) (f) 1m.,
8 348.21 (3t) (bm), 348.27 (19) (c) 1m., 348.27 (19) (c) 8., 348.27 (19) (c) 9., 348.27
9 (19) (cm) and 348.27 (19) (d) 1. cm. of the statutes; **relating to:** operating
10 implements of husbandry and agricultural commercial motor vehicles on
11 highways and transporting implements of husbandry by trailer on highways.

Analysis by the Legislative Reference Bureau

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

insert ANAL

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

3 340.01 (1o) (e) (intro.) The vehicle is ~~directly engaged in being used in any of~~
4 the following ways:

- 5 ~~1. For directly harvesting farm products, directly applies fertilizer, spray, or.~~
 6 ~~2. For directly applying seeds to a farm field, or distributes.~~
 7 ~~7. For distributing feed to livestock.~~

8 SECTION 2. 340.01 (1o) (e) ² ~~β.~~ (4., 5. and 6) of the statutes ^{is} are created to read:

9 340.01 (1o) (e) ³ ~~β.~~ For directly applying lime or fertilizer, but not manure, to a
10 farm field.

****NOTE: In subs. 3. and 4., I have used the more specific terms in the instructions. Would you prefer a more generic provision, such as "For directly applying fertilizer or spray, but not manure, to a farm field," similar to the language of current law in s. 340.01 (1o) (e)?

- 11 4. For directly spraying pesticides on a farm field.
 12 5. For delivering fertilizer, including manure, to a farm field.

****NOTE: In subd. 5., I think the provision should be clear as to whether or not "fertilizer" includes manure. I have assumed it does. Please let me know if you intended the opposite. If you intended the opposite, I don't understand how the manure, which cannot be delivered or applied by the agricultural commercial motor vehicle (AgCMV), can be "off-loaded" by it. See also note after subd. 6.

13 ² ~~β.~~ 6. For off-loading manure ~~delivered as provided in subd. 5.)~~ if field conditions
14 do not permit manure application by the vehicle directly to the field.

****NOTE: I'm not sure what "off-loading" entails, but this is the term used in the instructions. I'm also not sure how subd. 6. fits with subd. 3., since use of the vehicle to apply manure is not a qualifying use.

15 SECTION 3. 340.01 (24) (a) 1. b. of the statutes is amended to read:

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

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

8 347.45 (5) Notwithstanding sub. (2), an implement of husbandry equipped
9 with rubber tracks or tracks made of equivalent material may be operated on a
10 highway. *Insert 3-10*

****NOTE: I believe this new sub. (5) is unnecessary unless your intent is to allow tracked implements of husbandry (IOHs) to damage the highway. Section 347.45 seems to be the only pertinent statutory provision. I believe that s. 347.45 (1) does not apply to IOHs. See s. 347.02 (1) (b), stats. I believe that s. 347.45 (2), which does apply to IOHs, allows for tracked IOHs if they "will not injure the highway." See s. 347.02 (2) (a), stats. By implication, s. 347.45 (5), created above, would allow tracked IOHs that do injure the highway.*

****NOTE: I have not amended s. 348.02 (2) in this draft. I concluded that the language in s. 348.02 (2) – "except as otherwise provided in this chapter" – is sufficient to cover the size exceptions in ss. 348.05 (3m) and 348.07 (2m) and (2r). As discussed in the Note after s. 348.15 (3) (h) of the draft, there is no weight exception to this provision, as the total permissible weight is calculated to include both the IOH (the load) and the vehicle combination transporting it.* *348.06(2)*

11 **SECTION 5.** 348.05 (3m) of the statutes is created to read:

12 348.05 (3m) (a) Implements of husbandry of any width may be transported by
13 trailer or *semitrailer* ~~other means~~, without a permit, on a highway from farm to field, from field
14 to field, or from farm to farm, at times other than hours of darkness.

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.

****NOTE: I have attempted to reconcile items 5. and 7. of the drafting instructions, which significantly overlap. In doing so, I first attempted to recreate parts of s. 348.05 (3), 2011 stats. (repealed by 2013 Act 377), as modified according to the drafting instructions. (For your reference, ss. 348.05 (3) and 348.27 (14), in their form just before repeal by Act 377, are repeated below.) Initially I prepared the new s. 348.05 (3m), based*

on the item 5. instructions, to read as follows: "(3m) Implements of husbandry of any width may be transported on a highway, without a permit, at times other than hours of darkness. This subsection does not apply to the national system of interstate and defense highways, except for that portion of I 39 between USH 51 and I 90/94." This language is so broad that it would render other provisions surplusage and it also seems inconsistent with the item 7. instructions. I therefore revised the provision in an attempt to harmonize instruction items 5. and 7., which is the language that appears above.

****NOTE: The term "hours of darkness" is defined in s. 340.01 (23), stats.

****NOTE: Before its repeal in Act 377, s. 348.05 (3) read as follows: "Farm tractors exceeding 12 feet in width and all other farm machinery and implements of husbandry exceeding 8 feet 6 inches in width not being operated in the course of performance of its work may be moved, towed or hauled over the highways without a special permit issued under s. 348.27 (14) 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. Such overwidth machinery shall not be moved, towed or hauled on any Wisconsin highway, other than any overwidth machinery that is not a commercial motor vehicle on that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39, which is part of the national system of interstate and defense highways without a special permit issued under s. 348.27 (14)."

****NOTE: Before its repeal in Act 377, s. 348.27 (14) read as follows: "FARM MACHINERY PERMITS. The department may issue annual or consecutive month permits for the movement, towing or hauling of farm tractors exceeding 12 feet in width and all other farm machinery and implements of husbandry exceeding 8 feet 6 inches in width not being operated in the course of performance of its work on highways designated as part of the national system of interstate and defense highways. A permit under this subsection is not required for the movement, towing or hauling of any overwidth machinery that is not a commercial motor vehicle and which is authorized by s. 348.05 (3) on that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39."

1 SECTION 6. 348.05 (3m) (a) of the statutes, as created by 2015 Wisconsin Act
 2 (this act), is amended to read:

3 348.05 (3m) (a) ~~Implements~~ Subject to par. (c), implements of husbandry of any
 4 width may be transported by trailer or ^{semitrailer} ~~other means~~, without a permit, on a highway
 5 from farm to field, from field to field, or from farm to farm, at times other than hours
 6 of darkness.

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

8 348.05 (3m) (c) Paragraph (a) applies only if the person transporting the
 9 implement of husbandry complies with ss. 347.24 (3), 347.245 (1), and 347.25 (2g),
 10 as applicable. For purposes of this paragraph, the requirements under ss. 347.24 (3),

1 347.245 (1), and 347.25 (2g) shall apply to an implement of husbandry being
2 transported to the same extent as if the implement of husbandry were being
3 operated.

insert
5-3

****NOTE: This provision is somewhat similar to the provision in 2013 Act 377 allowing farmers and implement dealers to transport IOHs for purposes of repair. Accordingly, the language in created s. 348.05 (3m) (c) is similar to the language in s. 348.05 (2g) (b), which takes effect on November 1, 2015.

****NOTE: In the provisions of 2013 Act 377 allowing farmers and implement dealers to transport IOHs for purposes of repair, no exception was created for height under s. 348.06. I cannot remember why, although an IOH placed on a trailer will extend higher and the trailer might be driven faster, possibly creating increased risk. Do you want to include any treatment in s. 348.06 relating to height limits for IOH carried on a trailer? Although there is no height limit for an IOH operated on a highway, under current law and this draft, the general 13.5 feet height limit would apply if the IOH is carried on a trailer, and the height would be measured from the ground to the top of the load, so it would include both the trailer and the projection of the IOH above the trailer. See s. 348.02 (2), stats.

4 SECTION 8. 348.07 (1) of the statutes is amended to read:

5 348.07 (1) No person, without a permit therefor, may operate on a highway any
6 single vehicle with an overall length in excess of 45 feet or any combination of 2
7 vehicles with an overall length in excess of 70 feet, except as otherwise provided in
8 subs. (2), (2a), (2m), (2r), and (4m) and s. 348.08 (1).

insert
5-8

9 SECTION 9. 348.07 (2r) of the statutes is created to read:

10 348.07 (2r) Subsection (2) (e) also applies to implements of husbandry while
11 being transported by trailer ^{or semitrailer} on a highway from farm to field, from field to field, or
12 from farm to farm.

****NOTE: Subsection (2r) creates a length exception only for the IOH being transported, not for the trailer on which it is transported. Please advise if this is not consistent with your intent.

****NOTE: In chs. 340 to 349, "trailer" is a defined term and means a trailer that can carry property "wholly on its own structure ..." and is drawn by another vehicle. See s. 340.01 (71). In contrast, a "semitrailer" uses the power unit in part to support the weight of the load. See s. 340.01 (57). A "farm trailer" can be either a "trailer" or "semitrailer" that is used for specific agricultural purposes. See s. 340.01 (17). In this draft, I have used the term "trailer" because that is the term used in the instructions and because trailers seem better suited to support heavier weights. Is this consistent with your intent, or did you intend to include "semitrailers" as well as "trailers"?

1 SECTION 10. 348.09 (3) of the statutes is amended to read:

2 348.09 (3) This section does not apply if the load is an implement of husbandry
3 or agricultural commercial motor vehicle being transported as provided in s. 348.05
4 (2g) or (3m).

insert
6-5
→

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

6 348.15 (3) (d) Notwithstanding pars. (c) and, (g), and (h), 2 consecutive sets of
7 tandem axles may impose on the highway a gross load weight of 34,000 pounds each
8 if the overall distance between the first and last axles of such consecutive sets of
9 tandem axles is 36 feet or more.

***NOTE: I made a technical correction by changing "load" to "weight." Please advise if you would like to omit this "clean-up" change.

X

10 SECTION 12. 348.15 (3) (f) 2. of the statutes is amended to read:

11 348.15 (3) (f) 2. Notwithstanding pars. (a) to (c) and, (g), and (h), sub. (4), and
12 ss. 348.17 and 349.16, and subject to subd. 3., in the case of a heavy-duty vehicle
13 equipped with idle reduction technology, the gross weight of the vehicle, and the
14 gross weight imposed on the highway by the wheels of any one axle or axle group of
15 the vehicle, may exceed the applicable weight limitation specified in pars. (a) to (c)
16 or, (g), or (h) or posted as provided in s. 348.17 (1) by not more than 400 pounds or
17 the weight of the idle reduction technology, whichever is less.

X

18 SECTION 13. 348.15 (3) (h) of the statutes is created to read:

19 348.15 (3) (h) Notwithstanding pars. (b), (c), and (g), in the case of a 2-vehicle
20 combination transporting by trailer an implement of husbandry on a highway from
21 farm to field, from field to field, or from farm to farm, the gross weight imposed on
22 the highway by the wheels of any one axle or axle group may exceed the applicable
23 weight limitation specified in pars. (b) and (c) by 15 percent if the gross weight of the

1 vehicle combination does not exceed the maximum gross weight specified in sub. (9)

2 (b). This paragraph does not apply to vehicles operated after January 1, 2020.

***NOTE: My understanding is that s. 348.15 (3) (b) and (g) provide an additional weight allowance of approximately 15 percent for IOH operated on the highway. This provision provides a similar weight allowance for IOH transported by trailer, but the maximum permissible weight must accommodate both the weight of the IOH and the weight of the transporting vehicle combination.

3 SECTION 14. 348.15 (8) of the statutes is amended to read:

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

insert
7-6

8 SECTION 15. 348.15 (9) (b) of the statutes is amended to read:

or semitrailer

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

insert
7-14

15 SECTION 16. 348.15 (9) (cm) of the statutes is created to read:

(g)

16 348.15 (9) (cm) 1. Notwithstanding sub. (3) (a), (b), (c), and (h), there is no
17 weight limitation per wheel, axle, or group of axles for a 2-vehicle combination
18 transporting by trailer ^{or semitrailer} an empty potato harvester from farm to field, from field to
19 field, or from farm to farm if, subject to subd. 2., the 2-vehicle combination is
20 accompanied by one or more escort vehicles operating with hazard lights activated,
21 except that such a 2-vehicle combination is subject to any weight limitation posted
22 as provided in s. 348.17 (1). Except as provided in par. (e), such a 2-vehicle

1 combination transporting a potato harvester is subject to the maximum gross weight
 2 limitation for 2-vehicle combinations transporting implements of husbandry
 3 specified in par. (b).

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

****NOTE: In this draft, I have included sub. (3) (a) in the phrase "Notwithstanding ... sub. (3) (a), (b), (c) ..." because the provision contains an exception for a "weight limitation per wheel ..." In similar provisions in 2013 Act 377, I did not reference sub. (3) (a). See s. 348.15 (9) (c) 1., (e) 1. (intro.) and 2., and (f) 1., stats. In this draft, do you want me to also add a cross-reference to sub. (3) (a) in the "notwithstanding" list in any of these provisions created in Act 377?

8 SECTION 17. 348.15 (9) (d) of the statutes is amended to read:

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

15 SECTION 18. 348.15 (9) (e) 2. of the statutes is amended to read: ✓

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

~~NOTE: Did you intend this provision to be limited to the Ag CMV uses described in s. 340.01 (1o) (e) 3. or 4.? If not, which uses (as described in subs. 1. to 7. of that provision) should the exception apply to? (This question also arises with respect to the treatments in this bill of ss. 348.15 (9) (f) 1. and 2. a. and 348.27 (19) (b) 4m. a.)~~

1 SECTION 19. 348.15 (9) (e) 3. of the statutes is amended to read:

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

5 SECTION 20. 348.15 (9) (e) 4. of the statutes is created to read:

6 348.15 (9) (e) 4. Notwithstanding par. (cm) and sub. (3) (a), (b), (c), and (h), but ^(g)
7 subject to subd. 3., there is no weight limitation per wheel, axle, or group of axles,
8 and no gross weight limitation, for an implement of husbandry described in s. 340.01
9 (24) (a) 1. b. that is being transported by trailer from farm to field, from field to field,
10 or from farm to farm, on a highway for a distance of 0.5 miles or less.

insert 9-8

11 SECTION 21. 348.15 (9) (f) 1. of the statutes is amended to read:

12 348.15 (9) (f) 1. Notwithstanding par. (c) and sub. (3) ^(a) (b), (c), and (g), and except
13 as provided in subd. 3. and par. (e), there is no weight limitation per wheel, axle, or
14 group of axles, and no gross weight limitation other than that specified in par. (b),
15 for an implement of husbandry described in s. 340.01 (24) (a) 1. b., or for an
16 agricultural commercial motor vehicle used as described in s. 340.01 (1o) (e) 3. or 4.
17 being operated on a highway that is not designated under subd. 2. a.

18 SECTION 22. 348.15 (9) (f) 1m. of the statutes is created to read:

19 348.15 (9) (f) 1m. Notwithstanding par. (cm) and sub. (3) (a), (b), (c), and (h), ^(g)
20 and except as provided in subd. 3. and par. (e), there is no weight limitation per wheel,
21 axle, or group of axles, and no gross weight limitation other than that specified in par.
22 (b), for an implement of husbandry described in s. 340.01 (24) (a) 1. b. that is being

insert 9-22

1 transported by trailer, from farm to field, from field to field, or from farm to farm, on
2 a highway that is not designated under subd. 2. a.

3 **SECTION 23.** 348.15 (9) (f) 2. a. of the statutes is amended to read:

4 348.15 (9) (f) 2. a. The governing body of a municipality or county may, by
5 resolution or ordinance, designate highways under the municipality's or county's
6 jurisdiction, for maintenance purposes, on which the statutory weight limits
7 prescribed under this section, other than this paragraph, for implements of
8 husbandry or agricultural commercial motor vehicles apply to implements of
9 husbandry described in s. 340.01 (24) (a) 1. b. operated or transported on the highway
10 and to agricultural commercial motor vehicles used as described in s. 340.01 (1o) (e)

11 3. or 4. If a resolution or ordinance is adopted under this subd. 2. a., any weight limit
12 resulting from the resolution or ordinance is considered to be a weight limit imposed
13 by this chapter and any violation is considered to be a violation of the applicable
14 weight limits prescribed under this section.

15 **SECTION 24.** 348.15 (9) (f) 3. of the statutes is amended to read:

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

19 **SECTION 25.** 348.16 (2) of the statutes is amended to read:

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

*insert
11-2*

1 ~~harvester or~~ an implement of husbandry or agricultural commercial motor vehicle
2 being operated or transported as described in s. 348.15 (9) (c), (cm), (e), or (f) 1. or 1m.

*insert
11-4*

3 **SECTION 26.** 348.21 (3t) (bm) of the statutes is created to read:
4 348.21 (3t) (bm) In the case of a violation of s. 348.15 (3) (h), the penalty shall
5 be computed as follows:
6 1. On the basis of the weights stated in s. 348.15 (3) (c) if the violation relates
7 to the weight imposed by any group of axles.
8 2. On the basis of a permissible weight of 20,000 pounds if the violation relates
9 to the weight imposed by the wheels of any one axle.

10 **SECTION 27.** 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 implement of
18 husbandry that exceeds limitations on length or weight, or both, imposed by this
19 chapter and that is being transported on the highway from farm to field, from field
20 to field, or from farm to farm. Upon receiving an application for a no-fee permit
21 under this subsection, the maintaining authority shall provide the applicant with a
22 final decision on the application within 3 weeks of its receipt. If the maintaining
23 authority fails to approve or deny the application within this 3-week period, the
24 application is considered approved until the applicant receives a denial meeting the
25 requirements under subd. 4. or until 6 weeks from receipt of the application. If the

1 maintaining authority fails to approve or deny the application within 6 weeks of its
2 receipt, the application is approved.

3 **SECTION 28.** 348.27 (19) (b) 4m. a. of the statutes is amended to read:

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

12 **SECTION 29.** 348.27 (19) (b) 5. a. of the statutes is amended to read:

13 348.27 (19) (b) 5. a. The governing body of a municipality or county may, by
14 resolution or ordinance, authorize operation on any or all highways under the
15 municipality's or county's jurisdiction of implements of husbandry and agricultural
16 commercial motor vehicles that exceed limitations on length or weight, or both,
17 imposed by this chapter. The governing body of a municipality or county may also,
18 by resolution or ordinance, authorize operation on any or all highways under the
19 municipality's or county's jurisdiction of 2-vehicle combinations transporting by
20 trailer ^{or semitrailer} ~~an~~ implement of husbandry that exceeds limitations on length or weight, or
21 both, imposed by this chapter and that is being transported from farm to field, from
22 field to field, or from farm to farm. If the governing body of a municipality or county
23 adopts a resolution or ordinance under this subd. 5. a., the resolution or ordinance
24 shall be valid for at least one calendar year. For a resolution or ordinance under this

1 subd. 5. a. to be effective in any calendar year, the resolution or ordinance must be
2 adopted on or before January 15 of that calendar year or in a prior year.

3 **SECTION 30.** 348.27 (19) (b) 5. c. of the statutes is amended to read:

4 348.27 (19) (b) 5. c. If the governing body of a municipality or county adopts a
5 resolution or ordinance under subd. 5. a. that applies to fewer than all of the
6 highways under the municipality's or county's jurisdiction or that authorizes
7 operation of implements of husbandry and agricultural commercial motor vehicles
8 or transportation of implements of husbandry but imposes conditions, restrictions,
9 or limitations on this operation or transportation, then a person may apply for a
10 permit under subd. 1. for operation of an implement of husbandry or agricultural
11 commercial motor vehicle, or transportation of an implement of husbandry, on any
12 highway or under any circumstance not authorized by the resolution or ordinance.

13 **SECTION 31.** 348.27 (19) (c) 1. of the statutes is amended to read:

14 348.27 (19) (c) 1. With respect to any highway under its jurisdiction, and as
15 provided in subd. 8. and par. (b) 4m. b., a maintaining authority may issue an annual
16 or consecutive month, no-fee permit authorizing operation on the highway of an
17 implement of husbandry or agricultural commercial motor vehicle that exceeds
18 limitations on length or weight, or both, imposed by this chapter if the applicable
19 requirements of this subsection are satisfied.

20 **SECTION 32.** 348.27 (19) (c) 1m. of the statutes is created to read:

21 348.27 (19) (c) 1m. With respect to any highway under its jurisdiction, and as
22 provided in subd. 9. and par. (b) 4m. b., a maintaining authority may issue an annual
23 or consecutive month, no-fee permit authorizing operation on the highway of a
24 2-vehicle combination transporting by trailer ^{or semitrailer} an implement of husbandry that
25 exceeds limitations on length or weight, or both, imposed by this chapter and that

1 is being transported from farm to field, from field to field, or from farm to farm, if the
2 applicable requirements of this subsection are satisfied.

3 **SECTION 33.** 348.27 (19) (c) 8. of the statutes is created to read:

4 348.27 (19) (c) 8. In addition to the authorization under subd. 1., a no-fee
5 permit issued under this subsection authorizes an implement of husbandry or
6 agricultural commercial motor vehicle being operated in compliance with the permit
7 to cross, at the point of intersection, any highway that intersects with a highway
8 under the jurisdiction of the maintaining authority that issued the permit.

9 **SECTION 34.** 348.27 (19) (c) 9. of the statutes is created to read:

10 348.27 (19) (c) 9. In addition to the authorization under subd. 1m., a no-fee
11 permit issued under this subsection authorizes a 2-vehicle combination
12 transporting an implement of husbandry in compliance with the permit to cross, at
13 the point of intersection, any highway that intersects with a highway under the
14 jurisdiction of the maintaining authority that issued the permit.

15 **SECTION 35.** 348.27 (19) (cm) of the statutes is created to read:

16 348.27 (19) (cm) If a no-fee permit is issued under this subsection authorizing
17 a 2-vehicle combination to transport by trailer ^{or semitrailer} an implement of husbandry, the
18 permit shall require the person transporting the implement of husbandry to comply
19 with ss. 347.24 (3), 347.245 (1), and 347.25 (2g), as applicable. For purposes of this
20 paragraph, the requirements under ss. 347.24 (3), 347.245 (1), and 347.25 (2g) shall
21 apply to an implement of husbandry being transported to the same extent as if the
22 implement of husbandry were being operated.

23 **SECTION 36.** 348.27 (19) (d) 1. cm. of the statutes is created to read:

24 348.27 (19) (d) 1. cm. If the application is for operation of a 2-vehicle
25 combination transporting by trailer ^{or semitrailer} an implement of husbandry, a description of the

1 power unit and trailer ^{or semitrailer} of the 2-vehicle combination, including make, model,
2 estimated vehicle weight, and vehicle registration number, if applicable.

3 **SECTION 37. Nonstatutory provisions.**

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

****NOTE: I assume that you do not want DOT to prepare a weight report, as
required under s. 13.096 (2), stats. Although sub. (1) might not be legally effective to
exempt DOT from this requirement, a similar provision was included in 2013 Act 377 and
the provision could be viewed as an expression of the legislature's desire to waive a
legislative rule of proceeding.

7 **SECTION 38. Effective dates.** This act takes effect on the day after publication,
8 except as follows:

9 (1) The treatment of section 348.05 (3m) (c) of the statutes, and the amendment
10 of section 348.05 (3m) (a) of the statutes, take effect on November 1, 2015, or on the
11 day after publication, whichever is later.

12 (END)

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INSERT ANAL:

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 certain vehicles. 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 minor changes to the definitions of implement of husbandry and agricultural CMV. The bill clarifies that, if an implement of husbandry consists of a power unit towing tillage, planting, or cultivation equipment, the power unit may be a farm tractor. The bill also provides that an agricultural CMV off-loading manure when field conditions do not permit manure application directly to the field remains an agricultural CMV.

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 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.

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. 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.

This bill allows a no-fee permit to be issued 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. 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 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.

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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INSERT 2-5:

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1. For directly harvesting farm products, for directly ~~applies~~ applying fertilizer,

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spray, or seeds to a farm field, or distributes ~~for distributing~~ feed to livestock.

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INSERT 3-10:

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(no 4)

if such operation will not injure the highway

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INSERT 5-3:

X

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

7

348.06 (2) (intro.) Implements of husbandry, and 2-vehicle combinations

8

transporting by trailer or semitrailer implements of husbandry from farm to field,

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from field to field, or from farm to farm, of any height may be operated upon a

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highway without a permit for excessive height. The operator of the implement of

11

husbandry or 2-vehicle combination is responsible for ensuring that there is

12

adequate height clearance between the implement of husbandry being operated or

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transported and any overhead structure or obstruction, other than a structure or

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obstruction that is any of the following:

History: 1999 a. 85; 2005 a. 11; 2007 a. 11; 2013 a. 377.

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INSERT 5-8:

2.

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

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348.07 (2) (e) 2. One hundred feet for implements of husbandry that are

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2-vehicle combinations and for 2-vehicle combinations transporting by trailer or

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semitrailer implements of husbandry from farm to field, from field to field, or from

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farm to farm.

History: 1975 c. 279; 1977 c. 29 ss. 1487g to 1487m, 1654 (9) (b); 1977 c. 418; 1979 c. 255; 1981 c. 159, 176; 1983 a. 20, 78, 192; 1985 a. 165, 187; 1987 a. 30; 1991 a. 39, 72; 1995 a. 193; 1997 a. 27; 1999 a. 85, 186; 2003 a. 213, 234; 2005 a. 363, 365; 2007 a. 11, 93; 2011 a. 53, s. 2.; 2011 a. 54, 243; 2013 a. 99, 220, 369, 377; s. 13.92 (2) (i).

***NOTE: This provision reflects the drafting instruction that the length exception for an IOH also apply to a 2-vehicle combination transporting the IOH from farm to field, etc. For an IOH that is a single vehicle, the length limitation is 60 feet but the standard length limitation for a 2-vehicle combination is longer (70 feet), so I did not amend s. 348.07 (2) (e) 1. in this draft. However, the amendment in s. 348.07 (2) (e) 2. of this draft may be broader than your intent, as it applies when the 2-vehicle combination is transporting either a single vehicle IOH or a 2-vehicle IOH. I am also uncertain whether

the approach in this draft is the best approach and whether it will effectively carry out your intent. I recommend consultation with DOT on the length issue. For vehicle combinations involving trailers and semitrailers, the statutes include length limits for the overall length of the vehicles together, plus separate length limits for the trailer or semitrailer itself. The provision above tracks the overall length exception for an IOH, but it does not include any exception for the trailer or semitrailer on which the IOH is transported. I suspect this might pose a problem, but I'm not sure. Should there be an exception to any of the length limits specified in s. 348.07 (2) (f) to (gv)? Should the draft, instead of creating a 100 feet overall length limit for the 2-vehicle combination transporting the IOH, specify that there is no overall length limit for the combination but set a length limit for the trailer or semitrailer alone on which the IOH is transported? Finally, I note that, as I have drafted s. 348.07 (2) (e) 2. above, the changes will also apply to an IOH being transported by an implement dealer or farmer for purposes of repair, etc., under s. 348.07 (2m). Please advise if this is not consistent with your intent.

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INSERT 6-5:

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

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

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70; 1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279; 2013 a. 377.

SECTION 4. 348.15 (3) (g) (intro.) of the statutes is amended to read:

348.15 (3) (g) (intro.) Notwithstanding par. (c), if the vehicle or combination of vehicles is an implement of husbandry or agricultural commercial motor vehicle, or is a 2-vehicle combination transporting by trailer or semitrailer an implement of husbandry from farm to field, from field to field, or from farm to farm, and is operated

Section #. 348.15 (9) (a) of the statutes is amended to read:

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

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70; 1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279; 2013 a. 377.

1 axles, and no gross weight limitation, for an implement of husbandry or agricultural
2 commercial motor vehicle while being operated or transported by an implement
3 dealer or farmer for purposes of delivery, repair, or servicing of the implement of
4 husbandry or agricultural commercial motor vehicle if the implement of husbandry
5 or agricultural commercial motor vehicle is being operated or transported under
6 either of the following circumstances:

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70; 1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279; 2013 a. 377.

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8 **INSERT 9-8:**

9 (no 91) a 2-vehicle combination transporting by trailer or semitrailer ✓

10

11 **INSERT 9-22:**

12 (no 91) a 2-vehicle combination transporting by trailer or semitrailer

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14 **INSERT 10-10:**

15 (no 91) to 2-vehicle combinations transporting them, as well as

16 **INSERT 11-2:**

17 (no 91) , or to a 2-vehicle combination transporting an implement of husbandry,

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19 **INSERT 11-4:**

20 **SECTION 7.** 348.21 (3t) (b) of the statutes is amended to read:

21 348.21 (3t) (b) In the case of a violation of s. 348.15 (3) (b) involving an
22 implement of husbandry or agricultural commercial motor vehicle or a 2-vehicle

1 on or before January 1, 2020, the gross weight imposed on the highway by any group
 2 of 2 or more consecutive axles of the vehicle or vehicle combination may not exceed
 3 the maximum gross weights in the following table for each of the respective distances
 4 between axles and the respective numbers of axles of a group: [See Figure 348.15 (3)
 5 (g) following]

6 **History:** 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70;
 1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279; 2013 a. 377.

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 8 **INSERT 7-14:**

9 **SECTION 5.** 348.15 (9) (c) 1. of the statutes is amended to read:

10 348.15 (9) (c) 1. Notwithstanding sub. (3) (a), (b), (c), and (g), there is no weight
 11 limitation per wheel, axle, or group of axles for an implement of husbandry that is
 12 an empty potato harvester if, subject to subd. 2., the potato harvester is accompanied
 13 by one or more escort vehicles operating with hazard lights activated, except that
 14 such a potato harvester is subject to any weight limitation posted as provided in s.
 15 348.17 (1). Except as provided in par. (e), a potato harvester is subject to the
 16 maximum gross weight limitation for implements of husbandry specified in par. (b).

History: 1977 c. 29 ss. 1487p to 1487s, 1650m (4), 1654 (3); 1977 c. 418; 1979 c. 326; 1981 c. 312; 1983 a. 27, 345, 486; 1985 a. 202, 332; 1987 a. 174; 1989 a. 56, 70;
 1995 a. 113, 227; 1999 a. 85; 2005 a. 347, 364; 2007 a. 20; 2009 a. 156; 2011 a. 279; 2013 a. 377.

****NOTE: I believe the "clean up" treatments in s. 348.15 (9) (c) 1., (e) 1. (intro.) and
 2., and (f) 1., which involve adding par. (a) in the "notwithstanding" clause, should be
 added unless DOT has a reason for not doing so. At this point, I have not received
 feedback from DOT.

17
 18 **INSERT 8-14:**

19 **SECTION 6.** 348.15 (9) (e) 1. (intro.) of the statutes is amended to read:

20 348.15 (9) (e) 1. (intro.) Notwithstanding par. (c) and sub. (3) (a), (b), (c), and
 21 (g), but subject to subd. 3., there is no weight limitation per wheel, axle, or group of

1 combination transporting an implement of husbandry, the penalty shall be computed
2 on the basis of a permissible weight of 20,000 pounds.

History: 1971 c. 164 s. 83; 1971 c. 278, 307; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a); 1981 c. 312; 1985 a. 201, 332; 1995 a. 348; 1997 a. 27; 2005 a. 167, 364; 2007 a. 20, 97; 2009 a. 28, 180, 222, 241; 2011 a. 279; 2013 a. 20, 377.

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¹²⁻¹¹
INSERT 1241:

****NOTE: The definition of agricultural CMV is tied to the way a vehicle is used. A vehicle is not an agricultural CMV unless it is "used exclusively in the conduct of agricultural operations" and is "directly engaged in harvesting farm products, directly applies fertilizer, spray, or seeds to a farm field, or distributes feed to livestock ~~being~~ ^{used}" The cross-reference in this provision to s. 340.01 (1o) (e) 1. excludes only an agricultural CMV that is offloading manure when application to the field is not possible. This circumstance could not be known at the time of the permit application. It seems to me that the cross-reference to s. 340.01 (1o) (e) is not necessary and that the provision above could simply refer to agricultural CMVs, because a vehicle is not an agricultural CMV unless it is engaged in the activities specified in existing s. 340.01 (1o) (e) [renumbered (e) 1. in this draft].

6

7

Gary, Aaron

From: Portz, Elisabeth
Sent: Tuesday, January 27, 2015 1:58 PM
To: Gary, Aaron
Cc: Fiocchi, Tim
Subject: additional IoH draft changes

Hey Aaron,

Here are some additional changes we'd like to add to the IoH draft.

1. 340.01(24)(a)(2): amend to "described in subd. 1. ~~is~~ is towed by a..." to allow all of subd. 1 to be towed by a farm truck, farm truck tractor, or motor truck.
2. Remove "self-propelled" from definition of potato harvester.
3. Add "harvesting" after to category B before "and cultivation"
4. Add "grain cart" after "farm wagon" in category C.

Thank you! Please let us know if you have any questions.

Liz

Elisabeth Portz
Clerk, Assembly Committee on Transportation
Office of Wisconsin State Representative Keith Ripp
42nd Assembly District
(608) 266-3404

1/30 per Liz

• can also take out ~~xxxx~~ Notes

• wants 1/13