



State of Wisconsin
2015 - 2016 LEGISLATURE

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LRB-0648/22 P3
ARG:sac&cjs:rs

Wanted
THUR 2/6 AM

Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

Current law includes various provisions relating to the operation on highways of implements of husbandry and agricultural commercial motor vehicles

(agricultural CMVs). An implement of husbandry is a self-propelled or towed vehicle that is manufactured, designed, or reconstructed to be used and that is exclusively used in the conduct of agricultural operations. An implement of husbandry may include a farm tractor or a towed vehicle such as a farm trailer or manure trailer. An implement of husbandry may also include such farm equipment as a self-propelled combine; a self-propelled forage harvester; self-propelled fertilizer or pesticide application equipment (but not including manure application equipment); a power unit towing tillage, planting, or cultivation equipment; or another self-propelled vehicle that directly engages in harvesting farm products, directly applies fertilizer, spray, or seeds (but not manure), or distributes feed to livestock (hereafter "farm equipment"). An implement of husbandry may also be a combination of 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.

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

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time the general statutory weight limits again apply to implements of husbandry and agricultural CMVs.

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

This bill expands the increased weight limit for implements of husbandry and agricultural CMVs operated on a highway to also apply to two-vehicle combinations transporting by trailer or semitrailer an implement of husbandry from farm to field, from field to field, or from farm to farm. Subject to the exceptions discussed below, the 92,000 pound gross weight limit also applies to these two-vehicle combinations transporting implements of husbandry, and this increased weight allowance also expires on January 1, 2020. The bill also provides that the additional weight limit exceptions identified in items 1) to 3), above, also apply to a two-vehicle combination transporting by trailer or semitrailer such an implement of husbandry from farm to field, from field to field, or from farm to farm. The bill further provides that the additional weight limit exceptions identified in items 2) and 3), above, also apply to an agricultural CMV except when being used to offload manure. *

Under current law, a "maintaining authority" of a highway may issue a "no-fee permit" authorizing operation on the highway of implements of husbandry and agricultural CMVs that exceed statutory weight limits. These permits may be issued, and remain valid, only until January 1, 2020. Current law defines a "maintaining authority" of a highway as: 1) DOT or its designee, with respect to a state trunk highway; or 2) the municipality or county responsible for maintenance of the highway or its designee (local authority), with respect to a highway that is not a state trunk highway. An application for a no-fee permit must be accompanied by a listing or map of the highways that may potentially be traveled under authorization of the permit. 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

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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.

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, ~~for directly applies~~ applying fertilizer,
6 spray, or seeds to a farm field, or ~~distributes~~ for distributing feed to livestock.

7 SECTION 2. 340.01 (1o) (e) 2. of the statutes is created to read:

1 340.01 (1o) (e) 2. For off-loading manure if field conditions do not permit
2 manure application by the vehicle directly to the field.

3 SECTION 3. 340.01 (24) (a) 1. b. ^{and c. and 2. are} of the statutes ~~is~~ amended to read:

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

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

11 347.45 (5) Notwithstanding sub. (2), an implement of husbandry equipped
12 with rubber tracks or tracks made of equivalent material may be operated on a
13 highway if such operation will not 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), 348.06 (2), and 348.07 (2m) and (2r). As previously discussed, 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.

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

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

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

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

1 348.05 (3m) (a) ~~Implements Subject to par. (c), implements~~ of husbandry of any
2 width may be transported by trailer or semitrailer, without a permit, on a highway
3 from farm to field, from field to field, or from farm to farm, at times other than hours
4 of darkness.

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

6 348.05 (3m) (c) Paragraph (a) applies only if the person transporting the
7 implement of husbandry complies with ss. 347.24 (3), 347.245 (1), and 347.25 (2g),
8 as applicable. For purposes of this paragraph, the requirements under ss. 347.24 (3),
9 347.245 (1), and 347.25 (2g) shall apply to an implement of husbandry being
10 transported to the same extent as if the implement of husbandry were being
11 operated.

12 **SECTION 8.** 348.06 (2) (intro.) of the statutes is amended to read:

13 348.06 (2) (intro.) ~~Implements of husbandry, and 2-vehicle combinations~~
14 transporting by trailer or semitrailer implements of husbandry from farm to field,
15 from field to field, or from farm to farm, of any height may be operated upon a
16 highway without a permit for excessive height. The operator of the implement of
17 husbandry or 2-vehicle combination is responsible for ensuring that there is
18 adequate height clearance between the implement of husbandry being operated or
19 transported and any overhead structure or obstruction, other than a structure or
20 obstruction that is any of the following:

21 **SECTION 9.** 348.07 (1) of the statutes is amended to read:

22 348.07 (1) No person, without a permit therefor, may operate on a highway any
23 single vehicle with an overall length in excess of 45 feet or any combination of 2
24 vehicles with an overall length in excess of 70 feet, except as otherwise provided in
25 subs. (2), (2a), (2m), (2r), and (4m) and s. 348.08 (1).

1 **SECTION 10.** 348.07 (2) (e) 2. of the statutes is amended to read:

2 348.07 (2) (e) 2. One hundred feet for implements of husbandry that are
3 2-vehicle combinations and for 2-vehicle combinations transporting by trailer or
4 semitrailer implements of husbandry from farm to field, from field to field, or from
5 farm to farm.

****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.

6 **SECTION 11.** 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 or semitrailer on a highway from farm to field, from field
9 to field, or from farm to farm.

10 **SECTION 12.** 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).

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

1 348.15 (3) (b) The gross weight imposed on the highway by the wheels of any
2 one axle may not exceed 20,000 pounds or, if the vehicle or combination of vehicles
3 is an implement of husbandry or agricultural commercial motor vehicle, or is a
4 2-vehicle combination transporting by trailer or semitrailer an implement of
5 husbandry from farm to field, from field to field, or from farm to farm, and is operated
6 on or before January 1, 2020, 23,000 pounds. In addition, the gross weight imposed
7 on the highway by the wheels of the steering axle of a truck tractor may not exceed
8 13,000 pounds unless the manufacturer's rated capacity of the axle and the tires is
9 sufficient to carry the weight, but not to exceed 20,000 pounds.

10 **SECTION 14.** 348.15 (3) (g) (intro.) of the statutes is amended to read:

11 348.15 (3) (g) (intro.) Notwithstanding par. (c), if the vehicle or combination of
12 vehicles is an implement of husbandry or agricultural commercial motor vehicle, or
13 is a 2-vehicle combination transporting by trailer or semitrailer an implement of
14 husbandry from farm to field, from field to field, or from farm to farm, and is operated
15 on or before January 1, 2020, the gross weight imposed on the highway by any group
16 of 2 or more consecutive axles of the vehicle or vehicle combination may not exceed
17 the maximum gross weights in the following table for each of the respective distances
18 between axles and the respective numbers of axles of a group: [See Figure 348.15 (3)
19 (g) following]

20 **SECTION 15.** 348.15 (9) (a) of the statutes is amended to read:

21 348.15 (9) (a) Except as provided in pars. (c), (cm), (e), and (f), the increased
22 weight allowance for implements of husbandry and agricultural commercial motor
23 vehicles under sub. (3) (b) and (g) applies in lieu of, not in addition to, any other
24 increased weight allowance for implements of husbandry authorized under this
25 chapter.

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

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

9 **SECTION 17.** 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).

****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 **SECTION 18.** 348.15 (9) (cm) of the statutes is created to read:

18 348.15 (9) (cm) 1. Notwithstanding sub. (3) (a), (b), (c), and (g), there is no
19 weight limitation per wheel, axle, or group of axles for a 2-vehicle combination
20 transporting by trailer or semitrailer an empty potato harvester from farm to field,
21 from field to field, or from farm to farm if, subject to subd. 2., the 2-vehicle
22 combination is accompanied by one or more escort vehicles operating with hazard
23 lights activated, except that such a 2-vehicle combination is subject to any weight

1 limitation posted as provided in s. 348.17 (1). Except as provided in par. (e), such a
2 2-vehicle combination transporting a potato harvester is subject to the maximum
3 gross weight limitation for 2-vehicle combinations transporting implements of
4 husbandry specified in par. (b).

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

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

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

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

17 348.15 (9) (e) 1. (intro.) Notwithstanding par. (c) and sub. (3) (a), (b), (c), and
18 (g), but subject to subd. 3., there is no weight limitation per wheel, axle, or group of
19 axles, and no gross weight limitation, for an implement of husbandry or agricultural
20 commercial motor vehicle while being operated or transported by an implement
21 dealer or farmer for purposes of delivery, repair, or servicing of the implement of
22 husbandry or agricultural commercial motor vehicle if the implement of husbandry
23 or agricultural commercial motor vehicle is being operated or transported under
24 either of the following circumstances:

25 **SECTION 21.** 348.15 (9) (e) 2. of the statutes is amended to read:

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

7 **SECTION 22.** 348.15 (9) (e) 3. of the statutes is amended to read:

8 348.15 (9) (e) 3. Subdivisions 1. and 2., and 4. do not apply on any highway that
9 is a part of the national system of interstate and defense highways or that is posted
10 with a weight limitation as provided in s. 348.17 (1).

11 **SECTION 23.** 348.15 (9) (e) 4. of the statutes is created to read:

12 348.15 (9) (e) 4. Notwithstanding par. (cm) and sub. (3) (a), (b), (c), and (g), but
13 subject to subd. 3., there is no weight limitation per wheel, axle, or group of axles,
14 and no gross weight limitation, for a 2-vehicle combination transporting by trailer
15 or semitrailer an implement of husbandry described in s. 340.01 (24) (a) 1. b. from
16 farm to field, from field to field, or from farm to farm, on a highway for a distance of
17 0.5 miles or less.

18 **SECTION 24.** 348.15 (9) (f) 1. of the statutes is amended to read:

19 348.15 (9) (f) 1. Notwithstanding par. (c) and sub. (3) (a), (b), (c), and (g), and
20 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., or for an
23 agricultural commercial motor vehicle used as described in s. 340.01 (1o) (e) 1., being
24 operated on a highway that is not designated under subd. 2. a.

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

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

7 **SECTION 26.** 348.15 (9) (f) 2. a. of the statutes is amended to read:

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

20 **SECTION 27.** 348.15 (9) (f) 3. of the statutes is amended to read:

21 348.15 (9) (f) 3. ~~Subdivision 1. does~~ Subdivisions 1. and 1m. do not apply on any
22 highway that is a state trunk highway or that is posted with a weight limitation as
23 provided in s. 348.17 (1).

24 **SECTION 28.** 348.16 (2) of the statutes is amended to read:

1 348.16 (2) Except as provided in sub. (3) and s. 348.175 and subject to any
2 modifications made by a city of the first class pursuant to s. 349.15 (3), no person,
3 without a permit therefor, shall operate on a class “B” highway any vehicle or
4 combination of vehicles imposing wheel, axle, group of axles, or gross weight on the
5 highway exceeding 60 percent of the weights authorized in s. 348.15 (3). This
6 subsection does not apply, from April 24, 2014, to January 1, 2020, to ~~a potato~~
7 ~~harvester~~ or an implement of husbandry or agricultural commercial motor vehicle
8 being operated or transported, or to a 2-vehicle combination transporting an
9 implement of husbandry, as described in s. 348.15 (9) (c), (cm), (e), or (f) 1. or 1m.

10 **SECTION 29.** 348.21 (3t) (b) of the statutes is amended to read:

11 348.21 (3t) (b) In the case of a violation of s. 348.15 (3) (b) involving an
12 implement of husbandry or agricultural commercial motor vehicle or a 2-vehicle
13 combination transporting an implement of husbandry, the penalty shall be computed
14 on the basis of a permissible weight of 20,000 pounds.

15 **SECTION 30.** 348.27 (19) (b) 1. of the statutes is amended to read:

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

1 no-fee permit under this subsection, the maintaining authority shall provide the
2 applicant with a final decision on the application within 3 weeks of its receipt. If the
3 maintaining authority fails to approve or deny the application within this 3-week
4 period, the application is considered approved until the applicant receives a denial
5 meeting the requirements under subd. 4. or until 6 weeks from receipt of the
6 application. If the maintaining authority fails to approve or deny the application
7 within 6 weeks of its receipt, the application is approved.

8 **SECTION 31.** 348.27 (19) (b) 4m. a. of the statutes is amended to read:

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

****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." 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].

17 **SECTION 32.** 348.27 (19) (b) 5. a. of the statutes is amended to read:

18 348.27 (19) (b) 5. a. The governing body of a municipality or county may, by
19 resolution or ordinance, authorize operation on any or all highways under the

1 municipality's or county's jurisdiction of implements of husbandry and agricultural
2 commercial motor vehicles that exceed limitations on length or weight, or both,
3 imposed by this chapter. The governing body of a municipality or county may also,
4 by resolution or ordinance, authorize operation on any or all highways under the
5 municipality's or county's jurisdiction of 2-vehicle combinations transporting by
6 trailer or semitrailer an implement of husbandry that exceeds limitations on length
7 or weight, or both, imposed by this chapter and that is being transported from farm
8 to field, from field to field, or from farm to farm. If the governing body of a
9 municipality or county adopts a resolution or ordinance under this subd. 5. a., the
10 resolution or ordinance shall be valid for at least one calendar year. For a resolution
11 or ordinance under this subd. 5. a. to be effective in any calendar year, the resolution
12 or ordinance must be adopted on or before January 15 of that calendar year or in a
13 prior year.

14 **SECTION 33.** 348.27 (19) (b) 5. c. of the statutes is amended to read:

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

24 **SECTION 34.** 348.27 (19) (c) 1. of the statutes is amended to read:

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

7 **SECTION 35.** 348.27 (19) (c) 1m. of the statutes is created to read:

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

15 **SECTION 36.** 348.27 (19) (c) 8. of the statutes is created to read:

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

21 **SECTION 37.** 348.27 (19) (c) 9. of the statutes is created to read:

22 348.27 (19) (c) 9. In addition to the authorization under subd. 1m., a no-fee
23 permit issued under this subsection authorizes a 2-vehicle combination
24 transporting an implement of husbandry in compliance with the permit to cross any

1 highway that intersects with a highway under the jurisdiction of the maintaining
2 authority that issued the permit.

3 **SECTION 38.** 348.27 (19) (cm) of the statutes is created to read:

4 348.27 (19) (cm) If a no-fee permit is issued under this subsection authorizing
5 a 2-vehicle combination to transport by trailer or semitrailer an implement of
6 husbandry, the permit shall require the person transporting the implement of
7 husbandry to comply with ss. 347.24 (3), 347.245 (1), and 347.25 (2g), as applicable.
8 For purposes of this paragraph, the requirements under ss. 347.24 (3), 347.245 (1),
9 and 347.25 (2g) shall apply to an implement of husbandry being transported to the
10 same extent as if the implement of husbandry were being operated.

11 **SECTION 39.** 348.27 (19) (d) 1. cm. of the statutes is created to read:

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

17 **SECTION 40. Nonstatutory provisions.**

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

21 **SECTION 41. Effective dates.** This act takes effect on the day after publication,
22 except as follows:

1

2 **INSERT ANAL-A:**

(no P) vehicles in which each vehicle in the combination is an implement of husbandry or in which a towed implement of husbandry, such as a farm trailer, is towed by a farm truck, farm truck tractor, or motor truck

3 **INSERT ANAL-B:**

(no P) Under the bill, a combination of vehicles is an implement of husbandry if the combination consists of any implement of husbandry towed by a farm truck, farm truck tractor, or motor truck. The bill also specifies that a power unit towing harvesting equipment is an implement of husbandry of the farm equipment type and that a grain cart is an implement of husbandry of the same type as a farm trailer.

4 **INSERT ANAL-C:**

(no P) The bill also removes a limitation under current law that provisions applicable to potato harvesters apply only if the potato harvester is a self-propelled vehicle.

INSERT 6-9:

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

7 2. A combination of vehicles in which each vehicle in the vehicle combination
8 is an implement of husbandry as described in subd. 1. or in which an implement of
9 husbandry described in subd. 1. ~~e.~~ is towed by a farm truck, farm truck tractor, or
10 motor truck.

11 **INSERT 6-14:**

12 **SECTION 1.** 348.01 (2) (bp) of the statutes is amended to read:

13 348.01 (2) (bp) "Potato harvester" means ~~a self-propelled~~ an implement of
14 husbandry designed and used exclusively for harvesting potatoes.

History: 1981 c. 312 ss. 1, 2, 4; 1985 a. 202, 212, 332; 1989 a. 165; 1993 a. 62, 439; 1999 a. 85; 2005 a. 11, 167; 2007 a. 16; 2009 a. 180; 2011 a. 59, 208; 2013 a. 216, 220, 377.

15

Gary, Aaron

To: Portz, Elisabeth
Subject: RE: IoH bill change

From: Portz, Elisabeth
Sent: Friday, February 13, 2015 4:28 PM
To: Gary, Aaron
Subject: RE: IoH bill change

This looks right to me and Tim.

From: Gary, Aaron
Sent: Friday, February 13, 2015 3:08 PM
To: Portz, Elisabeth
Subject: RE: IoH bill change

Hi Liz,

I made this change. Just for clarification, Act 377 and this bill (2015 LRB-0648) do not always treat IOH and Ag CMVs the same. For example, IOH have no width limit, while Ag CMVs do (usually 10'). IOH also have no height limit, while Ag CMVs do. There is an exception to the statutory length limit for IOH, but not for Ag CMVs. However, both IOH and Ag CMVs have weight limit exceptions and both are eligible for the no-fee permit that authorizes exceeding statutory limits.

My understanding of the intent here was that, where an IOH could be legally operated, it should be permissible to trailer the IOH and transport it that way instead. Therefore, if there is no width limit for the IOH being driven, there should also be no width limit for the IOH being trailered and transported. I have prepared the draft accordingly. I modified many provisions in the /P3 draft to reflect the change, but a few (like bill sections 6 and 9 of the /P3) were not changed because of the difference between IOH and Ag CMVs (ie the exceptions that apply only to IOH and not Ag CMVs). Please let me know if this is not consistent with your intent.

Thanks. Aaron

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

From: Portz, Elisabeth
Sent: Wednesday, February 11, 2015 10:14 AM
To: Gary, Aaron
Subject: IoH bill change

Hey Aaron!

I've got another change for you to LRB 0648/p3. When referring to the transport of IoH via trailer or semi-trailer, we also want to make sure that this ability extends to Ag-CMV's as well. I'm not sure how many Ag-CMV's are able to be transported in this manner, but we want to make sure they don't fall through the cracks.

Please hold onto the /p4 until we let you know. We anticipate some possible additions to the bill now that we've shared the draft with stakeholders. Thanks!

Liz

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

Gary, Aaron

From: Gary, Aaron
Sent: Friday, February 20, 2015 2:18 PM
To: Fiocchi, Tim
Cc: Portz, Elisabeth
Subject: RE: loH Reporting Requirement for Maintaining Authorities
Attachments: 15-0648_P4ins.pdf

Hi Tim,

I started working on this. I have attached the beginnings of this change. But now I'm having doubts that I am actually capturing your intent. By "took no action" (in red below), do you mean that every municipality and county has to report to DOT the fact that they did not adopt an ordinance or resolution? There are 72 counties and many hundreds if not 1,000+ municipalities, so that would be a lot of paper for DOT to sort through. In the attached draft, I read this instruction as requiring the counties and municipalities that adopted an ordinance to report that it is still in effect and/or whether or not any change has been made, but then I started to second-guess this reading ...

Can you take a look at the attached .pdf and, in light of the comment above, let me know if I'm missing the mark or on the right track.

Thanks. Aaron

3/3 H/c w/ Tim

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

• see attached - OK
but take out second
part of section 2

From: Fiocchi, Tim
Sent: Friday, February 20, 2015 9:50 AM
To: Gary, Aaron
Cc: Portz, Elisabeth
Subject: loH Reporting Requirement for Maintaining Authorities

Hi Aaron,

We need to add a provision to the cleanup bill that changes the deadline for a maintaining authority to pass their ordinance from January 15 of each year to November 30th of the preceding year and create a deadline to report to DOT what the maintaining authority decided, including if they took no action, by January 20th of each year. Give me a call with any questions.

Thanks,

Tim

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

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0648/P4ins
ARG:.....

*Tim's
For review - attached to email*

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

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

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

348.15 (9) (f) 2. c. ~~Each~~ No later than January 20 of the year after it adopts a resolution or ordinance under this subdivision, each municipality or county that designates highways under subd. 2. a. shall forward to the department a copy of the resolution or ordinance, and the department shall publish the resolution or ordinance on the department's Internet site. No later than January 20 of each year thereafter, the municipality or county shall report to the department whether or not the resolution or ordinance remains in effect and whether the resolution or ordinance has been amended. If the resolution or ordinance has been amended, the municipality or county shall provide a copy of all amendments or a copy of the updated resolution or ordinance containing the amendments. The department shall publish this updated information on the department's Internet site.

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.

*3/3
per
Tim -
take
out -
covered
well enough
already -
ordinance
includes
amended ordinance*

Gary, Aaron

From: Gary, Aaron
Sent: Wednesday, March 04, 2015 3:20 PM
To: Fiocchi, Tim
Cc: Portz, Elisabeth
Subject: LRB-0648: IOH issue re AgCMVs
Attachments: 15-0648/P4ins2

Tim,

Following up on our conversation, one approach (subject to fine-tuning the language) is to modify the "use" part of the definition of AgCMV as in the attachment. The attached bill sections 1 and 2 would replace bill sections 1 and 2 in LRB-0648/P3. In the attachment, item 4. is new and is intended to address the problem we discussed.

Then wherever the draft refers to s. 340.01 (1o) (e) 1. (like on p. 12, line 8 of LRB-0648/P3), I would change that to be (e) 1., 2., or 3. This would let the "helper" vehicle described in 4. be considered an AgCMV but it would not have the same weight privileges as the AgCMVs described in 1., 2., and 3.

Let me know if you think this will work, or if you like the approach but need to change the language.

Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
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aaron.gary@legis.state.wi.us

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0648/P4ins2
ARG:.....

attached to email

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

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

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

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

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

5. For off-loading manure if field conditions do not permit manure application by the vehicle directly to the field.

Gary, Aaron

From: Fiocchi, Tim
Sent: Wednesday, March 04, 2015 3:47 PM
To: Gary, Aaron
Cc: Portz, Elisabeth
Subject: RE: LRB-0648: IOH issue re AgCMVs

That reads right to me. If you put that in the /4 you can send it when it's ready.

Thank you !!!

Tim

From: Gary, Aaron
Sent: Wednesday, March 04, 2015 3:20 PM
To: Fiocchi, Tim
Cc: Portz, Elisabeth
Subject: LRB-0648: IOH issue re AgCMVs

Tim,

Following up on our conversation, one approach (subject to fine-tuning the language) is to modify the "use" part of the definition of AgCMV as in the attachment. The attached bill sections 1 and 2 would replace bill sections 1 and 2 in LRB-0648/P3. In the attachment, item 4. is new and is intended to address the problem we discussed.

Then wherever the draft refers to s. 340.01 (1o) (e) 1. (like on p. 12, line 8 of LRB-0648/P3), I would change that to be (e) 1., 2., or 3. This would let the "helper" vehicle described in 4. be considered an AgCMV but it would not have the same weight privileges as the AgCMVs described in 1., 2., and 3.

Let me know if you think this will work, or if you like the approach but need to change the language.

Thanks. Aaron

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

Gary, Aaron

From: Fiocchi, Tim
Sent: Wednesday, March 04, 2015 4:00 PM
To: Gary, Aaron
Cc: Portz, Elisabeth
Subject: RE: LRB-0648: IOH issue re AgCMVs

One quick thing – number 2 should include lime along with fertilizer, seeds...

From: Gary, Aaron
Sent: Wednesday, March 04, 2015 3:20 PM
To: Fiocchi, Tim
Cc: Portz, Elisabeth
Subject: LRB-0648: IOH issue re AgCMVs

Tim,

Following up on our conversation, one approach (subject to fine-tuning the language) is to modify the “use” part of the definition of AgCMV as in the attachment. The attached bill sections 1 and 2 would replace bill sections 1 and 2 in LRB-0648/P3. In the attachment, item 4. is new and is intended to address the problem we discussed.

Then wherever the draft refers to s. 340.01 (1o) (e) 1. (like on p. 12, line 8 of LRB-0648/P3), I would change that to be (e) 1., 2., or 3. This would let the “helper” vehicle described in 4. be considered an AgCMV but it would not have the same weight privileges as the AgCMVs described in 1., 2., and 3.

Let me know if you think this will work, or if you like the approach but need to change the language.

Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
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608.264.6948 (fax)
aaron.gary@legis.state.wi.us

Gary, Aaron

From: Fiocchi, Tim
Sent: Wednesday, March 04, 2015 4:01 PM
To: Gary, Aaron
Cc: Portz, Elisabeth
Subject: RE: LRB-0648: IOH issue re AgCMVs

Sorry – and also “not manure” in #2.

From: Gary, Aaron
Sent: Wednesday, March 04, 2015 3:20 PM
To: Fiocchi, Tim
Cc: Portz, Elisabeth
Subject: LRB-0648: IOH issue re AgCMVs

Tim,

Following up on our conversation, one approach (subject to fine-tuning the language) is to modify the “use” part of the definition of AgCMV as in the attachment. The attached bill sections 1 and 2 would replace bill sections 1 and 2 in LRB-0648/P3. In the attachment, item 4. is new and is intended to address the problem we discussed.

Then wherever the draft refers to s. 340.01 (1o) (e) 1. (like on p. 12, line 8 of LRB-0648/P3), I would change that to be (e) 1., 2., or 3. This would let the “helper” vehicle described in 4. be considered an AgCMV but it would not have the same weight privileges as the AgCMVs described in 1., 2., and 3.

Let me know if you think this will work, or if you like the approach but need to change the language.

Thanks. Aaron

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

Gary, Aaron

From: Gary, Aaron
Sent: Thursday, March 05, 2015 10:20 AM
To: Fiocchi, Tim
Cc: Portz, Elisabeth
Subject: RE: LRB-0648: IOH issue re AgCMVs

Hi Tim,

I am just finishing these changes and this last one has given me pause as to whether another provision in the draft is correct. As you know, I have been a little uncertain about the manure application provisions throughout the draft.

Here is part of the AgCMV definition provision with the new changes in your email yesterday:

AgCMV includes vehicles used....:

[to become] 2. For directly applying fertilizer, lime, spray, or seeds, but not manure, to a farm field.

Here's a provision already in LRB-0648/P3 that remains unchanged (so far):

AgCMV also includes vehicles used:

[now 2., to become] 5. For off-loading manure if field conditions do not permit manure application by the vehicle directly to the field.

Should the "by the vehicle" in red be removed? As I read this, if the vehicle directly applies manure, it cannot be an AgCMV, so the language "by the vehicle" might be confusing (it might suggest that, if field conditions were better, the vehicle could have applied the manure to the field). On the other hand, I put the "by the vehicle" language in there because, even if off-loaded, there must be some vehicle or method used to then apply the manure – if so, the phrase "if field conditions do not permit manure application [by any vehicle or method] directly to the field" would be a prerequisite that never occurs.

Perhaps this is splitting hairs, but I thought I would bring it to your attention. Please let me know if you think the parts in red above are OK or if you want something in these provisions changed.

Thanks. Aaron

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

From: Fiocchi, Tim
Sent: Wednesday, March 04, 2015 4:01 PM
To: Gary, Aaron
Cc: Portz, Elisabeth
Subject: RE: LRB-0648: IOH issue re AgCMVs

Sorry – and also "not manure" in #2.

From: Gary, Aaron
Sent: Wednesday, March 04, 2015 3:20 PM

→ 3/5 Hc w/ Tim,
These provisions look OK,
but vehicle applying manure
to field should be an
AgCMV, just not a
"category B" AgCMV

Gary, Aaron

From: Fiocchi, Tim
Sent: Tuesday, February 17, 2015 10:31 AM
To: Gary, Aaron
Cc: Portz, Elisabeth; Queensland, Michael
Subject: Addition to loH draft

Hi Aaron,

We would like to add a provision to the draft to address concerns about maintaining the confidentiality of permit applications during an initial appeal to a county or municipal board. We would like to require that consideration of appeal be discussed in closed session and that confidentiality, as already required under 348.27 (3)(a). Mike suggested the language could be based on the GAB requirement for closed meetings:

19.851 Closed sessions by government accountability board. The government accountability board shall hold each meeting of the board for the purpose of deliberating concerning an investigation of any violation of the law under the jurisdiction of the ethics and accountability division of the board in closed session under this section. Prior to convening under this section, the government accountability board shall vote to convene in closed session in the manner provided in s. 19.85 (1). No business may be conducted by the government accountability board at any closed session under this section except that which relates to the purposes of the session as authorized in this section or as authorized in s. 19.85 (1).

Please give me a call with any questions.

Thank you,

Tim

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



State of Wisconsin
2015 - 2016 LEGISLATURE

in
3/3

LRB-0648/28
ARG:sac&cjs:jf

wanted
Fri. 3/6

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

B-note

Ger Cat

SAV

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

Analysis by the Legislative Reference Bureau

Current law includes various provisions relating to the operation on highways of implements of husbandry and agricultural commercial motor vehicles

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

This bill makes changes to the definitions of implement of husbandry and agricultural CMV. Under the bill, a combination of vehicles is an implement of husbandry if the combination consists of any implement of husbandry towed by a farm truck, farm truck tractor, or motor truck. The bill also specifies that a power unit towing harvesting equipment is an implement of husbandry of the farm equipment type and that a grain cart is an implement of husbandry of the same type as a farm trailer. The bill clarifies that, if an implement of husbandry consists of a power unit towing tillage, planting, harvesting, or cultivation equipment, the power unit may be a farm tractor. ~~The bill also 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

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exceptions, in the maximum permissible weight for vehicles on these highways being reduced to 60 percent of the otherwise applicable statutory weight.

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

Under current law, there are additional weight limit exceptions applicable to implements of husbandry and agricultural CMVs operated on a highway, which also expire on January 1, 2020. For example, there is no weight limit per wheel, axle, or group of axles for any of the following implements of husbandry: 1) an empty potato harvester if certain conditions are met; 2) farm equipment traveling between fields, or between a farm and a field, on the highway for a distance of 0.5 miles or less; or 3) farm equipment operated on a highway under the jurisdiction of a county or municipality, unless the county or municipality has adopted an ordinance designating statutory weight limits for the highway. A potato harvester identified in item 1), above, and farm equipment identified in item 3), above, is subject to the gross weight limit of 92,000 pounds, but farm equipment identified in item 2), above, is not. These implements of husbandry identified in items 1) to 3), above, are subject to posted special weight limits but are not subject to a reduction of permissible weight on class "B" highways. In addition, there is no weight limit per wheel, axle, or group of axles, and no gross weight limit, for an implement of husbandry or agricultural CMV being operated or transported by an implement dealer or farmer for repair, servicing, or delivery if certain conditions are met, but these vehicles are subject to posted special weight limits. ^{insert ANAL-B}

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This bill expands the increased weight limit for implements of husbandry and agricultural CMVs operated on a highway to also apply to two-vehicle combinations transporting by trailer or semitrailer an implement of husbandry from farm to field, from field to field, or from farm to farm. Subject to the exceptions discussed below, the 92,000 pound gross weight limit also applies to these two-vehicle combinations transporting implements of husbandry, and this increased weight allowance also expires on January 1, 2020. The bill also provides that the additional weight limit exceptions identified in items 1) to 3), above, also apply to a two-vehicle combination transporting by trailer or semitrailer such an implement of husbandry from farm to field, from field to field, or from farm to farm. The bill further provides that the additional weight limit exceptions identified in items 2) and 3), above, also apply to an agricultural CMV except when being used to offload manure. The bill also removes a limitation under current law that provisions applicable to potato harvesters apply only if the potato harvester is a self-propelled vehicle.

Under current law, a "maintaining authority" of a highway may issue a "no-fee permit" authorizing operation on the highway of implements of husbandry and

agricultural CMVs that exceed statutory weight limits. These permits may be issued, and remain valid, only until January 1, 2020. Current law defines a "maintaining authority" of a highway as: 1) DOT or its designee, with respect to a state trunk highway; or 2) the municipality or county responsible for maintenance of the highway or its designee (local authority), with respect to a highway that is not a state trunk highway. An application for a no-fee permit must be accompanied by a listing or map of the highways that may potentially be traveled under authorization of the permit. 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 ^{or agricultural CMV} from farm to field, from field to field, or from farm to farm. In addition, for purposes of permit issuance, the bill treats agricultural CMVs in a manner similar to farm equipment. The bill also specifies that a vehicle or vehicle combination operating under a no-fee permit on a highway under the jurisdiction of the maintaining authority that issued the permit may cross any intersecting highway.

Under 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

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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.

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:

X 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, ~~for directly applies applying~~ fertilizer,
6 spray, or seeds to a farm field, or ~~distributes for distributing~~ feed to livestock.

7 SECTION 2. 340.01 (1o) (e) 2. of the statutes is created to read:

X 8 340.01 (1o) (e) 2. For ^(no #) off-loading manure if field conditions do not permit
9 manure application by the vehicle directly to the field.

10 SECTION 3. 340.01 (24) (a) 1. b. and c. and 2. of the statutes are 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, harvesting, and
14 cultivation equipment and its towing farm tractor or other power unit; or another
15 self-propelled vehicle that directly engages in harvesting farm products, directly
16 applies fertilizer, spray, or seeds but not manure, or distributes feed to livestock.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 9

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

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

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

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

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

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

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

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

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

1 348.09 (3) This section does not apply if the load is an implement of husbandry

2 ~~or agricultural commercial motor vehicle~~ being transported as provided in s. 348.05

3 (2g) or (3m).

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

5 348.15 (3) (b) The gross weight imposed on the highway by the wheels of any
6 one axle may not exceed 20,000 pounds or, if the vehicle or combination of vehicles
7 is an implement of husbandry or agricultural commercial motor vehicle, or is a
8 2-vehicle combination transporting by trailer or semitrailer an implement of

9 husbandry from farm to field, from field to field, or from farm to farm, and is operated
10 on or before January 1, 2020, 23,000 pounds. In addition, the gross weight imposed
11 on the highway by the wheels of the steering axle of a truck tractor may not exceed
12 13,000 pounds unless the manufacturer's rated capacity of the axle and the tires is
13 sufficient to carry the weight, but not to exceed 20,000 pounds.

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

15 348.15 (3) (g) (intro.) Notwithstanding par. (c), if the vehicle or combination of
16 vehicles is an implement of husbandry or agricultural commercial motor vehicle, or
17 is a 2-vehicle combination transporting by trailer or semitrailer an implement of

18 husbandry from farm to field, from field to field, or from farm to farm, and is operated
19 on or before January 1, 2020, the gross weight imposed on the highway by any group
20 of 2 or more consecutive axles of the vehicle or vehicle combination may not exceed
21 the maximum gross weights in the following table for each of the respective distances
22 between axles and the respective numbers of axles of a group: [See Figure 348.15 (3)
23 (g) following]

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

or agricultural commercial motor vehicle

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

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

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

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

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

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

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

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

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

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

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

19 SECTION 21. 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
22 axles, and no gross weight limitation, for an implement of husbandry or agricultural
23 commercial motor vehicle while being operated or transported by an implement
24 dealer or farmer for purposes of delivery, repair, or servicing of the implement of
25 husbandry or agricultural commercial motor vehicle if the implement of husbandry

or agricultural commercial motor vehicles ✓

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

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

4 348.15 (9) (e) 2. Notwithstanding par. (c) and sub. (3) (a), (b), (c), and (g), but
5 subject to subd. 3., there is no weight limitation per wheel, axle, or group of axles,
6 and no gross weight limitation, for an implement of husbandry described in s. 340.01
7 (24) (a) 1. b., or for an agricultural commercial motor vehicle used as described in s.
8 340.01 (1o) (e) 1. ^{2., or 3.,} that is traveling between fields or between a farm and a field and
9 is operated on the highway for a distance of 0.5 miles or less.

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

11 348.15 (9) (e) 3. Subdivisions 1. and 2., and 4. do not apply on any highway that
12 is a part of the national system of interstate and defense highways or that is posted
13 with a weight limitation as provided in s. 348.17 (1).

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

15 348.15 (9) (e) 4. Notwithstanding par. (cm) and sub. (3) (a), (b), (c), and (g), but
16 subject to subd. 3., there is no weight limitation per wheel, axle, or group of axles,
17 and no gross weight limitation, for a 2-vehicle combination transporting by trailer
18 or semitrailer an implement of husbandry described in s. 340.01 (24) (a) 1. b. ^{insert 12-} from ₁₈
19 farm to field, from field to field, or from farm to farm, on a highway for a distance of
20 0.5 miles or less.

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

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

1 agricultural commercial motor vehicle used as described in s. 340.01 (1o) (e) 1. being
2 operated on a highway that is not designated under subd. 2. a.

2, or 3.

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

4 348.15 (9) (f) 1m. Notwithstanding par. (cm) and sub. (3) (a), (b), (c), and (g),
5 and except as provided in subd. 3. and par. (e), there is no weight limitation per wheel,
6 axle, or group of axles, and no gross weight limitation other than that specified in par.
7 (b), for a 2-vehicle combination transporting by trailer or semitrailer an implement
8 of husbandry described in s. 340.01 (24) (a) 1. b. from farm to field, from field to field,
9 or from farm to farm, on a highway that is not designated under subd. 2. a.

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

11 348.15 (9) (f) 2. a. The governing body of a municipality or county may, by
12 resolution or ordinance, designate highways under the municipality's or county's
13 jurisdiction, for maintenance purposes, on which the statutory weight limits
14 prescribed under this section, other than this paragraph, for implements of
15 husbandry or agricultural commercial motor vehicles apply to implements of
16 husbandry described in s. 340.01 (24) (a) 1. b. operated or transported on the highway
17 and to 2-vehicle combinations transporting them, as well as to agricultural

that are

§ 2, or 3, and

18 commercial motor vehicles used as described in s. 340.01 (1o) (e) 1. If a resolution
19 or ordinance is adopted under this subd. 2. a., any weight limit resulting from the
20 resolution or ordinance is considered to be a weight limit imposed by this chapter and
21 any violation is considered to be a violation of the applicable weight limits prescribed
22 under this section.

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23 SECTION 28. 348.15 (9) (f) 3. of the statutes is amended to read:

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

4 **SECTION 29.** 348.16 (2) of the statutes is amended to read:

5 348.16 (2) Except as provided in sub. (3) and s. 348.175 and subject to any
6 modifications made by a city of the first class pursuant to s. 349.15 (3), no person,
7 without a permit therefor, shall operate on a class “B” highway any vehicle or
8 combination of vehicles imposing wheel, axle, group of axles, or gross weight on the
9 highway exceeding 60 percent of the weights authorized in s. 348.15 (3). This
10 subsection does not apply, from April 24, 2014, to January 1, 2020, to ~~a potato~~
11 ~~harvester~~ or an implement of husbandry or agricultural commercial motor vehicle
12 being operated or transported, or to a 2-vehicle combination transporting an
13 implement of husbandry, as described in s. 348.15 (9) (c), (cm), (e), or (f) 1. or 1m.

14 **SECTION 30.** 348.21 (3t) (b) of the statutes is amended to read:

15 348.21 (3t) (b) In the case of a violation of s. 348.15 (3) (b) involving an
16 implement of husbandry or agricultural commercial motor vehicle or a 2-vehicle
17 combination transporting an implement of husbandry, the penalty shall be computed
18 on the basis of a permissible weight of 20,000 pounds.

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

20 348.27 (19) (b) 1. Subject to subds. 3. and 5. b. and par. (c), a person may apply
21 to the maintaining authority of a highway for an annual or consecutive month,
22 no-fee permit to operate an implement of husbandry or agricultural commercial
23 motor vehicle that exceeds limitations on length or weight, or both, imposed by this
24 chapter. Subject to subds. 3. and 5. b. and par. (c), a person may also apply to the
25 maintaining authority of a highway for an annual or consecutive month, no-fee

or agricultural commercial motor vehicle

or agricultural commercial motor vehicle

1 permit to operate a 2-vehicle combination transporting by trailer or semitrailer an
 2 implement of husbandry that exceeds limitations on length or weight, or both,
 3 imposed by this chapter and that is being transported on the highway from farm to
 4 field, from field to field, or from farm to farm. Upon receiving an application for a
 5 no-fee permit under this subsection, the maintaining authority shall provide the
 6 applicant with a final decision on the application within 3 weeks of its receipt. If the
 7 maintaining authority fails to approve or deny the application within this 3-week
 8 period, the application is considered approved until the applicant receives a denial
 9 meeting the requirements under subd. 4. or until 6 weeks from receipt of the
 10 application. If the maintaining authority fails to approve or deny the application
 11 within 6 weeks of its receipt, the application is approved.

SECTION 32. 348.27 (19) (b) 4m. a. of the statutes is amended to read:

13 348.27 (19) (b) 4m. a. If a maintaining authority receives a permit application
 14 with respect to an implement of husbandry described in s. 340.01 (24) (a) 1. b., or with
 15 respect to an agricultural commercial motor vehicle for use as described in s. 340.01
 16 (1o) (e) 1., ^{2., or 3.,} and the only basis to deny the application is the listing or map of highways
 17 under par. (c) 3. accompanying the application, the maintaining authority shall
 18 modify the application to include an approved alternate route or map of highways for
 19 operation or transportation of the implement of husbandry or operation of the
 20 agricultural commercial motor vehicle and approve the application.

SECTION 33. 348.27 (19) (b) 5. a. of the statutes is amended to read:

22 348.27 (19) (b) 5. a. The governing body of a municipality or county may, by
 23 resolution or ordinance, authorize operation on any or all highways under the
 24 municipality's or county's jurisdiction of implements of husbandry and agricultural
 25 commercial motor vehicles that exceed limitations on length or weight, or both,

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1 imposed by this chapter. The governing body of a municipality or county may also,
 2 by resolution or ordinance, authorize operation on any or all highways under the
 3 municipality's or county's jurisdiction of 2-vehicle combinations transporting by
 4 trailer or semitrailer an implement of husbandry that exceeds limitations on length
 5 or weight, or both, imposed by this chapter and that is being transported from farm
 6 to field, from field to field, or from farm to farm. If the governing body of a
 7 municipality or county adopts a resolution or ordinance under this subd. 5. a., the
 8 resolution or ordinance shall be valid for at least one calendar year. For a resolution
 9 or ordinance under this subd. 5. a. to be effective in any calendar year, the resolution
 10 or ordinance must be adopted on or before January 15 of that calendar year or in a
 11 prior year.

12 SECTION 34. 348.27 (19) (b) 5. c. of the statutes is amended to read:

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

22 SECTION 35. 348.27 (19) (c) 1. of the statutes is amended to read:

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

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

4 **SECTION 36.** 348.27 (19) (c) 1m. of the statutes is created to read:

5 348.27 (19) (c) 1m. With respect to any highway under its jurisdiction, and as
6 provided in subd. 9. and par. (b) 4m. b., a maintaining authority may issue an annual
7 or consecutive month, no-fee permit authorizing operation on the highway of a
8 2-vehicle combination transporting by trailer or semitrailer an implement of

9 husbandry that exceeds limitations on length or weight, or both, imposed by this
10 chapter and that is being transported from farm to field, from field to field, or from
11 farm to farm, if the applicable requirements of this subsection are satisfied.

12 **SECTION 37.** 348.27 (19) (c) 8. of the statutes is created to read:

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

18 **SECTION 38.** 348.27 (19) (c) 9. of the statutes is created to read:

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

24 **SECTION 39.** 348.27 (19) (cm) of the statutes is created to read:

or agricultural commercial motor vehicle

or agricultural commercial motor vehicle

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

8 **SECTION 40.** 348.27 (19) (d) 1. cm. of the statutes is created to read:

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

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14 **SECTION 41. Nonstatutory provisions.**

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

18 **SECTION 42. Effective dates.** This act takes effect on the day after publication,
 19 except as follows:

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

23 (END)

D-Note