

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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

SA ✓

1 **INSERT ANAL-A:**

(no H) The bill also specifies that a vehicle directly applying lime to a farm field may be an agricultural CMV. Under the bill, an agricultural CMV includes a vehicle assisting a harvesting vehicle by receiving the transfer of farm products as they are harvested and includes a vehicle

2 **INSERT ANAL-B:**

(no H) If a county or municipality has adopted an ordinance designating statutory weight limits for farm equipment as provided in item 3), above, the ordinance must be valid for at least one calendar year and must be adopted on or before January 15 of the calendar year in which it takes effect. The county or municipality must also forward to DOT a copy of the ordinance and DOT must publish it on DOT's Internet site.

3

4 **INSERT ANAL-C:**

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

5

6 **INSERT ANAL-D:**

(no P)

With limited exceptions, information in the permit application must be kept confidential.

1 **INSERT ANAL-E:**

(no P)

If a no-fee permit application is denied, the applicant has a right to administrative review of the decision.

2 **INSERT ANAL-F:**

(no P)

The bill further requires a local authority, in a meeting to review the denial of a no-fee permit application, to deliberate or conduct any proceeding related to the review in closed session.

3 **INSERT ANAL-G:**

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

4

5 **INSERT 6-5:**

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

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

9 3. For distributing feed to livestock.

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

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

3 5. For directly applying manure to a farm field or for

4 **INSERT 12-18:**

↙ No SCORING

(no pt)

5 or agricultural commercial motor vehicle used as described in s. 340.01 (1o) (e)

6 1., 2., or 3.

7 **INSERT 13-8:**

(no pt)

8 or agricultural commercial motor vehicle used as described in s. 340.01 (1o) (e)

9 1., 2., or 3.

10 **INSERT 13-22:**

X

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

12 348.15 (9) (f) 2. b. For a resolution or ordinance under this subdivision to be
13 effective in any calendar year, the resolution or ordinance must be adopted on or
14 before ~~January 15 of that calendar year or in a~~ November 30 of the prior year. A
15 resolution or ordinance adopted under this subdivision shall be valid for at least one
16 calendar year. No amendment to a resolution or ordinance is effective in a calendar
17 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.

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

X

19 348.15 (9) (f) 2. c. ~~Each~~ No later than January 20 of the year after it adopts or
20 amends a resolution or ordinance under this subdivision, each municipality or
21 county that designates highways under subd. 2. a. shall forward to the department

1 a copy of the resolution or ordinance, and the department shall publish the resolution
2 or ordinance on the department's Internet site.

3 **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.

4 **INSERT 15-22:**

X 5 348.27 (19) (b) 5. a. The governing body of a municipality or county may, by
6 resolution or ordinance, authorize operation on any or all highways under the
7 municipality's or county's jurisdiction of implements of husbandry and agricultural
8 commercial motor vehicles that exceed limitations on length or weight, or both,
9 imposed by this chapter. The governing body of a municipality or county may also,
10 by resolution or ordinance, authorize operation on any or all highways under the
11 municipality's or county's jurisdiction of 2-vehicle combinations transporting by
12 trailer or semitrailer an implement of husbandry or agricultural commercial motor
13 vehicle that exceeds limitations on length or weight, or both, imposed by this chapter
14 and that is being transported from farm to field, from field to field, or from farm to
15 farm. If the governing body of a municipality or county adopts a resolution or
16 ordinance under this subd. 5. a., the resolution or ordinance shall be valid for at least
17 one calendar year. For a resolution or ordinance under this subd. 5. a. to be effective
18 in any calendar year, the resolution or ordinance must be adopted on or before
19 January 15 of that calendar year or in a November 30 of the prior year. No
20 amendment to a resolution or ordinance is effective in a calendar year unless the
21 amendment was adopted on or before November 30 of the prior year.

22
23 **INSERT 16-21:**

X 24 **SECTION 4.** 348.27 (19) (b) 5. d. of the statutes is amended to read:

1 348.27 (19) (b) 5. d. ~~Each~~ No later than January 20 of the year after it adopts
 2 or amends a resolution or ordinance under this subdivision, each municipality or
 3 county that adopts a resolution or ordinance under this subdivision shall forward to
 4 the department a copy of the resolution or ordinance, and the department shall
 5 publish the resolution or ordinance on the department's Internet site.

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

6

7 **INSERT 18-13:**

8 **SECTION 5.** 348.27 (19) (e) 2. of the statutes is amended to read:

9 348.27 (19) (e) 2. Notwithstanding s. 348.25 (9), any person aggrieved by an
 10 adverse determination by a municipality or county may obtain review of the adverse
 11 determination in the manner provided in ch. 68 or as provided under an ordinance
 12 or resolution adopted under s. 68.16. However, review of the initial determination
 13 of the municipality or county, under s. 68.09 or 68.10 or under the equivalent
 14 provision of an ordinance or resolution adopted by a municipality under s. 68.16,
 15 shall be made by, respectively, the governing body of the municipality or the county
 16 highway committee of the county. Notwithstanding ss. 19.83 (1) and 19.85 (1), any
 17 deliberation or proceeding, at a meeting of the governing body of a municipality or
 18 county or any of its committees, related to review of an adverse determination shall
 19 be conducted in closed session.

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

20

21

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0648/P4dn

ARG:/:....

gjs

date

The treatment of s. 348.09 (3) corrects a drafting error in 2013 Wisconsin Act 377. Because neither s. 348.05 (2g) nor s. 348.05 (3m) apply to an agricultural commercial motor vehicle (AgCMV), no reference should be made in this subsection to an AgCMV and the reference is therefore stricken.

Aaron R. Gary
Senior Legislative Attorney
(608) 261-6926
aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0648/P4dn
ARG:cjs:rs

March 6, 2015

The treatment of s. 348.09 (3) corrects a drafting error in 2013 Wisconsin Act 377. Because neither s. 348.05 (2g) nor s. 348.05 (3m) apply to an agricultural commercial motor vehicle (AgCMV), no reference should be made in this subsection to an AgCMV and the reference is therefore stricken.

Aaron R. Gary
Senior Legislative Attorney
(608) 261-6926
aaron.gary@legis.wisconsin.gov

Gary, Aaron

From: Fiocchi, Tim
Sent: Monday, March 09, 2015 10:24 AM
To: Gary, Aaron
Cc: Portz, Elisabeth
Subject: Minor Revisions on 0648

Good morning Aaron,

We have some initial feedback on the draft. The towns seem concerned that the phrasing in section 1 items 1-3 using "For.." leaves some kind of wiggle room for them to use the equipment in some other way. I really don't understand the concern, and explained the reasoning behind the manure spreader change being that there was zero wiggle room in how State Patrol interpreted this statute, but thought I'd pass it along the comment to see if it made sense to you. That aside there are some minor changes requested:

① Page 7 line 3 we would like to add "directly" after For...

② Page 7 line 6 we were asked to consider deleting "receiving the transfer of" and replacing it with "capturing." The concern was that receiving transfer might leave some grey area to allow vehicles that receive transfer at the edge of a field or some such. We should talk about this one when you have a moment.

③ Page 20 line 24 we were asked to change "review of an adverse determination" to "review of a determination" to allow a town chair to consult with other board members on the initial determination as well as the appeal. Let us know if you see any issues with that.

If you could make the changes but hold onto the draft for now, pending hearing more from people today, we'd like to go to a /1 draft for circulation tomorrow.

Thank you,

Tim

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

h/c w Tim 3/9
o discussed ② - will get back to me
- re ③ ok to take different^{approach}, like
(R (d) 4. instead, but want to
accomplish their intent - town
board might have only 3 members,
so 2 is a quorum - limit provision
to¹ municipalities

Gary, Aaron

From: Fiocchi, Tim
Sent: Tuesday, March 10, 2015 1:18 PM
To: Gary, Aaron; Portz, Elisabeth
Cc: Moore, David
Subject: RE: Confidentiality of IoH Permit Review

Sorry – We'll have to look at the “amendments” issue in an amendment... Let's go with the language highlighted below.

From: Gary, Aaron
Sent: Tuesday, March 10, 2015 12:22 PM
To: Fiocchi, Tim; Portz, Elisabeth
Cc: Moore, David
Subject: RE: Confidentiality of IoH Permit Review

OK.

Two open issues (going back to prior emails):

1. On p. 7, line 6, is “by capturing farm products as they are harvested” OK? Or did you prefer “by receiving farm products as they are harvested”?
2. Is the /1 going to address the issue of “amendments” to permits that significantly expand the roads to be traveled (change the listing or map of highways)?

Thanks. Aaron

From: Fiocchi, Tim
Sent: Tuesday, March 10, 2015 11:58 AM
To: Portz, Elisabeth; Gary, Aaron
Cc: Moore, David
Subject: RE: Confidentiality of IoH Permit Review

Good deal – Aaron if you could put a rush on getting that to us it would be much appreciated.

From: Portz, Elisabeth
Sent: Tuesday, March 10, 2015 11:57 AM
To: Fiocchi, Tim; Gary, Aaron
Cc: Moore, David
Subject: RE: Confidentiality of IoH Permit Review

Yep.

From: Fiocchi, Tim
Sent: Tuesday, March 10, 2015 11:57 AM
To: Gary, Aaron; Portz, Elisabeth
Cc: Moore, David
Subject: RE: Confidentiality of IoH Permit Review

I showed this to the towns and I think this works fine. Liz – you okay to go to /1?

From: Gary, Aaron
Sent: Tuesday, March 10, 2015 11:06 AM

To: Fiocchi, Tim
Cc: Moore, David
Subject: RE: Confidentiality of IoH Permit Review

Hi Tim,

I have made a stab at these changes, which are included in the attachment (with the original instruction re initial determinations of municipalities). Hopefully this is closer to what you want.

In proceedings under ch. 68 involving review of a local government's denial of a permit, the permit applicant can be represented by an attorney. I have referred to the applicant's "agent," whom I believe would usually be the attorney but could be some other person acting on behalf of the applicant. I have also clarified that the local govt. may provide information directly to the permit applicant (e.g. a written decision). Also, because I read ch. 68 as requiring a written decision from the local govt., I did not add anything about a vote being taken in open session, as I believe the written decision would be in lieu of such a vote.

In amended s. 348.27 (19) (e) 2., the draft adds quite a bit of detail about local government proceedings. The draft, however, is silent as to proceedings where the permit application is made to DOT. Review of a DOT permit application is conducted through DOA Hearings and Appeals. The draft requires the local review process to be conducted in closed session, but does not provide for closed sessions for DOA Hearings and Appeals cases. Is this OK?

Please let me know what changes you would like to the attached. Also, the drafting request is for Rep. Ripp, so at some point I will need Liz's sign-off on this too (a "cc" is good enough).

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: Monday, March 09, 2015 5:14 PM
To: Moore, David; Gary, Aaron
Subject: RE: Confidentiality of IoH Permit Review

Aaron,

I'm far from versed in municipal procedure, but what I was looking to as a model is the way they handle personnel matters. I believe this would include consideration of written materials and/or direct discussion with the farmer, followed by a private discussion by the board and a return to the open meeting to vote.

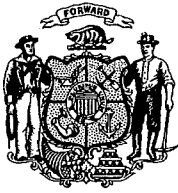
From: Moore, David
Sent: Monday, March 09, 2015 4:52 PM
To: Gary, Aaron
Cc: Fiocchi, Tim
Subject: Confidentiality of IoH Permit Review

Aaron,

If I understand Tim correctly, the intention is that any records associated with the permit application and review of the permit application remain confidential throughout the permit and review process, but could be made public if a party sought judicial review of the final determination. So, the evidence and argument in support of the applicant's position that the applicant files with the governing would be kept confidential, as would the written decision stating the governing body's reasons for affirming, reversing, or modifying the initial decision that the governing body is required to mail or deliver to the petitioner. Tim also indicated it may be beneficial to authorize a person appealing an initial decision to appear before the governing board, in person, in a session that is otherwise closed to the public to present evidence and argument in support of his or her position. In the event a party sought judicial review of a final decision on a permit, all records would become public.

Tim, please weigh in with any clarifications or corrections. Aaron, please let me know if you have any questions about this.

David



State of Wisconsin
2015 - 2016 LEGISLATURE

in
3/10

LRB-0648/D4 1
ARG:sac&cjs:rs
stays

TODAY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAW

Car Cat

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

1 vehicles on highways and transporting implements of husbandry by trailer on
2 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 specifies that a vehicle directly applying lime to a farm field may be an agricultural CMV. Under the bill, an agricultural CMV includes a vehicle assisting a harvesting vehicle by receiving ~~the transfer of~~ farm products as they are harvested and includes a vehicle off-loading manure when field conditions do not permit manure application directly to the field.

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

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

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

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

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

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

Under current law, a “maintaining authority” of a highway may issue a “no-fee permit” authorizing operation on the highway of implements of husbandry and agricultural CMVs that exceed statutory weight limits. These permits may be issued, and remain valid, only until January 1, 2020. Current law defines a “maintaining authority” of a highway as: 1) DOT or its designee, with respect to a state trunk highway; or 2) the municipality or county responsible for maintenance of the highway or its designee (local authority), with respect to a highway that is not a state trunk highway. An application for a no-fee permit must be accompanied by a listing or map of the highways that may potentially be traveled under authorization of the permit. With limited exceptions, information in the permit application must be kept confidential. If a no-fee permit is issued, upon application, the no-fee permit may be amended by the maintaining authority to reflect changes in the applicant’s circumstances, including a change in the highways to be traveled. If a maintaining authority denies an application for a no-fee permit, it must notify the applicant in writing of the denial and the notice must include a reasonable and structurally based explanation of the denial that relates to the preservation of the roadway. If the application is made with respect to farm equipment and the only basis to deny the application is the listing or map of highways accompanying the application, the maintaining authority must modify the application to include an approved alternate route or map of highways for operation of the farm equipment and approve the application. This approved alternate route or map of highways may include highways that are not under the jurisdiction of the maintaining authority issuing the permit only upon prior approval of the maintaining authority having jurisdiction over those highways. If a no-fee permit application is denied, the applicant has a right to administrative review of the decision.

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

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. The bill further requires a local authority, in a meeting to review the denial of a no-fee permit application, to deliberate or conduct any proceeding related to the review in closed session.

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

Under current law, unless an exception applies, a person may not, without a permit, operate on a highway any vehicle having a total width in excess of 8 feet 6 inches. However, there is generally no width limitation for implements of husbandry operated on a highway, although certain wide implements of husbandry are subject to lighting and marking requirements. There is also no width limitation if the implement of husbandry is being operated or transported by an implement dealer or farmer for repair, servicing, or delivery and certain conditions are met.

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

Under current law, unless an exception applies, a person may not, without a permit, operate on a highway any single vehicle with an overall length in excess of 45 feet or any combination of two vehicles with an overall length in excess of 70 feet. Under one exception, an implement of husbandry operated on a highway without a permit may not exceed 60 feet in length if the implement of husbandry is a single vehicle or 100 feet in length if the implement of husbandry is a two-vehicle combination. These same length limits also apply if the implement of husbandry is being operated or transported by an implement dealer or farmer for repair, servicing, or delivery and certain conditions are met.

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, ~~directly applies.~~

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

3 3. For distributing feed to livestock.

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

5 340.01 (1o) (e) 4. For assisting another vehicle directly harvesting farm
6 products by receiving the transfer of farm products as they are harvested.

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

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

10 340.01 (24) (a) 1. b. A self-propelled combine; a self-propelled forage
11 harvester; self-propelled fertilizer or pesticide application equipment but not
12 including manure application equipment; towed tillage, planting, harvesting, and
13 cultivation equipment and its towing farm tractor or other power unit; or another
14 self-propelled vehicle that directly engages in harvesting farm products, directly
15 applies fertilizer, spray, or seeds but not manure, or distributes feed to livestock.

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

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

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

23 347.45 (5) Notwithstanding sub. (2), an implement of husbandry equipped
24 with rubber tracks or tracks made of equivalent material may be operated on a
25 highway if such operation will not injure the highway.

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

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

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

5 348.05 (3m) (a) Implements of husbandry of any width may be transported by
6 trailer or semitrailer, without a permit, on a highway from farm to field, from field
7 to field, or from farm to farm, at times other than hours of darkness.

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

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

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

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

17 348.05 (3m) (c) Paragraph (a) applies only if the person transporting the
18 implement of husbandry complies with ss. 347.24 (3), 347.245 (1), and 347.25 (2g),
19 as applicable. For purposes of this paragraph, the requirements under ss. 347.24 (3),
20 347.245 (1), and 347.25 (2g) shall apply to an implement of husbandry being
21 transported to the same extent as if the implement of husbandry were being
22 operated.

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

24 348.06 (2) (intro.) Implements of husbandry, and 2-vehicle combinations
25 transporting by trailer or semitrailer implements of husbandry from farm to field,

1 from field to field, or from farm to farm, of any height may be operated upon a
2 highway without a permit for excessive height. The operator of the implement of
3 husbandry or 2-vehicle combination is responsible for ensuring that there is
4 adequate height clearance between the implement of husbandry being operated or
5 transported and any overhead structure or obstruction, other than a structure or
6 obstruction that is any of the following:

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

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

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

13 348.07 (2) (e) 2. One hundred feet for implements of husbandry that are
14 2-vehicle combinations and for 2-vehicle combinations transporting by trailer or
15 semitrailer implements of husbandry from farm to field, from field to field, or from
16 farm to farm.

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

18 348.07 (2r) Subsection (2) (e) also applies to implements of husbandry while
19 being transported by trailer or semitrailer on a highway from farm to field, from field
20 to field, or from farm to farm.

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

22 348.09 (3) This section does not apply if the load is an implement of husbandry
23 ~~or agricultural commercial motor vehicle~~ being transported as provided in s. 348.05
24 (2g) or (3m).

25 **SECTION 14.** 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 or agricultural commercial motor vehicle from farm to field, from field to
6 field, or from farm to farm, and is operated on or before January 1, 2020, 23,000
7 pounds. In addition, the gross weight imposed on the highway by the wheels of the
8 steering axle of a truck tractor may not exceed 13,000 pounds unless the
9 manufacturer's rated capacity of the axle and the tires is sufficient to carry the
10 weight, but not to exceed 20,000 pounds.

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

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

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

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

1 increased weight allowance for implements of husbandry authorized under this
2 chapter.

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

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

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

12 348.15 (9) (c) 1. Notwithstanding sub. (3) (a), (b), (c), and (g), there is no weight
13 limitation per wheel, axle, or group of axles for an implement of husbandry that is
14 an empty potato harvester if, subject to subd. 2., the potato harvester is accompanied
15 by one or more escort vehicles operating with hazard lights activated, except that
16 such a potato harvester is subject to any weight limitation posted as provided in s.
17 348.17 (1). Except as provided in par. (e), a potato harvester is subject to the
18 maximum gross weight limitation for implements of husbandry specified in par. (b).

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

20 348.15 (9) (cm) 1. Notwithstanding sub. (3) (a), (b), (c), and (g), there is no
21 weight limitation per wheel, axle, or group of axles for a 2-vehicle combination
22 transporting by trailer or semitrailer an empty potato harvester from farm to field,
23 from field to field, or from farm to farm if, subject to subd. 2., the 2-vehicle
24 combination is accompanied by one or more escort vehicles operating with hazard
25 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 20.** 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 or agricultural commercial motor vehicles under sub. (3)
15 (b) and (g) does not apply on any highway that is a part of the national system of
16 interstate and defense highways.

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

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

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

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

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

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

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

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

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

21 348.15 (9) (f) 1. Notwithstanding par. (c) and sub. (3) (a), (b), (c), and (g), and
22 except as provided in subd. 3. and par. (e), there is no weight limitation per wheel,
23 axle, or group of axles, and no gross weight limitation other than that specified in par.
24 (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., 2.,
2 or 3., being operated on a highway that is not designated under subd. 2. a.

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. or agricultural commercial motor
9 vehicle used as described in s. 340.01 (1o) (e) 1., 2., or 3. from farm to field, from field
10 to field, or from farm to farm, on a highway that is not designated under subd. 2. a.

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

12 348.15 (9) (f) 2. a. The governing body of a municipality or county may, by
13 resolution or ordinance, designate highways under the municipality's or county's
14 jurisdiction, for maintenance purposes, on which the statutory weight limits
15 prescribed under this section, other than this paragraph, for implements of
16 husbandry or agricultural commercial motor vehicles apply to implements of
17 husbandry described in s. 340.01 (24) (a) 1. b., and to agricultural commercial motor
18 vehicles used as described in s. 340.01 (1o) (e) 1., 2., or 3., that are operated or
19 transported on the highway and to 2-vehicle combinations transporting them. If a
20 resolution or ordinance is adopted under this subd. 2. a., any weight limit resulting
21 from the resolution or ordinance is considered to be a weight limit imposed by this
22 chapter and any violation is considered to be a violation of the applicable weight
23 limits prescribed under this section.

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

1 348.15 (9) (f) 2. b. For a resolution or ordinance under this subdivision to be
2 effective in any calendar year, the resolution or ordinance must be adopted on or
3 before ~~January 15 of that calendar year or in a~~ November 30 of the prior year. A
4 resolution or ordinance adopted under this subdivision shall be valid for at least one
5 calendar year. No amendment to a resolution or ordinance is effective in a calendar
6 year unless the amendment was adopted on or before November 30 of the prior year.

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

8 348.15 (9) (f) 2. c. ~~Each~~ No later than January 20 of the year after it adopts or
9 amends a resolution or ordinance under this subdivision, each municipality or
10 county that designates highways under subd. 2. a. shall forward to the department
11 a copy of the resolution or ordinance, and the department shall publish the resolution
12 or ordinance on the department's Internet site.

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

14 348.15 (9) (f) 3. ~~Subdivision 1. does~~ Subdivisions 1. and 1m. do not apply on any
15 highway that is a state trunk highway or that is posted with a weight limitation as
16 provided in s. 348.17 (1).

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

18 348.16 (2) Except as provided in sub. (3) and s. 348.175 and subject to any
19 modifications made by a city of the first class pursuant to s. 349.15 (3), no person,
20 without a permit therefor, shall operate on a class "B" highway any vehicle or
21 combination of vehicles imposing wheel, axle, group of axles, or gross weight on the
22 highway exceeding 60 percent of the weights authorized in s. 348.15 (3). This
23 subsection does not apply, from April 24, 2014, to January 1, 2020, to ~~a potato~~
24 ~~harvester or an implement of husbandry or agricultural commercial motor vehicle~~
25 being operated or transported, or to a 2-vehicle combination transporting an

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

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

4 348.21 (3t) (b) In the case of a violation of s. 348.15 (3) (b) involving an
5 implement of husbandry or agricultural commercial motor vehicle or a 2-vehicle
6 combination transporting an implement of husbandry or agricultural commercial
7 motor vehicle, the penalty shall be computed on the basis of a permissible weight of
8 20,000 pounds.

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

10 348.27 (19) (b) 1. Subject to subds. 3. and 5. b. and par. (c), a person may apply
11 to the maintaining authority of a highway for an annual or consecutive month,
12 no-fee permit to operate an implement of husbandry or agricultural commercial
13 motor vehicle that exceeds limitations on length or weight, or both, imposed by this
14 chapter. Subject to subds. 3. and 5. b. and par. (c), a person may also apply to the
15 maintaining authority of a highway for an annual or consecutive month, no-fee
16 permit to operate a 2-vehicle combination transporting by trailer or semitrailer an
17 implement of husbandry or agricultural commercial motor vehicle that exceeds
18 limitations on length or weight, or both, imposed by this chapter and that is being
19 transported on the highway from farm to field, from field to field, or from farm to
20 farm. Upon receiving an application for a no-fee permit under this subsection, the
21 maintaining authority shall provide the applicant with a final decision on the
22 application within 3 weeks of its receipt. If the maintaining authority fails to
23 approve or deny the application within this 3-week period, the application is
24 considered approved until the applicant receives a denial meeting the requirements
25 under subd. 4. or until 6 weeks from receipt of the application. If the maintaining

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

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

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

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

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

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

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

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

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

16 348.27 (19) (b) 5. d. ~~Each~~ No later than January 20 of the year after it adopts
17 or amends a resolution or ordinance under this subdivision, each municipality or
18 county that adopts a resolution or ordinance under this subdivision shall forward to
19 the department a copy of the resolution or ordinance, and the department shall
20 publish the resolution or ordinance on the department's Internet site.

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

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

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

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

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

12 **SECTION 40.** 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 41.** 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 or agricultural commercial motor vehicle
22 in compliance with the permit to cross any highway that intersects with a highway
23 under the jurisdiction of the maintaining authority that issued the permit.

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

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

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

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

14 **SECTION 44.** 348.27 (19) (e) 2. of the statutes is amended to read:

15 348.27 (19) (e) 2. Notwithstanding s. 348.25 (9), any person aggrieved by an
16 adverse determination by a municipality or county may obtain review of the adverse
17 determination in the manner provided in ch. 68 or as provided under an ordinance
18 or resolution adopted under s. 68.16. However, review of the initial determination
19 of the municipality or county, under s. 68.09 or 68.10 or under the equivalent
20 provision of an ordinance or resolution adopted by a municipality under s. 68.16,
21 shall be made by, respectively, the governing body of the municipality or the county
22 highway committee of the county. Notwithstanding ss. 19.83 (1) and 19.85 (1), any
23 deliberation or proceeding, at a meeting of the governing body of a municipality or
24 county or any of its committees, related to review of an adverse determination shall
25 be conducted in closed session.

insert 20-25

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0648/lins
ARG:.....

SAW

INSERT ANAL-A:

(no P) Under the bill, a municipality is not subject to open meetings requirements in making its initial determination to be provided to an applicant for a no-fee permit.

INSERT ANAL-B:

(no P) , with the permit applicant present for any evidentiary hearing or argument. The local authority must keep confidential all information provided by the permit applicant during the proceeding, but this information may be included in the written decision and may be disclosed in any court proceeding for judicial review of the decision

on an application

INSERT 20-13:

SECTION 1. 348.27 (19) (d) 3. a. of the statutes is amended to read:

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

SECTION 2. 348.27 (19) (d) 3. e. of the statutes is created to read:

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

SECTION 3. 348.27 (19) (d) 4. of the statutes is created to read:

X

X
^

X
^

348.27 (19) (d) 4. In making its initial determination ~~to be provided to~~ an ^{application} ~~applicant~~ for a no-fee permit under this subsection, a municipality is not subject to the requirements under subch. V of ch. 19.

✓
INSERT 20-25:

(no 94) , with the permit applicant and any agent of the applicant present for any evidentiary hearing or argument. The municipality or county shall keep confidential all information provided by or on behalf of the permit applicant during the proceeding and this information is not open to public inspection, copying, or disclosure under s. 19.35, except that this information may be included in the written decision provided to the permit applicant or applicant's agent and may be disclosed in any court proceeding for judicial review of the decision

Barman, Mike

From: Portz, Elisabeth
Sent: Monday, March 16, 2015 10:39 AM
To: LRB.Legal
Subject: Draft Review: LRB -0648/1 Topic: Implements of husbandry and agricultural commercial motor vehicles (trailer legislation to 2013 Act 377)

Please Jacket LRB -0648/1 for the ASSEMBLY.