



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2015 Assembly Bill 113**

**Assembly Amendments 1 and 2**

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### CURRENT LAW

With exceptions, no person may operate any vehicle or combination of vehicles that exceeds statutory size or weight limitations on a highway unless the person obtains a permit issued by the authority in charge of maintenance of the highway. Under current law, except on interstate highways, the statutory weight limitations that apply to vehicles used exclusively in the conduct of agricultural operations are approximately 15% higher than the weight limitations that apply to other types of vehicles.

To be entitled to these increased weight allowances, the vehicle must be either an “implement of husbandry” or an “agricultural commercial motor vehicle” (CMV). Very generally, an implement of husbandry is a vehicle that is manufactured, designed, or reconstructed to be used and that is exclusively used in the conduct of agricultural operations. An agricultural CMV is a vehicle to which all of the following apply:

- The vehicle is substantially designed or equipped, or materially altered from its original construction, for the purpose of agricultural use;
- The vehicle was designed and manufactured primarily for highway use.
- Unless the vehicle was manufactured prior to 1970, the vehicle was manufactured to meet federal motor vehicle safety standard certification label requirements.
- The vehicle is used exclusively in the conduct of agricultural operations; and
- The vehicle is directly engaged in harvesting farm products, directly applies fertilizer, spray, or seeds to a farm field, or distributes feed to livestock.

Within the umbrella of the general definition of implement of husbandry, there are three subcategories of implements of husbandry – often referred to as category A; category B; and category C – to which specific statutory provisions apply. For example, category B implements of husbandry (which, very generally, consist of implements used in planting and harvesting) are exempt from per axle weight limitations, but subject to a gross vehicle weight limitation of 92,000 pounds, on local roads unless the maintaining authority adopts a resolution or ordinance providing that category B implements are subject to per axle weight limitations. To be effective in a particular calendar year, a resolution or ordinance must be adopted by January 15 of that year, and the municipality must forward a copy of the resolution or ordinance to the Department of Transportation (DOT). Category B implements of husbandry are also exempt from per wheel, axle, or group of axle limitations, and gross vehicle weight limitations, traveling between fields or between a farm and field on highways for distances of a half a mile or less.

Current law also provides a process for highway maintaining authorities to issue “no fee permits” for implements of husbandry and agricultural CMVs that exceed the applicable size and weight limitations. An application for a no fee permit must contain, among other information, identification of the types of implements or agricultural CMVs for which the application is made and a listing or map of the highways that may potentially be traveled under authorization of the permit. With limited exceptions, a maintaining authority is required to keep confidential all information provided by an applicant for a no fee permit. If a person applies to a maintaining authority for a no fee permit with respect to an implement of husbandry that is a category B implement and the only basis for denying the permit is the listing or map of the highways that may potentially be travelled, the maintaining authority shall modify the application to include an approved alternate route or map of highways for operation of the implement of husbandry and approve the application.

### **2015 ASSEMBLY BILL 113**

Assembly Bill 113 makes a number of changes relating to the operation of vehicles used exclusively in the conduct of agricultural operations on highways, including the following:

- Modifies the definition of agricultural CMV to include certain vehicles assisting another vehicle directly harvesting farm products by receiving farm products as they are harvested, and to include certain vehicles applying or offloading manure.
- Creates a subcategory of agricultural CMV, which is comprised of vehicles that directly harvest farm products, directly distribute feed to livestock or directly apply fertilizer, lime, spray, or seeds, but not manure, to a farm field, that receives treatment that parallels the treatment given to Category B implement of husbandry.
- Amends the definition of implement of husbandry to provide that a vehicle combination that consists of a towed implement of husbandry and an agricultural CMV as the towing power unit is an implement of husbandry.
- Amends the definition of potato harvester to include both self-propelled and towed vehicles.

- Authorizes the operation of implement of husbandry with rubber tracks if the operation will not injure the highway.
- Extends the increased weight limitations and oversize exemptions applicable to implements of husbandry and agricultural CMVs to implements of husbandry and agricultural CMVs that are transported by trailer or semi-trailer.
- Authorizes a person operating under a no-fee permit to cross an intersecting highway under the jurisdiction of another authority without obtaining a permit.
- Changes the dates by which a municipality must adopt an ordinance for it to be effective in a particular calendar year from January 15 of that year to November 30 of the preceding year, and provides that the municipality must forward a copy of the ordinance to the department by January 20.
- Provides that a municipality is not subject to open meetings requirements in making its initial determination on an application for a no-fee permit, and provides a process for the governing body of a municipality to review the appeal of an adverse determination on no-fee permit application in closed session.

### **ASSEMBLY AMENDMENT 1**

Assembly Amendment 1 to Assembly Bill 113 allows certain implements to be operated attached, as well as towed, to the power unit to be considered Category B implements.

### **ASSEMBLY AMENDMENT 2**

Assembly Amendment 2 to Assembly Bill 113 modifies the bill in the following ways:

- Requires farm implement dealers to disclose, in addition to an implement's gross vehicle weight, the implement's axle weights, at the time of sale.
- Removes the reference to vehicles that are being used to directly harvest farm products from the subcategory of agricultural CMVs that receive treatment parallel to category B implements of husbandry.
- Modifies the definition of agricultural CMV to include vehicles assisting other vehicles directly planting potatoes by delivering seed potatoes to the planter.
- Exempts from length limitations an implement of husbandry that is an irrigation system in combination with a farm tractor, farm truck, farm truck tractor, or motor truck temporarily operated upon a highway.
- Provides that a person to whom a no fee permit has been issued may, at any time, apply for an amendment to reflect a change in the applicant's circumstances or information, including a change in the listing or map of highways to be traveled.

- Authorizes a person who holds a no fee permit to operate a replacement vehicle if the vehicle for which the permit was issued is removed from service or sold, so long as the replacement vehicle is of equal or lesser weight or of equal or lesser size for the remainder of the permit period.
- Provides that a local maintaining authority may not issue a no fee permit for any bridge crossing over a state trunk highway.
- Provides that a maintaining authority may not deny a no fee permit application for a Category B implement of husbandry or agricultural CMV that falls within the subcategory of agricultural CMV that receives treatment parallel to category B implements of husbandry. Instead, the maintaining authority must modify the application to include an alternate route or map of highways and approve the application.
- Clarifies that a maintaining authority that issues an alternate route or map of highways may include highways not under its jurisdiction without approval from the other jurisdiction if the implement of husbandry or agricultural CMV may be lawfully operated on those highways without a permit, and provides that if DOT is the maintaining authority, it may not include on an alternate map or route highways not under its jurisdiction.

### **BILL HISTORY**

Assembly Amendment 1 to Assembly Bill 113 was offered on March 24, 2015, by Senator Marklein. Assembly Amendment 2 was offered on April 6, 2015, by Senator Petrowski. On April 7, 2015, the Assembly Committee on Transportation and Veterans Affairs voted unanimously to recommend adoption of Assembly Amendments 1 and 2 to Assembly Bill 113 and passage of Assembly Bill 113, as amended.

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