

1993 Assembly Bill 821

Date of enactment: April 28, 1994
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1993 WISCONSIN ACT 455

AN ACT to amend 121.41 (1), 346.95 (4) and 347.24 (title); and to create 20.285 (1) (fs), 36.25 (32), 38.04 (4) (e), 59.07 (120), 100.46, 115.28 (11), 343.61 (6), 346.925, 347.24 (1) (am) and 895.495 of the statutes, relating to: creating an agricultural safety and health center in the university of Wisconsin system, farm safety programs, content of driver education courses, sales of farm equipment, liability arising out of fabricating safety devices for farm equipment, highway operation of agricultural machinery, requiring amber reflectors on overwidth implements of husbandry, making an appropriation and providing a penalty.

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

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

1993-94 1994-95

20.285 University of Wisconsin system

(1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE

(fs) Farm safety program grants GPR A -0-

20,000

SECTION 2. 20.285 (1) (fs) of the statutes is created to read:

machinery operation safety training to minors and certification of minors successfully completing such training.

20.285 (1) (fs) *Farm safety program grants.* The amounts in the schedule for farm safety program grants under s. 36.25 (32) (b).

3. Develop and disseminate educational and informational materials and present programs on farm safety and health topics.

SECTION 3. 36.25 (32) of the statutes is created to read:

(b) From the appropriation under s. 20.285 (1) (fs), the board shall award grants totaling not more than \$500 annually per county to sponsors of farm safety education, training or information programs. To be eligible for a grant, a sponsor shall:

36.25 (32) AGRICULTURAL SAFETY AND HEALTH CENTER. (a) The board shall establish an agricultural safety and health center in the extension. The center shall do all of the following:

1. Develop curriculum and materials for a tractor and machine operation safety training course for minors that is equivalent to the requirements, other than age, specified under 29 CFR 570.70 to 570.72.

1. Secure or provide equal matching funds from private or public sources.

2. Demonstrate the need for the program.

2. Perform instructor training and coordination necessary to provide a statewide program of tractor and

3. Demonstrate that the program for which a grant is sought was developed in consultation with extension personnel, public health personnel, vocational agriculture

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instructors or other persons with expertise or interest in farm safety topics.

SECTION 4. 38.04 (4) (e) of the statutes is created to read:

38.04 (4) (e) No driver education course may be approved by the board unless it acquaints each student with the hazards posed by machinery and animals on highways and provides instruction in safely dealing with such hazards.

SECTION 5. 59.07 (120) of the statutes is created to read:

59.07 (120) FARM SAFETY. Appropriate money for or sponsor, or both, farm safety education, training or information programs.

SECTION 6. 100.46 of the statutes is created to read:

100.46 Sales of farm equipment. (1) DEFINITION. In this section, "farm equipment" means a tractor or other machinery used in the business of farming.

(2) SAFETY EQUIPMENT REQUIRED. No person in the business of selling farm equipment may sell farm equipment unless, at the time of sale, the farm equipment is equipped with all of the following:

(a) A power takeoff master shield, if a tractor.

(b) A power takeoff driveline shield extending to the 2nd universal joint, if farm equipment powered by a tractor.

(c) Lights and reflectors meeting the applicable requirements under ch. 347, if farm equipment that can be operated on a highway.

(d) A slow moving vehicle emblem meeting standards and specifications established under s. 347.245, if farm equipment that can be operated on a highway.

(3) DISCLOSURE. If farm equipment subject to sub. (2) (b) is equipped with a power takeoff shield that is not equivalent to the shield installed at the time of manufacture, the person who sells the farm equipment shall so notify the buyer in writing.

(4) EXCEPTIONS. Subsection (2) does not apply to:

(a) Sales of farm equipment to another person in the business of selling farm equipment for the purpose of resale.

(b) Sales of farm equipment for the purpose of salvage.

(c) Sales by auction, unless the auctioneer holds title to the farm equipment being sold.

(5) PENALTY. Any person who violates this section may be required to forfeit not more than \$500 for each violation.

SECTION 7. 115.28 (11) of the statutes is created to read:

115.28 (11) DRIVER EDUCATION COURSES. Approve driver education courses offered by school districts, county handicapped children's education boards and vocational, technical and adult education districts for the purposes of ss. 121.41 (1) and 343.16 (1) (c) 1. and establish minimum standards for driver education courses

offered in private schools for the purposes of s. 343.16 (1) (c) 3. All driver education courses approved or for which standards are established under this subsection shall acquaint each student with the hazards posed by farm machinery and animals on highways and shall provide instruction in safely dealing with such hazards.

SECTION 8. 121.41 (1) of the statutes is amended to read:

121.41 (1) STATE AID. To promote a uniformly effective driver education program among high school and vocational, technical and adult education school pupils, each school district operating high school grades, each county handicapped children's education board which provides the substantial equivalent of a high school education and each vocational, technical and adult education district shall receive \$100 for each pupil of high school age who completes a course in driver education approved by the department under s. 115.28 (11), but in no case may the state aid exceed the actual cost of instruction. If the appropriation under s. 20.255 (2) (r) is inadequate in any year to provide \$100 per pupil, the state aid shall be prorated after the appropriation for administration is deducted. Such state aid shall be paid at the same time as the state aid under s. 121.08 is paid.

SECTION 9. 343.61 (6) of the statutes is created to read:

343.61 (6) No driver school may be licensed unless its approved course of instruction acquaints each student with the hazards posed by farm machinery and animals on highways and provides instruction in safely dealing with such hazards.

SECTION 10. 346.925 of the statutes is created to read:

346.925 Operation of agricultural machinery by youthful operators. (1) After April 30, 1996, no person may direct or permit a child under the age of 16 years to operate a farm tractor or self-propelled implement of husbandry on the highway unless the child has been certified as successfully completing a tractor and machinery operation safety training course that is equivalent to the requirements, other than age, specified under 29 CFR part 570.70 to 570.72.

(2) Subsection (1) does not apply to operation of a farm tractor or self-propelled implement of husbandry on the highway on a course that is perpendicular to the direction of the highway.

SECTION 11. 346.95 (4) of the statutes is amended to read:

346.95 (4) Any person violating s. 346.925 or 346.94 (8) or (8m) may be required to forfeit not to exceed \$20 for the first offense or not to exceed \$50 for each subsequent offense.

SECTION 12. 347.24 (title) of the statutes is amended to read:

347.24 (title) Lamps and reflectors on nonmotor vehicles and equipment.

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SECTION 13. 347.24 (1) (am) of the statutes is created to read:

347.24 (1) (am) No person may operate on a highway during hours of darkness any implement of husbandry that extends 4 feet or more to the left of the centerline of its towing vehicle unless such implement is equipped with an amber reflector meeting the visibility requirements of s. 347.19 and mounted on the left side, facing forward, so as to mark the extreme width of the implement to drivers of oncoming vehicles.

SECTION 14. 895.495 of the statutes is created to read:

895.495 Safety devices on farm equipment, ordinary negligence. (1) In this section:

(a) "Farm equipment" means a tractor or other machine used in the business of farming.

(b) "Safety device" means a guard, shield or other part that has the purpose of preventing injury to humans.

(2) If a person in the business of selling or repairing farm equipment fabricates a safety device and installs the safety device on used farm equipment, after determining either that the farm equipment was not originally

equipped with such a safety device or that a replacement is not available from the original manufacturer or from a manufacturer of replacements, and notifies the owner or purchaser of the farm equipment that the person fabricated the safety device, the person is not liable for claims founded in tort for damages arising from the safety device unless the claimant proves, by a preponderance of the evidence, that a cause of the claimant's harm was the failure to use reasonable care with respect to the design, fabrication, inspection, condition or installation of, or warnings relating to, the safety device.

SECTION 15. Appropriation changes; university of Wisconsin system. In the schedule under section 20.005 (3) of the statutes for the appropriation to the university of Wisconsin system under section 20.285 (1) (a) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$80,800 for fiscal year 1994–95 for the operation of the agricultural safety and health center created by this act.