

State of Misconsin 1999 - 2000 LEGISLATURE

SENATE SUBSTITUTE AMENDMENT 1, TO 1999 SENATE BILL 265

March 28, 2000 – Offered by Committee on Insurance, Tourism, Transportation AND Corrections.

1	AN ACT to renumber 346.94 (7); to renumber and amend 348.10 (2); to amend
2	347.46 (2) (intro.); and <i>to create</i> 346.94 (7) (b), 347.46 (2) (d) and 348.10 (2) (b)
3	and (c) of the statutes; relating to: transporting bulk materials on a highway,
4	liability for spilling waste or foreign matter upon or along a highway and
5	mudguards on motor trucks and semitrailers transporting bulk materials.
	The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:
6	SECTION 1. 346.94 (7) of the statutes is renumbered 346.94 (7) (a).
7	SECTION 2. 346.94 (7) (b) of the statutes is created to read:
8	346.94 (7) (b) Any person who violates par. (a) is liable for any harm to another
9	person using the highway or to another vehicle resulting from the violation.
LO	SECTION 3. 347.46 (2) (intro.) of the statutes is amended to read:
11	347.46 (2) (intro.) No person shall may operate on a highway in intercity
12	movement any privately owned motor truck or privately owned semitrailer drawn

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1	by a truck tractor, except those motor trucks and semitrailers equipped with dump
2	bodies, unless such motor truck or semitrailer is equipped with rear fenders or
3	mudguards or, except for those motor trucks and semitrailers transporting sand,
4	gravel, dirt, rock, refuse or similar bulk material, rear fenders of such material and
5	so constructed and placed as to restrict to a minimum the splashing of water, mud
6	or other material which may be thrown by the rear wheels. Such rear fenders or
7	mudguards shall meet the following minimum specifications:
8	SECTION 4. 347.46 (2) (d) of the statutes is created to read:
9	347.46 (2) (d) Notwithstanding pars. (a) to (c), the mudguards on a motor truck
10	or semitrailer transporting sand, gravel, dirt, rock, refuse or similar bulk material
11	shall be mounted to the rear of the axles, cover the entire width of the vehicle and
12	have a ground clearance of not more than 6 inches when the vehicle is loaded.
13	SECTION 5. $348.10(2)$ of the statutes is renumbered $348.10(2)(a)$ and amended
14	to read:
15	348.10 (2) (a) No person shall <u>may</u> operate a vehicle on a highway unless such
16	vehicle is so constructed and loaded as to prevent its contents from dropping, sifting,
17	leaking or otherwise escaping therefrom.
18	SECTION 6. 348.10 (2) (b) and (c) of the statutes are created to read:
19	348.10 (2) (b) Notwithstanding par. (a), no person may operate on a highway
20	a vehicle loaded with sand, gravel, dirt, rock, refuse or similar bulk material that is
21	not in containers, unless the vehicle is so loaded and covered as to prevent the load
22	from dropping or sifting from the vehicle. "Bulk material" does not include plants,
23	plant parts, animals, or animal products produced by a person primarily for sale,
24	consumption, propagation or other use by humans or animals.

1 (c) This subsection does not apply to the application of a bulk material to a 2 highway for the purposes of maintenance or construction of the highway or of 3 highway winter maintenance snow and iced removal.

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SECTION 7. Initial applicability.

5 (1) The renumbering of section 346.94 (7) of the statutes and the creation of
6 section 346.94 (7) (b) of the statutes first apply to material spilled on or along a
7 highway on the effective date of this subsection.

8 (2) The treatment of section 347.46 (2) (intro.) and (d) of the statutes, the 9 renumbering and amendment of section 348.10 (2) of the statutes and the creation 10 of section 348.10 (2) (b) and (c) of the statutes first apply to motor trucks operated 11 on the effective date of this subsection.

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SECTION 8. Effective date.

13 (1) This act takes effect on the first day of the 4th month beginning afterpublication.

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(END)