



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRBs0168/1  
EVM:skw

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 440**

November 7, 2023 – Offered by Representative KURTZ.

1     **AN ACT** *to amend* 348.15 (5r) and 348.25 (4) (intro.); and *to create* 348.27 (20)  
2             of the statutes; **relating to:** permits for the overweight transport of certain  
3             fluid milk products.

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

4             **SECTION 1.** 348.15 (5r) of the statutes is amended to read:

5             348.15 **(5r)** Irrespective of sub. (5), in determining overweight under sub. (3)  
6             the results of weighing by means of either portable scales or certified stationary  
7             scales shall be admissible as evidence. ~~In all cases where a vehicle is weighed on a~~  
8             ~~certified stationary scale, axles less than 6 feet apart shall be weighed as one unit.~~

9             **SECTION 2.** 348.25 (4) (intro.) of the statutes is amended to read:

10            348.25 **(4)** (intro.) Except as provided under s. 348.26 (4), (6), or (7) or 348.27  
11            (3), (3m), (4m), (9), (9m), (9r), (9t), (10), (12), (15), (16), (18), ~~or~~ (19), or (20), permits

1 shall be issued only for the transporting of a single article or vehicle which exceeds  
2 statutory size, weight or load limitations and which cannot reasonably be divided or  
3 reduced to comply with statutory size, weight or load limitations, except that:

4 **SECTION 3.** 348.27 (20) of the statutes is created to read:

5 348.27 (20) TRANSPORTATION OF CERTAIN FLUID MILK PRODUCTS. (a) In this  
6 subsection, “fluid milk product” includes raw milk and liquid milk products and  
7 byproducts, including liquid whey and whey byproducts.

8 (b) Subject to par. (c), the department may issue annual or consecutive month  
9 permits for the transportation of fluid milk product to processing facilities in vehicle  
10 combinations that exceed the maximum gross weight limitations under s. 348.15 (3)  
11 (c) by not more than 18,000 pounds if the vehicle combination has 6 or more axles and  
12 the gross weight imposed on the highway by the wheels of any one axle of the vehicle  
13 combination does not exceed 18,000 pounds, except that the gross weight imposed  
14 on the highway by the wheels of any steering axle on the power unit may not exceed  
15 the greater of 13,000 pounds or the manufacturer’s rated capacity, but not to exceed  
16 18,000 pounds. Notwithstanding s. 348.15 (8), any axle of a vehicle combination that  
17 does not impose on the highway at least 8 percent of the gross weight of the vehicle  
18 combination may not be counted as an axle for the purposes of this paragraph. A  
19 permit issued under this subsection does not authorize the operation of any vehicle  
20 combination at a maximum gross weight in excess of 98,000 pounds. This paragraph  
21 does not apply on any highway that is a part of the national system of interstate and  
22 defense highways.

23 (c) The department may not differentiate between types of fluid milk product  
24 in imposing conditions for permits under this subsection.

1 (d) 1. The department shall suspend a permit issued under par. (b) if the person  
2 operating under the permit does any of the following:

3 a. Violates any weight limitation specified in the permit more than 2 times  
4 during the valid period of the permit.

5 b. Violates any weight limitation specified in the permit by exceeding the  
6 weight limitation by 10,000 or more pounds.

7 2. A suspension under subd. 1. shall be for a period of 6 months. If the remaining  
8 valid period of the permit at the time of the suspension is less than 6 months, the  
9 person may not apply for, or operate under, any other permit issued under par. (b)  
10 for a period of 6 months from the suspension.

11 (END)