



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 778

Assembly Amendments 1 and 2

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Current Law

Current law authorizes the Department of Transportation (DOT) or the local highway authority to impose special weight limits on highways that, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of the special limits. If special weight limits are imposed, the limits must be posted by highway signs along the affected highways. The special weight limits apply regardless of whether a vehicle is being operated under an overweight permit unless the permit expressly authorizes the special weight limits to be exceeded.

Under current law, if a vehicle's per-axle weight is over limits prescribed by law by no more than 2,000 pounds and the vehicle's load can be reloaded within the normal load carrying areas to eliminate the excess per-axle weight, the operator may reload up to 2,000 pounds and no forfeiture may be imposed. In lieu of reloading the vehicle, the operator may choose to continue operating the vehicle above the per-axle weight limit and pay a forfeiture of \$50 for failure to reload the vehicle.

Assembly Bill 778

Assembly Bill 778 provides that each annual or consecutive month permit issued by DOT for the transportation of raw forest products in vehicle combinations having a gross weight not exceeding 98,000 pounds if the vehicle combination has six or more axles and meets other criteria (an "RS permit") must expressly authorize the vehicle combination to exceed any special weight limits imposed in connection with the thawing of frozen highways and to be operated at the full allowable weight.

Assembly Bill 778 specifically allows raw forest product haulers to reload up to 2,000 pounds, or pay a forfeiture of \$50 for failure to reload, for a vehicle combination being operated under the permit if the vehicle combination exceeds, by not more than 2,000 pounds, any per-axle weight limit specified in the permit.

Assembly Amendments 1 and 2

Assembly Amendment 1 directs the DOT to suspend an RS permit if the person operating under the permit violates any weight limitation specified in the permit either: (1) more than two times during the valid period of the permit; or (2) by exceeding the weight limitation by 10,000 or more pounds. The suspension must be for six months. If the remaining valid period of the permit at the time of suspension is less than six months, the person may not apply for, or operate under, any other RS permit for a period of six months from the suspension.

Assembly Amendment 2 provides that an RS permit must expressly authorize the vehicle combination to exceed any special weight limits imposed in connection with the thawing of frozen highways and to be operated at the full allowable weight *only on state trunk highways and connecting highways*.

Legislative History

Assembly Amendment 1 was offered by Representatives Milroy and Clark on March 23, 2010. Assembly Amendment 2 was offered by the Assembly Committee on Forestry on March 24, 2010. On the same date, the committee recommended adoption of Assembly Amendment 1 and Assembly Amendment 2, each on a vote of Ayes, 5; Noes, 0, and recommended passage of the bill, as amended, on a vote of Ayes, 5; Noes, 0.

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