



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Senate Bill 509

Assembly Amendment 1

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Under current law, with exceptions, no person may operate on a highway any vehicle or combination of vehicles that exceeds statutory size or weight limitations unless the person obtains a permit issued by the authority in charge of maintenance of the highway. Current law treats implements of husbandry differently than other vehicles for a variety of circumstances—for example, implements of husbandry are not required to be registered—however, implements of husbandry must generally comply with statutory size and weight limitations unless a specific exception applies.

Generally, an implement of husbandry is subject to the same weight limitations as all other vehicles. These limitations prohibit a person from operating a vehicle on a highway without a permit if the vehicle's weight exceeds 20,000 pounds per axle. Depending on the number of axles, a person may operate a vehicle with a weight of up to 80,000 pounds without a permit.

2013 SENATE BILL 509

Very generally, 2013 Senate Bill 509, as amended by the Senate,¹ (the bill) relating to operation of agricultural vehicles on highways and providing a penalty, makes the following changes to current law:

- Modifies the definition of “implement of husbandry.”

¹ On March 11, 2014, the Senate adopted Senate Amendment 1 and passed the bill, as amended, on a voice vote. Subsequently, Senate Bill 509 was printed engrossed, at the direction of the Assembly Chief Clerk. A complete description of the bill, as amended by Senate Amendment 1, can be found in the LRB analysis of the engrossed bill, found here: <https://docs.legis.wisconsin.gov/2013/related/proposals/sb509-engrossed.pdf>.

- Creates a definition for a new class of agricultural vehicles, termed “agricultural commercial vehicles.”
- Creates an increased weight limitation for all implements of husbandry and agricultural commercial motor vehicles (CMVs) that is approximately 15% higher than the general statutory weight limitation for other vehicles. This increased weight allowance authorizes an implement of husbandry to operate at up to 92,000 pounds without a permit, depending on the number of axles.
- Exempts from weight and width requirements: implements of husbandry being operated for a specified distance on a highway between fields; and implements being transported between a farm and an implement dealer within a specified distance.
- Creates a new “no-fee permit,” issued by the Department of Transportation (DOT) and local authorities for implements of husbandry and agricultural CMVs that exceed statutory length or weight limitations.
- Modifies length, width, and height limitations for implements of husbandry.
- Modifies lighting and marking requirements for wide implements of husbandry.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 (the amendment) makes the following changes to Senate Bill 509. The amendment:

- Exempts certain types of implements of husbandry from per wheel, axle, or group of axles weight limitations on non-state trunk highways.
- Authorizes local governments to override this exemption by resolution or ordinance.
- Modifies the periods of validity for which a no-fee permit may be issued.
- Requires a maintaining authority to modify, rather than deny, a no-fee permit application made with respect to specified types of implements of husbandry in certain circumstances.
- Requires highway maintaining authorities to keep the information provided in permit applications confidential, except for specified purposes.
- Changes the effective date of certain provisions of the bill.
- Sunsets the bill’s no-fee permitting provisions and the increased weight allowances for implements of husbandry and agricultural CMVs.

Exemption to Per Wheel, Axle, or Group of Axles Weight Limitations for Certain Implements

Under the amendment, unless a municipality or county provides to the contrary by resolution or ordinance, certain implements of husbandry are subject to a 92,000 pound gross vehicle weight limitation, but are exempted from per wheel, axle, or group of axles weight limitations. The exemption from per wheel, axle, or group of axle weight limitations only applies to the following implements of husbandry:

- A self-propelled combine.
- A self-propelled forage harvester.
- Self-propelled fertilizer or pesticide application equipment but not including manure application equipment.
- Towed tillage, planting, and cultivation equipment and its towing power unit.
- Another self-propelled vehicle that directly engages in harvesting farm products, directly applies fertilizer, spray, or seeds but not manure or distributes feed to livestock.

This exemption does not apply to other types of implements of husbandry; nor does it apply on any highway that is a state trunk highway or that is posted with special or seasonal weight limitations. As discussed below, this exemption also does not apply on any highway a local government has designated is subject to statutory per wheel, axle, or group of axles weight limitations.

Authority of Local Government to Adopt Statutory Weight Limitations for Certain Implements

As noted above, under the amendment, the governing body of a municipality or county may, by resolution or ordinance, designate highways on which the statutory per wheel, axle, or group of axles weight limitations apply to certain implements of husbandry. The weight limitations that apply when a municipality adopts a resolution or ordinance are the new weight limitations that the bill provides for implements of husbandry and agricultural CMVs, which are 15% over the general weight limitations for other vehicles.

A resolution or ordinance adopting the statutory weight limitations for these implements of husbandry is valid for at least one calendar year. To be effective for a given year, the resolution or ordinance must be adopted on or before January 15 of that calendar year or in a prior year. In addition, a municipality or county must forward to DOT a copy of the resolution or ordinance, which DOT must publish on its Internet site.

No-Fee Permit Period of Validity

The bill creates a new annual or consecutive month permit, referred to as a “no-fee permit,” issued by DOT and local authorities for implements of husbandry and agricultural CMVs that exceed statutory length or weight limitations. A maintaining authority may issue

no-fee permits authorizing operation of implements of husbandry and agricultural CMVs that exceed statutory length or weight limitations on highways under its jurisdiction.

The amendment provides that a municipality or county may issue a no-fee permit that is valid for more than one year or for which there is no expiration. The amendment also provides that a no-fee permit issued by DOT must automatically renew each year unless there is a material change to any roadway for which the permit applies.

No-Fee Permit Modification

Both the bill and the amendment treat the types of implements of husbandry which may be exempted from per wheel, axle, or group of axles weight limitations differently than other types of implements of husbandry for the purposes of the no-fee permit application. Under the bill, if a maintaining authority denies an application made with respect to one of these types of implements,² the denial must also include an approved alternate route or map of highways for operation of the implement of husbandry.

Under the amendment, if the only basis for denying an application with respect to the types of implements of husbandry discussed above is the listing or map of highways accompanying the application, the maintaining authority does not deny the application. Instead, the maintaining authority must modify the application to include an approved alternate route or map of highways and approve the application. The amendment also provides that the approved alternate route or map of highways may only include highways that are not under the jurisdiction of the maintaining authority issuing the permit only upon prior approval of the maintaining authority having jurisdiction over those highways.

Confidentiality

The amendment generally requires a maintaining authority to keep confidential all information provided by an applicant for a no-fee permit, and provides that this information is not open to public inspection, copying, or disclosure under the Wisconsin Public Records Law. Under the amendment, however, the maintaining authority shall disclose this information:

- To DOT upon DOT's or the applicant's request.³
- To law enforcement, upon request, for law enforcement purposes.

² As with the exemption from per-wheel, axle, or group of axles weight limitations, this provision applies to: a self-propelled combine; a self-propelled forage harvester; self-propelled fertilizer or pesticide application equipment but not including manure application equipment; towed tillage, planting, and cultivation equipment and its towing power unit; and another self-propelled vehicle that directly engages in harvesting farm products, directly applies fertilizer, spray, or seeds but not manure or distributes feed to livestock.

³ The amendment requires DOT to keep this information confidential, and provides that it is not open to public inspection, copying, or disclosure under the Wisconsin Public Records Law.

The amendment also provides that the bill's confidentiality provisions do not prohibit a maintaining authority from disclosing on a permit information necessary to carry out the purpose of the permit.

Extended Period of Delay for Enforcement of Size and Weight Restrictions

The bill prohibits state patrol officers and DOT inspectors from issuing citations to persons operating certain implements of husbandry for violations of width, height, length, or weight restrictions until January 1, 2015.⁴ The amendment delays enforcement by state patrol officers and DOT inspectors until January 15, 2015.

Effective Date

Under the bill, the provisions modifying the definition of implement of husbandry, creating a definition for agricultural CMVs, and increasing the weight limitations for implements of husbandry and agricultural CMVs, among other provisions, take effect on the 30th day after publication. Under the amendment, these changes take effect on the day of publication.

Sunset

Under the amendment, the bill's no-fee permitting provisions sunset on January 1, 2020. The amendment also sunsets, on the same date, the bill's provisions increasing the weight limitations for implements of husbandry and agricultural CMVs and providing specified exemptions to these increased weight limitations.

BILL HISTORY

Representatives Ripp, Tauchen, and Nerison introduced Assembly Amendment 1. On March 20, 2014, the Assembly adopted Assembly Amendment 1 on a voice vote and concurred in the bill, as amended, on a vote of Ayes, 82; Noes, 11.

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⁴ Under the bill, a state patrol officer or DOT inspector may not issue a citation to a person for violating width, height, length, or weight restrictions if the person is operating any of the following: a farm tractor; a self-propelled combine; a self-propelled forage harvester; self-propelled fertilizer or pesticide application equipment but not including manure application equipment; towed tillage, planting, and cultivation equipment and its towing power unit; or another self-propelled vehicle that directly engages in harvesting farm products, directly applies fertilizer, spray, or seeds but not manure, or distributes feed to livestock.

A state patrol officer or DOT inspector, however, may issue a warning notice to an operator of one of the above types of implements of husbandry for a violation that occurs on or after the bill's effective date.

The prohibition against issuing citations for violations of width, height, length, or weight restrictions does not apply to violations that occur on the Interstate Highway System. This prohibition also does not apply to any official with the authority to enforce width, height, length, or weight regulations other than a state patrol officer or DOT inspector.