



## 1995 ASSEMBLY BILL 960

February 26, 1996 - Introduced by Representative BRANDEMUEHL, cosponsored by Senator A. LASEE. Referred to Committee on Highways and Transportation.

1     **AN ACT to repeal** 348.27 (8) (title), 348.27 (11) (title) and 348.27 (11) (b) 4. and  
2         **5.; to renumber** 348.27 (11) (b) 1. to 3.; **to renumber and amend** 348.27 (8),  
3         348.27 (11) (a), 348.27 (11) (b) (intro.) and 348.27 (11) (c) and (d); **to amend**  
4         348.05 (2) (c), 348.05 (3), 348.19 (2) (a), 348.19 (2) (b), 348.21 (3) (intro.), 348.21  
5         (3) (a), 348.21 (3) (b) (intro.), 348.25 (3) and 348.27 (1); and **to create** 348.27  
6         (11m) and 348.27 (14) of the statutes; **relating to:** permitting the operation of  
7         certain vehicles or combinations of vehicles exceeding weight or width  
8         limitations.

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### *Analysis by the Legislative Reference Bureau*

Under current law, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory limits on size, weight or load unless that person possesses a permit issued by the department of transportation (DOT). DOT is authorized to issue permits allowing the operation upon a highway of certain motor vehicles that exceed the statutory weight limitations (overweight permits) during an agricultural transportation emergency, or during an energy emergency certified by the governor.

This bill eliminates the overweight permits for agricultural transportation emergencies and energy emergencies. Instead, during such emergencies, DOT may authorize the operation of such vehicles or combinations of vehicles without a permit. DOT may not authorize the operation of these overweight vehicles or combinations of vehicles without a permit on any highway that is part of the national system of interstate and defense highways, except for certain portions of USH 51 and STH 78 upon their federal designation as I 39.

Also under current law, no person may operate a farm tractor wider than 9 feet on any highway that is part of the national system of interstate and defense highways, or wider than 12 feet on any other highway in this state, without a permit. Farm tractors wider than 12 feet, and other overwidth farm machinery wider than 8 feet 6 inches, may be moved, towed or hauled during certain daylight hours without a permit on any highway that is not part of the national system of interstate and defense highways.

This bill allows farm tractors up to 12 feet wide to continue to be operated without a permit on those portions of USH 51 and STH 78 upon their federal designation as I 39. Farm tractors wider than 12 feet, and other overwidth farm machinery wider than 8 feet 6 inches, may continue to be moved, towed or hauled during daylight hours on certain portions of USH 51 and STH 78 upon their federal designation as I 39 if the overwidth machinery is not a commercial vehicle. The bill also authorizes DOT to issue permits for the operation of farm tractors wider than 12 feet, and other overwidth farm machinery wider than 8 feet 6 inches, on any other portion of the national system of interstate and defense highways.

Under current law, vehicles transporting hay bales or Christmas trees may exceed a width of 8 feet 6 inches without a permit on any highway that is not part of the national system of interstate and defense highways. The bill authorizes DOT, during an agricultural transportation emergency, to issue permits allowing commercial motor vehicles transporting loads of hay bales or Christmas trees to exceed the statutory width limitations upon any highway that is part of the national system of interstate and defense highways.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 348.05 (2) (c) of the statutes is amended to read:

2           348.05 (2) (c) Twelve feet for farm tractors, except that the total outside width  
3 of a farm tractor shall not exceed 9 feet when operated on any Wisconsin highway,  
4 other than that portion of USH 51 between Wausau and STH 78 and that portion of  
5 STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal  
6 designation as I 39, which is a part of the national system of interstate and defense  
7 highways;

8           **SECTION 2.** 348.05 (3) of the statutes is amended to read:

1           348.05 (3) OVERWIDTH FARM MACHINERY. Farm tractors exceeding 12 feet in  
2 width and all other farm machinery and implements of husbandry exceeding 8 feet  
3 6 inches in width not being operated in the course of performance of its work may be  
4 moved, towed or hauled over the highways without a special permit issued under s.  
5 348.27 (14) between one-half hour before sunrise and sunset on Mondays to  
6 Thursdays and from one-half hour before sunrise to 2 p.m. on Fridays. Such  
7 overwidth machinery shall not be moved, towed or hauled on any Wisconsin highway,  
8 other than any overwidth machinery that is not a commercial motor vehicle on that  
9 portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between  
10 USH 51 and the I 90/94 interchange near Portage upon their federal designation as  
11 I 39, which is part of the national system of interstate and defense highways without  
12 a special permit issued under s. 348.27 (14).

13           **SECTION 3.** 348.19 (2) (a) of the statutes is amended to read:

14           348.19 (2) (a) Except as provided in par. (b), whenever after a weighing of a  
15 vehicle and load as provided in sub. (1) a traffic officer determines that the weight  
16 exceeds the limitations imposed by s. 348.15 ~~or~~, 348.16 or 348.17 (3) or (4) or any  
17 limitations posted as provided in s. 348.17 (1), the operator of such vehicle shall not  
18 proceed (except to drive to such place as directed by the traffic officer for the purpose  
19 of reloading or unloading) until such portion of the load has been reloaded or  
20 unloaded as may be necessary to reduce the weight of the vehicle and load to comply  
21 with the limitations imposed by s. 348.15 ~~or~~, 348.16 or 348.17 (3) or (4) and any  
22 limitations posted as provided in s. 348.17 (1). All material so reloaded or unloaded  
23 shall be reloaded or unloaded and cared for by and at the risk of the owner or operator  
24 of the vehicle.

1           **SECTION 4.** 348.19 (2) (b) of the statutes, as affected by 1995 Wisconsin Act 113,  
2 is amended to read:

3           348.19 (2) (b) If upon weighing a vehicle transporting livestock a traffic officer  
4 determines that the gross weight of the vehicle exceeds the limitations imposed by  
5 s. 348.15 ~~or~~, 348.16 or 348.17 (3) or (4) or a limitation posted as provided in s. 348.17  
6 (1), and if the point of apprehension is 15 miles or less from the destination of the  
7 vehicle, the traffic officer shall permit the operator of the vehicle to proceed to such  
8 destination without requiring the vehicle to be reloaded or unloaded as provided in  
9 par. (a). This paragraph does not apply to vehicles transporting livestock on the  
10 national system of interstate and defense highways, except for that portion of  
11 USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51  
12 and the I 90/94 interchange near Portage upon their federal designation as I 39.

13           **SECTION 5.** 348.21 (3) (intro.) of the statutes is amended to read:

14           348.21 (3) (intro.) Any person violating s. 348.15 or 348.16 or any weight  
15 limitation posted as provided in s. 348.17 (1) or in a declaration issued under s.  
16 348.175 or authorized under s. 348.17 (3) or (4) or in an overweight permit issued  
17 under s. 348.26 or 348.27 may be penalized as follows:

18           **SECTION 6.** 348.21 (3) (a) of the statutes is amended to read:

19           348.21 (3) (a) If the weight exceeds by 1,000 pounds or less the maximum set  
20 forth in s. 348.15 (3) or 348.16 or posted as provided in s. 348.17 (1) or in a declaration  
21 issued under s. 348.175 or authorized under s. 348.17 (3) or (4) or in an overweight  
22 permit issued under s. 348.26 or 348.27, a forfeiture of not less than \$50 nor more  
23 than \$100 upon the first conviction and, upon the 2nd and each subsequent  
24 conviction within a 12-month period, a forfeiture of not less than \$100 nor more than  
25 \$200.

1           **SECTION 7.** 348.21 (3) (b) (intro.) of the statutes is amended to read:

2           348.21 **(3)** (b) (intro.) If the weight exceeds by more than 1,000 pounds the  
3 maximum set forth in s. 348.15 (3) or 348.16 or posted as provided in s. 348.17 (1) or  
4 in a declaration issued under s. 348.175 or authorized under s. 348.17 (3) or (4) or in  
5 an overweight permit issued under s. 348.26 or 348.27, the forfeiture shall be  
6 computed according to the following schedule and in the case of violation of s. 348.15  
7 (3) (bg) or (br) shall be computed on the basis of the weights stated in s. 348.15 (3)  
8 (bg) or (br):

9           **SECTION 8.** 348.25 (3) of the statutes is amended to read:

10           348.25 **(3)** The department shall prescribe forms for applications for all single  
11 trip permits the granting of which is authorized by s. 348.26 and for those annual,  
12 consecutive month or multiple trip permits the granting of which is authorized by  
13 s. 348.27 (2) and (4) to ~~(13)~~ (14). The department may impose such reasonable  
14 conditions prerequisite to the granting of any permit authorized by s. 348.26 or  
15 348.27 and adopt such reasonable rules for the operation of a permittee thereunder  
16 as it deems necessary for the safety of travel and protection of the highways. The  
17 department may limit use of the highways under any permit issued to specified hours  
18 of the day or days of the week. Local officials granting permits may impose such  
19 additional reasonable conditions as they deem necessary in view of local conditions.

20           **SECTION 9.** 348.27 (1) of the statutes is amended to read:

21           348.27 **(1)** APPLICATIONS. All applications for annual, consecutive month or  
22 multiple trip permits for the movement of oversize or overweight vehicles or loads  
23 shall be made to the officer or agency designated by this section as having authority  
24 to issue the particular permit desired for use of the particular highway in question.

1 All applications under subs. (2) and (4) to ~~(13)~~ (14) shall be made upon forms  
2 prescribed by the department.

3 **SECTION 10.** 348.27 (8) (title) of the statutes is repealed.

4 **SECTION 11.** 348.27 (8) of the statutes is renumbered 348.17 (3) and amended  
5 to read:

6 348.17 (3) During an energy emergency, after consultation with the  
7 department of administration, the department may waive the divisible load  
8 limitation of s. 348.25 (4) and ~~issue permits valid~~ authorize for a period not to exceed  
9 30 days ~~for the operation of~~ overweight vehicles having a registered gross weight of  
10 50,000 pounds or more and carrying energy resources or fuel or milk commodities  
11 designated by the governor or a designee, regardless of the highways involved, to  
12 conserve energy. Such permits authorization may only allow weights not more than  
13 10% greater than the gross axle and axle combination weight limitations, and not  
14 more than 15% greater than the gross vehicle weight limitations under ss. 348.15  
15 and 348.16. ~~No permit issued under this subsection is valid unless the overweight~~  
16 ~~vehicle is registered under ch. 341 for the maximum gross weight allowed by the~~  
17 ~~permit and the department of transportation has been paid a permit fee of \$10 per~~  
18 ~~1,000 pounds or fraction thereof for the amount by which such maximum gross~~  
19 ~~weight exceeds 80,000 pounds.~~ Nothing in this subsection shall be construed to  
20 permit the department to waive the requirements of s. ~~348.07~~ ss. 348.05 to 348.07.  
21 This subsection does not apply to vehicles on highways designated as parts of the  
22 national system of interstate and defense highways, except for that portion of USH  
23 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and  
24 the I 90/94 interchange near Portage upon their federal designation as I 39.

25 **SECTION 12.** 348.27 (11) (title) of the statutes is repealed.

1           **SECTION 13.** 348.27 (11) (a) of the statutes is renumbered 348.17 (4) (a) and  
2 amended to read:

3           348.17 (4) (a) If the secretary, ~~after consultation with the secretary of~~  
4 agriculture, trade and consumer protection, determines that an agricultural  
5 ~~transportation~~ emergency exists with respect to the harvest of a particular crop, the  
6 secretary of transportation may authorize the issuance of permits to allow movement  
7 of vehicles or combinations of vehicles which are transporting crops from field to  
8 storage or processing facilities to that exceed the weight limitations under s. 348.15  
9 or 348.16 by not more than 15% of the applicable weight limitations. The  
10 authorization is limited to vehicles or combinations of vehicles that are transporting  
11 crops from field to storage or processing facilities and that have a registered gross  
12 weight of 50,000 pounds or more or are described in s. 340.01 (24) (b). This paragraph  
13 does not apply to vehicles or combinations of vehicles on highways designated as  
14 parts of the national system of interstate and defense highways, except for that  
15 portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between  
16 USH 51 and the I 90/94 interchange near Portage upon their federal designation as  
17 I 39, and to implements of husbandry.

18           **SECTION 14.** 348.27 (11) (b) (intro.) of the statutes is renumbered 348.17 (4) (b)  
19 (intro.) and amended to read:

20           348.17 (4) (b) (intro.) ~~In authorizing the issuance of permits under this~~  
21 ~~subsection, the~~ The secretary of agriculture, trade and consumer protection shall  
22 specify in writing the factors which resulted in the determination under par. (a) that  
23 an agricultural ~~transportation~~ emergency exists. The factors shall include but not  
24 be limited to:

1           **SECTION 15.** 348.27 (11) (b) 1. to 3. of the statutes are renumbered 348.17 (4)  
2 (b) 1. to 3.

3           **SECTION 16.** 348.27 (11) (b) 4. and 5. of the statutes are repealed.

4           **SECTION 17.** 348.27 (11) (c) and (d) of the statutes are renumbered 348.17 (4)  
5 (c) and (d) and amended to read:

6           348.17 (4) (c) ~~No permit issued under this subsection is valid unless the~~  
7 ~~overweight vehicle is registered under ch. 341 for the maximum gross weight allowed~~  
8 ~~by the permit and the applicant for the permit pays a fee of \$10 plus an additional~~  
9 ~~\$10 per 1,000 pounds or fraction thereof for the amount by which the maximum gross~~  
10 ~~weight exceeds 80,000 pounds. Nothing in this subsection shall be construed to~~  
11 ~~permit the department to waive the requirements of s. ss. 348.05 to 348.07.~~

12           (d) The secretary of transportation may limit the application of permits issued  
13 authorizations under this subsection to specific areas of the state, to specific crops,  
14 or to specific highways. ~~A permit authorized under this subsection takes effect upon~~  
15 ~~the mailing of a complete application and the required fee to the department. A~~  
16 ~~permit authorized~~ An authorization under this subsection is valid for up to 90 days,  
17 as determined by the secretary of transportation.

18           **SECTION 18.** 348.27 (11m) of the statutes is created to read:

19           348.27 (11m) AGRICULTURAL EMERGENCY PERMITS. (a) If the secretary of  
20 agriculture, trade and consumer protection determines that an agricultural  
21 emergency exists, the secretary of transportation may authorize the issuance of  
22 permits to allow vehicles that are transporting loads of hay in bales and, from  
23 September 15 to December 15 of each year, loads of Christmas trees from the point  
24 of harvesting or staging to a Christmas tree yard or point of commercial shipment  
25 to exceed the width limitation under s. 348.05 (1). This authorization is limited to

1 the operation of commercial motor vehicles upon routes of the national system of  
2 interstate and defense highways.

3 (b) In authorizing the issuance of permits under this subsection, the secretary  
4 of transportation shall specify in writing the factors which resulted in the  
5 determination to issue permits under this subsection. The factors shall include the  
6 effect of the increased width limits on highway safety.

7 (c) Nothing in this subsection shall be construed to permit the department to  
8 waive the requirements of s. 348.07.

9 (d) The secretary of transportation may limit the application of permits issued  
10 under this subsection to specific areas of the state or to specific highways. A permit  
11 authorized under this subsection takes effect upon the mailing of a complete  
12 application and the required fee to the department. A permit authorized under this  
13 subsection is valid for up to 90 days, as determined by the secretary of  
14 transportation.

15 **SECTION 19.** 348.27 (14) of the statutes is created to read:

16 348.27 (14) FARM MACHINERY PERMITS. The department may issue annual or  
17 consecutive month permits for the movement, towing or hauling of farm tractors  
18 exceeding 12 feet in width and all other farm machinery and implements of  
19 husbandry exceeding 8 feet 6 inches in width not being operated in the course of  
20 performance of its work on highways designated as part of the national system of  
21 interstate and defense highways. A permit under this subsection is not required for  
22 the movement, towing or hauling of any overwidth machinery that is not a  
23 commercial motor vehicle and which is authorized by s. 348.05 (3) on that portion of

1 USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51  
2 and the I 90/94 interchange near Portage upon their federal designation as I 39.

3 (END)