



State of Wisconsin
2011 - 2012 LEGISLATURE

September 2011 Special Session



LRB-3088/1
ARG:cjs:jf

ASSEMBLY BILL 10

October 11, 2011 – Introduced by COMMITTEE ON ASSEMBLY ORGANIZATION, by request of Governor Scott Walker, Representative Petrowski, and Senator Lazich. Referred to Committee on Transportation.

1 **AN ACT to amend** 348.25 (3), 348.25 (8) (a) 3., 348.25 (8) (b) 3. (intro.), 348.25 (8)
2 (d), 348.26 (1), 348.26 (2), 348.27 (1) and 348.28 (1); and **to create** 348.25 (8) (a)
3 4., 348.25 (8) (b) 4., 348.26 (8), 348.27 (17) and 348.29 of the statutes; **relating**
4 **to:** permits for overweight vehicles or vehicle combinations transporting sealed
5 containers or vehicles in international trade.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate on a highway any vehicle or combination of vehicles that exceeds certain statutory weight limits unless the person obtains a permit issued by the Department of Transportation (DOT) or a local authority, as applicable.

This bill allows DOT to issue overweight permits for vehicles or vehicle combinations (vehicles) that have six or more axles and that are transporting sealed loads. The bill defines a “sealed load” as a container or vehicle, being transported in international trade, that has been sealed with a tamper-evident seal. The permit does not authorize the operation of any vehicle at a maximum gross weight in excess of 90,000 pounds. Permit applications must be made electronically to DOT utilizing an electronic process prescribed by DOT.

The bill further specifies that, as with all other vehicle size or weight permits, if DOT issues an agricultural emergency permit or farm machinery permit, the permit must be carried on the vehicle during operation.

Under current law, if any bill introduced in either house of the legislature directly or indirectly establishes an exception to vehicle weight limitations, DOT

must prepare a report, containing specified information, relating to the bill within six weeks after the bill is introduced and before any vote is taken on the bill. This bill directs DOT not to prepare such a report on this bill because DOT recently completed the Wisconsin Truck Size and Weight Study that contained the same or similar information that would be contained in a report on this bill.

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

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

1 **SECTION 1.** 348.25 (3) of the statutes is amended to read:

2 348.25 (3) The department shall prescribe forms for applications for all single
3 trip permits the granting of which is authorized by s. 348.26 (2) to (7) and for those
4 annual, consecutive month or multiple trip permits the granting of which is
5 authorized by s. 348.27 (2) and (4) to (15). The department shall prescribe an
6 electronic application process for permits the granting of which is authorized by ss.
7 348.26 (8) and 348.27 (17). The department may impose such reasonable conditions
8 prerequisite to the granting of any permit authorized by s. 348.26 or 348.27 and
9 adopt such reasonable rules for the operation of a permittee thereunder as it deems
10 necessary for the safety of travel and protection of the highways. The department
11 may limit use of the highways under any permit issued to specified hours of the day
12 or days of the week. Local officials granting permits may impose such additional
13 reasonable conditions as they deem necessary in view of local conditions.

14 **SECTION 2.** 348.25 (8) (a) 3. of the statutes is amended to read:

15 348.25 (8) (a) 3. ~~For~~ Except as provided in subd. 4., for a vehicle or combination
16 of vehicles, the weight of which exceeds any of the provisions of s. 348.15 (3), 10% of
17 the fee specified in par. (b) 3. for an annual permit for the comparable gross weight,
18 rounded to the nearest whole dollar.

1 **SECTION 3.** 348.25 (8) (a) 4. of the statutes is created to read:

2 348.25 (8) (a) 4. For a permit issued under s. 348.26 (8), \$30.

3 **SECTION 4.** 348.25 (8) (b) 3. (intro.) of the statutes is amended to read:

4 348.25 (8) (b) 3. (intro.) ~~For~~ Except as provided in subd. 4., for a vehicle or
5 combination of vehicles, the weight of which exceeds any of the provisions of s. 348.15
6 (3):

7 **SECTION 5.** 348.25 (8) (b) 4. of the statutes is created to read:

8 348.25 (8) (b) 4. For a permit issued under s. 348.27 (17), \$300.

9 **SECTION 6.** 348.25 (8) (d) of the statutes is amended to read:

10 348.25 (8) (d) For the purpose of computing the fees under this subsection, if
11 the vehicle or combination of vehicles exceeds weight limitations, no fee in addition
12 to the fee under par. (a) 3. or 4., (b) 3. or 4., or (bm) shall be charged if the vehicle also
13 exceeds length, width or height limitations or any combination thereof.

14 **SECTION 7.** 348.26 (1) of the statutes is amended to read:

15 348.26 (1) APPLICATIONS. All applications under subs. (2) to (7) for single trip
16 permits for the movement of oversize or overweight vehicles or loads shall be made
17 upon the form prescribed by the department and shall be made to the officer or
18 agency designated by this section as having authority to issue the particular permit
19 desired for use of the particular highway in question. All applications under sub. (8)
20 shall be made to the department utilizing an electronic process prescribed by the
21 department.

22 **SECTION 8.** 348.26 (2) of the statutes is amended to read:

23 348.26 (2) PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES OR LOADS. Except as
24 provided in sub. subs. (4) and (8), single trip permits for oversize or overweight
25 vehicles or loads may be issued by the department for use of the state trunk highways

1 and by the officer in charge of maintenance of the highway to be used in the case of
2 other highways. Such local officials also may issue such single trip permits for use
3 of state trunk highways within the county or municipality which they represent.
4 Every single trip permit shall designate the route to be used by the permittee.
5 Whenever the officer or agency issuing such permit deems it necessary to have a
6 traffic officer escort the vehicle through the municipality or county, a reasonable fee
7 for such traffic officer's services shall be paid by the permittee. All moneys received
8 from fees imposed by the department under this subsection shall be deposited in the
9 general fund and credited to the appropriation account under s. 20.395 (5) (dg).

10 **SECTION 9.** 348.26 (8) of the statutes is created to read:

11 348.26 (8) PERMITS FOR THE TRANSPORTATION OF SEALED LOADS IN INTERNATIONAL
12 TRADE. (a) The department may issue single trip permits for the transportation of
13 a sealed load, as defined in s. 348.27 (17) (a), to applicants eligible for an annual or
14 consecutive month permit under s. 348.27 (17), subject to the same requirements and
15 limitations for annual and consecutive month permits described in s. 348.27 (17). A
16 permit under this subsection may be issued only by the department, regardless of the
17 highways to be used.

18 (b) A person issued a permit under this subsection shall use the automated
19 routing system specified in s. 348.25 (11).

20 **SECTION 10.** 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.
25 All applications under subs. (2) and (4) to (15) shall be made upon forms prescribed

1 by the department. All applications under sub. (17) shall be made utilizing an
2 electronic process prescribed by the department.

3 **SECTION 11.** 348.27 (17) of the statutes is created to read:

4 348.27 (17) PERMITS FOR THE TRANSPORTATION OF SEALED LOADS IN INTERNATIONAL
5 TRADE. (a) In this subsection, “sealed load” means a load consisting of a container
6 or vehicle, being transported in international trade, that has been sealed with a
7 tamper-evident seal affixed at the time of initial loading.

8 (b) The department may issue annual or consecutive month permits for the
9 transportation of a sealed load in a vehicle or vehicle combination that has 6 or more
10 axles and that exceeds the maximum gross weight limitations under s. 348.15 (3) (c)
11 if the vehicle or vehicle combination does not exceed the maximum gross weight
12 limitations under s. 348.29. Notwithstanding s. 348.15 (8), any axle of a vehicle or
13 vehicle combination that does not impose on the highway at least 8 percent of the
14 gross weight of the vehicle or vehicle combination may not be counted as an axle for
15 the purposes of this paragraph. A permit issued under this subsection does not
16 authorize the operation of any vehicle or vehicle combination at a maximum gross
17 weight in excess of 90,000 pounds.

18 **SECTION 12.** 348.28 (1) of the statutes is amended to read:

19 348.28 (1) Permits issued under ss. 348.25, 348.26 and 348.27 (1) to (10), (12)
20 to (13), and (15) shall be carried on the vehicle during operations so permitted.

21 **SECTION 13.** 348.29 of the statutes is created to read:

22 **348.29 Weight limitations for certain permits.** Notwithstanding s. 348.15
23 (3) (c), for any vehicle or vehicle combination operating under a permit issued under
24 s. 348.26 (8) or 348.27 (17), the gross weight imposed on the highway by any group
25 of 6 or more consecutive axles of a vehicle or combination of vehicles may not exceed

1 the maximum gross weights in the following table for each of the respective distances
2 between axles and the respective numbers of axles of a group: [See Figure 348.29
3 following]

4 **Figure 348.29:**
5

6 Maximum gross weight in pounds on a group of—

Distances in feet between foremost and rearmost axles of a group	6 consecutive axles of any combination of vehicles having a total of 6 or more axles	7 consecutive axles of a 7-axle vehicle or of any vehicle or combination of vehicles having a total of 7 or more axles	8 consecutive axles of a 8-axle vehicle or of any vehicle or combination of vehicles having a total of 8 or more axles
28			82,000
29			82,500
30			83,000
31			83,500
32			84,500
33			85,000
34			85,500
35		80,500	86,000
36		81,000	86,500
37		81,500	87,000
38		82,000	87,500
39		82,500	88,500
40		83,500	89,000
41		84,000	89,500
42		84,500	90,000
43		85,000	
44	80,500	85,500	
45	81,000	86,000	
46	81,500	87,000	
47	82,000	87,500	
48	83,000	88,000	
49	83,500	88,500	
50	84,000	89,000	
51	84,500	89,500	

52	85,000	90,000
53	86,000	
54	86,500	
55	87,000	
56	87,500	
57	88,000	
58	89,000	
59	89,500	
60	90,000	

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SECTION 14. Nonstatutory provisions.

(1) EXCEPTION TO REVIEW BY THE DEPARTMENT OF TRANSPORTATION.
Notwithstanding section 13.096 (2) of the statutes, the department of transportation shall not prepare a report on this bill under section 13.096 (2) and (3) of the statutes because the department recently completed the Wisconsin Truck Size and Weight Study, with a final report dated June 15, 2009, that contained the same or similar information that would be contained in a report on this bill under section 13.096 (2) and (3) of the statutes.

SECTION 15. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

(END)