



2013 ASSEMBLY BILL 842

March 5, 2014 - Introduced by Representatives BALLWEG, TAUCHEN, MARKLEIN, NERISON and TRANEL. Referred to Committee on Agriculture.

1 **AN ACT** *to repeal* 340.01 (1o), 340.01 (24) (a) 3., 341.01 (2) (am) and 348.15 (9);
2 *to renumber and amend* 348.17 (5); *to amend* 340.01 (24) (b), 348.16 (2),
3 348.16 (2), 348.17 (6) (a) 2. and 348.17 (6) (a) 3.; *to repeal and recreate* 340.01
4 (24); and *to create* 340.01 (1o), 348.15 (9) and 348.17 (5) (a) 1. and 2. of the
5 statutes; **relating to:** operation of agricultural vehicles on highways.

Analysis by the Legislative Reference Bureau

Current law includes various provisions relating to the operation on highways of implements of husbandry and farm tractors. An “implement of husbandry” is generally defined as a vehicle or piece of equipment or machinery designed for agricultural purposes, used exclusively in the conduct of agricultural operations, and used principally off the highway, or a trailer-mounted bulk liquid fertilizer container. However, an “implement of husbandry” does not include certain vehicles, such as motor trucks or farm trucks, with or without a trailer attached, when operated as a commercial motor vehicle on a highway. A “farm tractor” is defined as a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

This bill modifies the definition of implement of husbandry. Under the bill, an implement of husbandry is a self-propelled or towed vehicle that is manufactured, designed, or reconstructed to be used and that is exclusively used in the conduct of agricultural operations. An implement of husbandry includes a combination of vehicles in which each vehicle in the combination is an implement of husbandry and

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also includes an agricultural commercial motor vehicle (agricultural CMV), discussed further below. An implement of husbandry may include a farm tractor, a farm trailer, a self-propelled combine, or other vehicles.

The bill defines an agricultural CMV as a commercial motor vehicle to which all of the following apply: 1) the vehicle is substantially designed or equipped, or materially altered from its original construction, for the purpose of agricultural use; 2) the vehicle was designed and manufactured primarily for highway use and, with an exception, was manufactured to meet federal motor vehicle highway safety standards; 3) the vehicle is used exclusively in the conduct of agricultural operations; and 4) the vehicle is directly engaged in harvesting farm products, directly applies fertilizer, spray, or seeds to a farm field, or distributes feed to livestock. However, this definition of an agricultural CMV applies only for a period of approximately 18 months after the bill's effective date.

Under current law, with limited exceptions, no person may operate on a highway any vehicle or combination of vehicles that exceeds certain statutory limits on size, weight, or load unless that person obtains a permit issued by the Department of Transportation (DOT) or a local highway authority. Current law imposes certain weight limitations on vehicles and vehicle combinations, including limitations based on the number and spacing of axles. Certain exceptions allow vehicles or vehicle combinations to operate without a permit at weights higher than the general statutory weight limitations.

Also under current law, DOT or a local highway authority may 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.

Current law authorizes local authorities to designate highways under their jurisdiction as class "B" highways. With limited exceptions, the maximum gross weight and per-axle vehicle weight permitted for vehicles on a class "B" highway is 60 percent of the weight allowed by statute if the vehicle were operating on a highway that is not designated as a class "B" highway.

This bill generally eliminates the statutory per-axle weight limit, and increases the gross weight limit, for implements of husbandry, including agricultural CMVs. Under the bill, the gross weight for an implement of husbandry operated on a highway without a permit may not exceed 92,000 pounds. However, the elimination of the per-axle weight limit and the increased gross weight limit do not apply on interstate highways or where a highway is posted with special weight limits. Also under the bill, lower weight limits for class "B" highways do not apply to implements of husbandry. However, all of these provisions in the bill relating to changes in weight limits for implements of husbandry apply only for a period of approximately 18 months after the bill's effective date.

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Under the bill, because an agricultural CMV is an implement of husbandry, various provisions of current law that apply to implements of husbandry also apply to agricultural CMVs, including the following:

1. An agricultural CMV is exempt from motor vehicle registration with DOT.
2. There is no width limitation for an agricultural CMV temporarily operated on a highway in the course of performance of its work.
3. There is no length limitation for an agricultural CMV that is a single vehicle or two-vehicle combination and that is temporarily operated on a highway.
4. There is no height limitation for an agricultural CMV temporarily operated on a highway.

However, all of the provisions in the bill relating to agricultural CMVs apply only for a period of approximately 18 months after the bill's effective date.

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.

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.** 340.01 (1o) of the statutes is created to read:
- 2 340.01 (1o) "Agricultural commercial motor vehicle" means a commercial
- 3 motor vehicle to which all of the following apply:
- 4 (a) The vehicle is substantially designed or equipped, or materially altered
- 5 from its original construction, for the purpose of agricultural use.
- 6 (b) The vehicle was designed and manufactured primarily for highway use.
- 7 (c) Unless the vehicle was manufactured prior to 1970, the vehicle was
- 8 manufactured to meet federal motor vehicle safety standard certification label
- 9 requirements as specified in 49 CFR 567.
- 10 (d) The vehicle is used exclusively in the conduct of agricultural operations.

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1 (e) The vehicle is directly engaged in harvesting farm products, directly applies
2 fertilizer, spray, or seeds to a farm field, or distributes feed to livestock.

3 **SECTION 2.** 340.01 (1o) of the statutes, as created by 2013 Wisconsin Act (this
4 act), is repealed.

5 **SECTION 3.** 340.01 (24) of the statutes is repealed and recreated to read:

6 340.01 (24) (a) Subject to par. (b), “implement of husbandry” means all of the
7 following:

8 1. A self-propelled or towed vehicle that is manufactured, designed, or
9 reconstructed to be used and that is exclusively used in the conduct of agricultural
10 operations. An “implement of husbandry” may include any of the following:

11 a. A farm tractor.

12 b. A self-propelled combine; a self-propelled forage harvester; self-propelled
13 fertilizer or pesticide application equipment but not including manure application
14 equipment; towed tillage, planting, and cultivation equipment and its towing power
15 unit; or another self-propelled vehicle that directly engages in harvesting farm
16 products, directly applies fertilizer, spray, or seeds but not manure, or distributes
17 feed to livestock.

18 c. A farm wagon, farm trailer, manure trailer, or trailer adapted to be towed by,
19 or to tow or pull, another implement of husbandry.

20 2. A combination of vehicles in which each vehicle in the vehicle combination
21 is an implement of husbandry as described in subd. 1.

22 3. An agricultural commercial motor vehicle.

23 (b) Except as provided in par. (a) 3., “implement of husbandry” does not include
24 a vehicle that, notwithstanding s. 340.01 (8), is a commercial motor vehicle under 49
25 CFR 390.5.

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1 **SECTION 4.** 340.01 (24) (a) 3. of the statutes, as affected by 2013 Wisconsin Act
2 (this act), is repealed.

3 **SECTION 5.** 340.01 (24) (b) of the statutes, as affected by 2013 Wisconsin Act
4 (this act), is amended to read:

5 340.01 **(24)** (b) ~~Except as provided in par. (a) 3., “implement~~ “Implement of
6 husbandry” does not include a vehicle that, notwithstanding s. 340.01 (8), is a
7 commercial motor vehicle under 49 CFR 390.5.

8 **SECTION 6.** 341.01 (2) (am) of the statutes, as affected by 2013 Wisconsin Act
9 103, is repealed.

10 **SECTION 7.** 348.15 (9) of the statutes is created to read:

11 348.15 **(9)** (a) Notwithstanding sub. (3) (b) and (c), but subject to par. (c), there
12 is no weight limitation per wheel, axle, or group of axles, and no gross weight
13 limitation other than that specified in par. (b), for an implement of husbandry
14 operated on a highway.

15 (b) The gross weight for an implement of husbandry operated on a highway
16 without a permit may not exceed 92,000 pounds.

17 (c) This subsection does not apply on any highway that is a part of the national
18 system of interstate and defense highways or that is posted with a weight limitation
19 as provided in s. 348.17 (1).

20 **SECTION 8.** 348.15 (9) of the statutes, as created by 2013 Wisconsin Act (this
21 act), is repealed.

22 **SECTION 9.** 348.16 (2) of the statutes is amended to read:

23 348.16 **(2)** Except as provided in sub. (3) and s. 348.175 and subject to any
24 modifications made by a city of the first class pursuant to s. 349.15 (3), no person,
25 without a permit therefor, shall operate on a class “B” highway any vehicle or

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1 combination of vehicles imposing wheel, axle, group of axles, or gross weight on the
2 highway exceeding 60 percent of the weights authorized in s. 348.15 (3). This
3 subsection does not apply to an implement of husbandry.

4 **SECTION 10.** 348.16 (2) of the statutes, as affected by 2013 Wisconsin Act ...
5 (this act), is amended to read:

6 348.16 (2) Except as provided in sub. (3) and s. 348.175 and subject to any
7 modifications made by a city of the first class pursuant to s. 349.15 (3), no person,
8 without a permit therefor, shall operate on a class "B" highway any vehicle or
9 combination of vehicles imposing wheel, axle, group of axles, or gross weight on the
10 highway exceeding 60 percent of the weights authorized in s. 348.15 (3). ~~This~~
11 ~~subsection does not apply to an implement of husbandry.~~

12 **SECTION 11.** 348.17 (5) of the statutes is renumbered 348.17 (5) (a) and
13 amended to read:

14 348.17 (5) (a) From September 1 to December 31 of each year, no permit shall
15 be required for the transportation of corn, soybeans, potatoes, vegetables, or
16 cranberries from the field to storage on the grower's owned or leased land, from the
17 field to initial storage at a location not owned or leased by the grower, or from the field
18 to initial processing in a vehicle or combination of vehicles having a registered gross
19 ~~weight of 50,000 pounds or more or described in s. 340.01 (24) (b) that exceeds the~~
20 ~~weight limitations under s. 348.15 by not more than 15 percent. and that satisfies~~
21 any of the following:

22 (b) This subsection does not apply to the national system of interstate and
23 defense highways, except for that portion of I 39 between USH 51 and I 90/94.

24 **SECTION 12.** 348.17 (5) (a) 1. and 2. of the statutes are created to read:

25 348.17 (5) (a) 1. Has a registered gross weight of 50,000 pounds or more.

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1 2. Is a motor truck, farm truck, road tractor, truck tractor, or farm truck tractor
2 or such a vehicle combined with a semitrailer, trailer, or farm trailer, when the
3 vehicle or combination is a commercial motor vehicle operated on a highway.

4 **SECTION 13.** 348.17 (6) (a) 2. of the statutes is amended to read:

5 348.17 (6) (a) 2. Is described in s. 340.01 (24) (b) a motor truck, farm truck, road
6 tractor, truck tractor, or farm truck tractor or such a vehicle combined with a
7 semitrailer, trailer, or farm trailer, when the vehicle or combination is a commercial
8 motor vehicle operated on a highway.

9 **SECTION 14.** 348.17 (6) (a) 3. of the statutes is amended to read:

10 348.17 (6) (a) 3. Is an implement of husbandry ~~as defined in s. 340.01 (24) (a).~~
11 This subdivision does not apply from the effective date of this subdivision [LRB
12 inserts date], to the first day of the 20th month beginning after the effective date of
13 this subdivision [LRB inserts date].

14 **SECTION 15. Nonstatutory provisions.**

15 (1) Notwithstanding section 13.096 (2) of the statutes, the department of
16 transportation shall not prepare a report on this bill under section 13.096 (2) and (3)
17 of the statutes.

18 **SECTION 16. Effective dates.** This act takes effect on the 30th day after the
19 day of publication, except as follows:

20 (1) SECTION 15 (1) of this act takes effect on the day after publication.

21 (2) The treatment of sections 340.01 (24) (b) (by SECTION 5) and 348.16 (2) (by
22 SECTION 10) of the statutes and the repeal of sections 340.01 (1o) and (24) (a) 3. and
23 348.15 (9) of the statutes take effect on the first day of the 20th month beginning after
24 publication.

25

(END)