

State of Misconsin 2015 - 2016 LEGISLATURE

LRB-1720/2 EVM:wlj:wj

2015 ASSEMBLY BILL 122

March 27, 2015 – Introduced by Representatives CZAJA, JARCHOW, BALLWEG, BERNIER, BORN, E. BROOKS, DANOU, EDMING, GENRICH, HUTTON, JACQUE, KAHL, KATSMA, KITCHENS, KULP, T. LARSON, MEYERS, MURPHY, MURSAU, NYGREN, A. OTT, PETERSEN, PETRYK, RIPP, SHANKLAND, SPIROS, STEFFEN, SWEARINGEN, VORPAGEL and ZEPNICK, cosponsored by Senators PETROWSKI, COWLES, GUDEX, HANSEN, LASSA, LEMAHIEU, MARKLEIN, OLSEN, ROTH and TIFFANY. Referred to Committee on Transportation.

AN ACT to renumber 348.16 (3); to renumber and amend 349.16 (3); and to create 348.16 (3) (b) and 349.16 (3) (c) of the statutes; relating to: exempting certain vehicles of utilities from class B highway weight limitations and certain special or seasonal weight limitations.

Analysis by the Legislative Reference Bureau

Under current law, local highway authorities may impose special or seasonal weight limitations on highways which, because of deterioration or climatic conditions, would likely be seriously damaged or destroyed if limitations were not imposed. For vehicles carrying certain commodities or being used to perform certain services, local highway authorities may set different weight limitations or exempt the vehicles from the special or seasonal weight limitations if an exemption or limitation is in the interest of public health, safety and welfare.

Also under current law, local authorities may designate highways under their jurisdiction as class "B" highways. With limited exceptions, the maximum gross weight and per-axle vehicle weight 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 provides that special or seasonal weight limitations imposed by a highway authority and class "B" highway weight limitations do not apply to vehicles of public utilities, telecommunications providers, or certain cooperative associations, when the vehicles are being operated for the purpose of responding to service interruptions. 2015 – 2016 Legislature

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Under current law, if any bill introduced in either house of the legislature directly or indirectly establishes an exception to vehicle weight limitations, the Department of Transportation (DOT) must prepare a report, containing specified information, relating to the bill within six weeks after the bill in 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.** 348.16 (3) of the statutes is renumbered 348.16 (3) (a). 2 **SECTION 2.** 348.16 (3) (b) of the statutes is created to read: 3 348.16 (3) (b) Subsection (2) does not apply to a vehicle of a public utility, as defined in s. 196.01 (5), a telecommunications provider, as defined in s. 196.01 (8p), 4 $\mathbf{5}$ or a cooperative association organized under ch. 185 for the purpose of producing or 6 furnishing heat, light, power, or water to its members, that is being operated for the 7 purpose of responding to a service interruption. SECTION 3. 349.16 (3) of the statutes is renumbered 349.16 (3) (a) and amended 8 9 to read: 10 349.16 (3) (a) The authority in charge of the maintenance of the highway may 11 exempt vehicles carrying certain commodities specified by the authority or which are 12used to perform certain services specified by the authority from the special weight 13limitations which are imposed under sub. (1) (a), or may set different weight 14limitations than those imposed under sub. (1) (a) for vehicles carrying those 15commodities or which are used to perform those services, if such the exemption or 16 limitation is reasonable and necessary to promote the public health, safety, and 17welfare.

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(b) The authority in charge of the maintenance of the highway shall exempt 1 $\mathbf{2}$ from the special or seasonal weight limitations imposed under sub. (1) (a) a vehicle 3 that is used to transport material pumped from a septic or holding tank if, because of health concerns, material needs to be removed from a septic or holding tank within 4 5 24 hours after the vehicle owner or operator is notified and if the vehicle is operated 6 for the purpose of emptying the septic or holding tank and disposing of its contents 7 and is operated on a route that minimizes travel on highways subject to weight 8 limitations imposed under sub. (1) (a). Within 72 hours after operating a vehicle that 9 transported material pumped from a septic or holding tank and that exceeded special 10 or seasonal weight limitations as authorized by this subsection paragraph, the owner 11 or operator of the vehicle shall notify the authority in charge of maintenance of the 12 highways over which the vehicle was operated.

13 SECTION 4. 349.16 (3) (c) of the statutes is created to read:

14 349.16 (3) (c) The authority in charge of the maintenance of the highway shall
15 exempt from the special or seasonal weight limitations imposed under sub. (1) (a) a
16 vehicle of a public utility, as defined in s. 196.01 (5), a telecommunications provider,
17 as defined in s. 196.01 (8p), or a cooperative association organized under ch. 185 for
18 the purpose of producing or furnishing heat, light, power, or water to its members,
19 that is being operated for the purpose of responding to a service interruption.

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SECTION 5. 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.

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