

No. 523, S.]

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CHAPTER 706.

AN ACT to amend 85.05 (1) and 85.05 (2) (d) and to create 85.055, 85.545 and 85.90 of the statutes, relating to enforcement of motor vehicle weight limitations and providing penalties.

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

SECTION 1. 85.05 (1) of the statutes is amended to read:

85.05 (1) Any motor vehicle, trailer or semitrailer registered in any state of the United States, the District of Columbia, or any foreign state or province which carries the number plates indicating such registration, may be operated over the highways of Wisconsin without registration in this state, during the year of such registration if such state, district or province allows motor vehicles, trailers or semitrailers registered in this state to be operated tax free upon its streets and highways under conditions substantially as favorable to residents of Wisconsin as granted herein to nonresidents, *except as provided in section 85.055* unless the owner of the motor vehicle has moved to Wisconsin, or the vehicle is purchased by a Wisconsin resident, in which case the vehicle must be registered in accordance with section 85.01.

SECTION 2. 85.05 (2) (d) of the statutes is amended to read:

85.05 (2) (d) Notwithstanding any contrary provision of this section, the commissioner of the motor vehicle department, with the approval of the governor, shall have authority to enter into reciprocal agreements with the responsible officers of other states as to licenses, permit fees, mileage and flat taxes under which motor vehicles, trailers or

semitrailers properly licensed or registered in other states may be operated in interstate commerce in this state without a Wisconsin registration or the payment of permit fees or mileage or flat taxes, provided like privileges are accorded to vehicles owned by Wisconsin citizens when operated in such other states, *provided further, that trailers and semitrailers owned by residents of a state with which a reciprocal agreement is in effect pursuant to this chapter may be operated in interstate commerce by a Wisconsin resident in Wisconsin without the payment of fees or ton mile or flat taxes when such trailers or semitrailers are operated in exchange for trailers or semitrailers owned by said Wisconsin resident upon which the fees and ton mile or flat taxes have been paid, and said trailers or semitrailers are operated in accordance with rules and regulations promulgated by the commissioner of the motor vehicle department respecting the interchange of equipment.*

SECTION 3. 85.055 of the statutes is created to read:

85.055 NONRESIDENT RECIPROCITY PERMIT. (1) Operators or owners of motor vehicles which have a gross weight of 8,000 pounds or more or which are operated in conjunction with other vehicles as a unit having an aggregate combined gross weight of 8,000 pounds or more, as a condition precedent to being granted the reciprocity privileges under section 85.05, shall first file with the motor vehicle department in this state an instrument in writing, subscribed by him and duly acknowledged before a notary public or other officer with like authority, setting forth the name and address of the owner and such information as the motor vehicle department shall require. A motor vehicle within the meaning of this section shall be deemed to be a motor vehicle, trailer or semitrailer as defined in section 85.05 (1).

(2) Upon compliance with this section by a nonresident motor vehicle owner or operator, the motor vehicle department shall issue to him an identification plate for each vehicle so registered. The identification plate shall be carried and displayed on the motor vehicle which is identified on the application blank for such registration. Upon such compliance, such owner is entitled to operate such motor vehicle within the state for and during such time as he continues to own such motor vehicle with license to operate the same in his own state or county. Administration costs of this section shall be chargeable to the funds collected under sections 194.48 and 194.49.

(3) Any foreign motor vehicle having a gross weight of 8,000 pounds or more or operated in conjunction with other vehicles as a unit having an aggregate combined gross weight of 8,000 pounds or more, operating at any time without such identification plate shall be required to immediately register such vehicle or combination of vehicles as a Wisconsin resident vehicle.

(4) Any operator or owner of a foreign motor vehicle operating with a nonresident identification plate or certificate convicted of violating the weight limitations of 85.47 and 85.48 may have such nonresident identification plate or certificate cancelled by the motor vehicle department, and further shall pay the same tax and fees for a period of one year as is required for like vehicles owned by residents of Wisconsin under chapters 85 and 194.

(5) The motor vehicle department may promulgate such rules and regulations as may be reasonably necessary to accomplish the purpose of this section.

SECTION 4. 85.90 of the statutes is created to read:

85.90 WEIGHT LIMITATIONS; CERTIFICATES OF CONVICTION FILED; REPETITIOUS VIOLATORS. (1) Whenever any owner or operator is convicted of violating sections 85.47, 85.48, 85.49 and 85.54, or is convicted of violating any ordinance enacted pursuant to sections 85.47 and 85.48 of restrictions promulgated under section 85.54, it shall be the duty of the clerk of court wherein such conviction is had to forward a certificate of such conviction to the state motor vehicle department within 48 hours thereof, on a suitable form devised and furnished by the motor vehicle department. For the purpose of determining a repetitious violator, receipt of a certificate of conviction by the motor vehicle department shall constitute prima facie evidence of a conviction. If the court wherein such conviction is had does not have a clerk, it shall be the duty of the presiding judge, justice or magistrate, to forward such certificate to said department. Failure to forward certificates of conviction of any owner or operator, upon whom the duty so to do is imposed, shall constitute malfeasance in office.

(2) If any provision of this section or the application of such provision to any person or circumstances shall be held invalid, the remainder of the section and the application of such provision to persons or circumstances other than those as to which it is held invalid shall be deemed independent and separable and shall not be affected by such determination.

SECTION 5. This act shall take effect upon January 1, 1952.

Approved July 19, 1951.