

# State of Wisconsin



1995 Assembly Bill 960

Date of enactment: **May 20, 1996**

Date of publication\*: **June 3, 1996**

## 1995 WISCONSIN ACT 348

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

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

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

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

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

348.05 (3) **OVERWIDTH FARM MACHINERY.** Farm tractors exceeding 12 feet in width and all other farm machinery and implements of husbandry exceeding 8 feet 6 inches in width not being operated in the course of performance of its work may be moved, towed or hauled over the highways without a special permit issued under s. 348.27 (14) between one-half hour before sunrise and sunset on Mondays to Thursdays and from one-half hour before sunrise to 2 p.m. on Fridays. Such overwidth machinery shall not be moved, towed or hauled on any Wis-

consin highway, other than any overwidth machinery that is not a commercial motor vehicle on that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39, which is part of the national system of interstate and defense highways without a special permit issued under s. 348.27 (14).

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

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

\* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

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

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

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

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

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

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

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

348.25 (3) The department shall prescribe forms for applications for all single trip permits the granting of which is authorized by s. 348.26 and for those annual, consecutive month or multiple trip permits the granting of which is authorized by s. 348.27 (2) and (4) to ~~(13)~~ (14). The department may impose such reasonable con-

ditions prerequisite to the granting of any permit authorized by s. 348.26 or 348.27 and adopt such reasonable rules for the operation of a permittee thereunder as it deems necessary for the safety of travel and protection of the highways. The department may limit use of the highways under any permit issued to specified hours of the day or days of the week. Local officials granting permits may impose such additional reasonable conditions as they deem necessary in view of local conditions.

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

348.27 (1) APPLICATIONS. All applications for annual, consecutive month or multiple trip permits for the movement of oversize or overweight vehicles or loads shall be made to the officer or agency designated by this section as having authority to issue the particular permit desired for use of the particular highway in question. All applications under subs. (2) and (4) to ~~(13)~~ (14) shall be made upon forms prescribed by the department.

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

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

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

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

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

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

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

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

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

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

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

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

(d) The secretary of transportation may limit the application of permits issued authorizations under this subsection to specific areas of the state, to specific crops, or to specific highways. A permit authorized under this subsection takes effect upon the mailing of a complete application and the required fee to the department. A permit authorized An authorization under this subsection is val-

id for up to 90 days, as determined by the secretary of transportation.

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

348.27 (11m) AGRICULTURAL EMERGENCY PERMITS.

(a) If the secretary of agriculture, trade and consumer protection determines that an agricultural emergency exists, the secretary of transportation may authorize the issuance of permits to allow vehicles that are transporting loads of hay in bales and, from September 15 to December 15 of each year, loads of Christmas trees from the point of harvesting or staging to a Christmas tree yard or point of commercial shipment to exceed the width limitation under s. 348.05 (1) if the total outside width does not exceed 12 feet. This authorization is limited to the operation of commercial motor vehicles upon routes of the national system of interstate and defense highways.

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

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

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

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

348.27 (14) FARM MACHINERY PERMITS. The department may issue annual or consecutive month permits for the movement, towing or hauling of farm tractors exceeding 12 feet in width and all other farm machinery and implements of husbandry exceeding 8 feet 6 inches in width not being operated in the course of performance of its work on highways designated as part of the national system of interstate and defense highways. A permit under this subsection is not required for the movement, towing or hauling of any overweight machinery that is not a commercial motor vehicle and which is authorized by s. 348.05 (3) on that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39.