

State of Wisconsin



2009 Assembly Bill 778

Date of enactment: **May 5, 2010**
Date of publication*: **May 19, 2010**

2009 WISCONSIN ACT 222

AN ACT *to amend* 348.21 (2) (b), 348.25 (7) and 348.27 (9m) (a) 4.; and *to create* 348.27 (9m) (c) and 348.27 (9m) (d) of the statutes; **relating to:** weight limitations and overweight permits for vehicles transporting raw forest products.

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

SECTION 1. 348.21 (2) (b) of the statutes is amended to read:

348.21 (2) (b) If the load on any wheel, axle, or group of axles does not exceed the weight prescribed in s. 348.15 (3) or 348.16 or in a declaration issued under s. 348.175, or prescribed in an overweight permit issued under s. 348.27 (9m) (a) 4. with respect to a vehicle combination being operated under such a permit, by more than 2,000 pounds and if such excess can be reloaded within the normal load carrying areas, on any other wheel, axle, or axles, so that all wheels and axles are then within the statutory limits, the operator may reload as provided in this paragraph. A total of 2,000 pounds per vehicle or combination of vehicles may be reloaded under this subsection paragraph. If reloading is accomplished and all axles or group of axles are within the legal limits, including the limits of the permit for a vehicle combination operated under a permit issued under s. 348.27 (9m) (a) 4., no forfeiture may be imposed. A vehicle or combination of vehicles under this subsection which paragraph that is not reloaded may continue to be operated upon the highway, but a forfeiture of \$50 shall be imposed for failure to reload. This forfeiture shall be paid upon the basis of the citation issued by the official

to the court named in the citation. Failure to pay shall subject the operator to the penalty in par. (a) or sub. (3) (a) or (3g). Violations under this subsection paragraph shall not be considered as violations or prior convictions under par. (a) or sub. (3) to (3r).

SECTION 1m. 348.25 (7) of the statutes is amended to read:

348.25 (7) The Subject to s. 348.27 (9m) (d), the officer or agency which issued a permit may, for good cause, suspend or revoke such permit or may decline to issue additional permits or may decline to authorize the use of a telephone call-in procedure for any applicant after having given the permittee or applicant reasonable opportunity for a hearing.

SECTION 2. 348.27 (9m) (a) 4. of the statutes is amended to read:

348.27 (9m) (a) 4. Raw forest products in vehicle combinations that exceed the maximum gross weight limitations under s. 348.15 (3) (c) by not more than 18,000 pounds if the vehicle combination has 6 or more axles and the gross weight imposed on the highway by the wheels of any one axle of the vehicle combination does not exceed 18,000 pounds, except that the gross weight imposed on the highway by the wheels of any steering axle on the power unit may not exceed the greater of 13,000 pounds or the manufacturer's rated capacity, but not to exceed 18,000 pounds. Notwithstanding s. 348.15

* Section 991.11, WISCONSIN STATUTES 2007-08 : 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].

(8), any axle of a vehicle combination that does not impose on the highway at least 8 percent of the gross weight of the vehicle combination may not be counted as an axle for the purposes of this subdivision. ~~A- Subject to par. (c), a permit under this subdivision is not valid on any interstate highway designated under s. 84.29 (2), any highway or bridge with a posted weight limitation that is less than the vehicle combination's gross weight, and any part of the state trunk highway system that the department has designated by rule as a route on which a permit issued under this subsection is not valid.~~

SECTION 3. 348.27 (9m) (c) of the statutes is created to read:

348.27 (9m) (c) A permit issued under par. (a) 4. shall expressly authorize the vehicle combination to exceed, on state trunk highways and connecting highways, any special weight limitation imposed under ss. 348.17 (1) and 349.16 (1) (a) and (2) in connection with the thawing of frozen highways and to be operated at the full weight allowable under par. (a) on state trunk highways and connecting highways.

SECTION 3m. 348.27 (9m) (d) of the statutes is created to read:

348.27 (9m) (d) 1. The department shall suspend a

permit issued under par. (a) 4. if the person operating under the permit does any of the following:

a. Violates any weight limitation specified in the permit more than 2 times during the valid period of the permit.

b. Violates any weight limitation specified in the permit by exceeding the weight limitation by 10,000 or more pounds.

2. The suspension under subd. 1. shall be for a period of 6 months. If the remaining valid period of the permit at the time of the suspension is less than 6 months, the person may not apply for, or operate under, any other permit issued under par. (a) 4. for a period of 6 months from the suspension.

SECTION 4. Initial applicability.

(1) The treatment of section 348.27 (9m) (a) 4. and (c) of the statutes first applies to permits issued on the effective date of this subsection.

(2) The treatment of section 348.21 (2) (b) of the statutes first applies to vehicles operated on the effective date of this subsection.

SECTION 5. Effective date.

(1) This act takes effect on the first day of the 4th month beginning after publication.
