



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0157/1  
EVM:sac:jm

DOA:.....Byrnes, BB0253 - Increase overweight penalties.

**FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**DRIVERS AND MOTOR VEHICLES**

Under current law, with limited exceptions, no person may operate on a highway any vehicle or vehicle combination that exceeds certain statutory weight limits unless the person obtains a permit issued by DOT or a local highway authority. In general, if a person violates weight limit requirements and the weight limitation is exceeded by 1,000 pounds or less, the person may be required to forfeit not less than \$50 nor more than \$100 for a first conviction and not less than \$100 nor more than \$200 for a second or subsequent conviction within a 12-month period. If the person violates a weight limit requirement and the weight limitation is exceeded by more than 1,000 pounds, the following applies:

1. For a first conviction, not less than \$50 nor more than \$200, plus an additional amount per pound of excess weight, as follows:
  - a. One cent per pound if the excess is 1,001 - 2,000 pounds.
  - b. Two cents per pound if the excess is 2,001 - 3,000 pounds.
  - c. Three cents per pound if the excess is 3,001 - 4,000 pounds.
  - d. Five cents per pound if the excess is 4,001 - 5,000 pounds.
  - e. Seven cents per pound if the excess is more than 5,000 pounds.
2. For a second or subsequent conviction within a 12-month period, not less than \$100 nor more than \$300, plus an additional amount per pound of excess weight, as follows:

- a. Two cents per pound if the excess is 1,001 - 2,000 pounds.
- b. Four cents per pound if the excess is 2,001 - 3,000 pounds.
- c. Six cents per pound if the excess is 3,001 - 4,000 pounds.
- d. Eight cents per pound if the excess is 4,001 - 5,000 pounds.
- e. Ten cents per pound if the excess is more than 5,000 pounds.

This bill increases the per pound of excess weight forfeiture rates to the following:

1. For a first conviction:
  - a. Three cents per pound if the excess is 2,001 - 3,000 pounds.
  - b. Five cents per pound if the excess is 3,001 - 4,000 pounds.
  - c. Eight cents per pound if the excess is 4,001 - 5,000 pounds.
  - d. Fifteen cents per pound if the excess is more than 5,000 pounds.
2. For a second or subsequent conviction within a 12-month period:
  - a. Five cents per pound if the excess is 2,001 - 3,000 pounds.
  - b. Eight cents per pound if the excess is 3,001 - 4,000 pounds.
  - c. Twelve cents per pound if the excess is 4,001 - 5,000 pounds.
  - d. Eighteen cents per pound if the excess is more than 5,000 pounds.

This bill does not change the base forfeiture amounts or per pound of excess forfeiture rates for weight violations in which the excess is 1,001 - 2,000 pounds.

Also under current law, in general, if a person violates weight limit requirements while operating a vehicle that is transporting raw forest products, a different penalty applies. For a first or second conviction within a 12-month period, the person may be required to forfeit not less than \$150 nor more than \$250, plus an additional amount based on a related rate schedule and the amount of excess weight. For a third or subsequent conviction within a 12-month period, the person may be required to forfeit not less than \$500 nor more than \$550, plus an additional amount based on a related rate schedule and the amount of excess weight.

Under this bill, the forfeiture of \$150 to \$250 and the related rate schedule applies only to a first conviction within a 12-month period and the forfeiture of \$500 to \$550 and the related rate schedule applies to second and subsequent convictions within a 12-month period.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1.** 348.21 (3) (b) 1. b. of the statutes is amended to read:

348.21 (3) (b) 1. b. ~~Two~~ Three cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.

**SECTION 2.** 348.21 (3) (b) 1. c. of the statutes is amended to read:

348.21 (3) (b) 1. c. ~~Three~~ Five cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds.

**SECTION 3.** 348.21 (3) (b) 1. d. of the statutes is amended to read:

348.21 (3) (b) 1. d. ~~Five~~ Eight cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.

**SECTION 4.** 348.21 (3) (b) 1. e. of the statutes is amended to read:

348.21 (3) (b) 1. e. ~~Seven~~ Fifteen cents for each pound of total excess load if the excess is over 5,000 pounds.

**SECTION 5.** 348.21 (3) (b) 2. b. of the statutes is amended to read:

348.21 (3) (b) 2. b. ~~Four~~ Five cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.

**SECTION 6.** 348.21 (3) (b) 2. c. of the statutes is amended to read:

348.21 (3) (b) 2. c. ~~Six~~ Eight cents for each pound of total excess load if the excess is over 3,000 and not over 4,000 pounds.

**SECTION 7.** 348.21 (3) (b) 2. d. of the statutes is amended to read:

348.21 (3) (b) 2. d. ~~Eight~~ Twelve cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.

**SECTION 8.** 348.21 (3) (b) 2. e. of the statutes is amended to read:

348.21 (3) (b) 2. e. ~~Ten~~ Eighteen cents for each pound of total excess load if the excess is over 5,000 pounds.

**SECTION 9.** 348.21 (3g) (a) (intro.) of the statutes is amended to read:

348.21 (3g) (a) (intro.) For ~~a~~ the first conviction ~~or a 2nd conviction within a 12-month period~~, a forfeiture of not less than \$150 nor more than \$250 plus an amount equal to whichever of the following applies:

**SECTION 10.** 348.21 (3g) (b) (intro.) of the statutes is amended to read:

348.21 (3g) (b) (intro.) For the ~~3rd~~ 2nd and each subsequent conviction within a 12-month period, a forfeiture of not less than \$500 nor more than \$550, plus an amount equal to whichever of the following applies:

**SECTION 9345. Initial applicability; Transportation.**

(1) PENALTIES FOR VIOLATING WEIGHT LIMITATIONS. The treatment of section 348.21 (3) (b) 1. b., c., d., and e. and 2. b., c., d., and e. and (3g) (a) (intro.) and (b) (intro.) of the statutes first applies to violations committed on the effective date of this subsection, but does not preclude the counting of other violations as prior violations for purposes of sentencing a person.

(END)