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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2023 Assembly Bill 440**

**Assembly Substitute  
Amendment 1**

### 2023 ASSEMBLY BILL 440

2023 Assembly Bill 440 authorizes the Department of Transportation (DOT) to issue annual or monthly permits to allow the transportation of fluid milk products in vehicle combinations that exceed generally applicable highway weight limitations on Class “A” highways. Specifically, a permit may allow excess weight of up to 18,000 pounds, if a vehicle combination has six or more axles and the gross weight imposed on the highway by the wheels of any steering axle on the power unit does not exceed 13,000 pounds or the manufacturer’s rated capacity, and the vehicle combination’s maximum gross weight does not exceed 98,000 pounds. For this context, the bill defines “fluid milk product” to include raw milk and liquid milk products and byproducts, including liquid whey and whey byproducts. The bill prohibits DOT from imposing different conditions for different fluid milk products when issuing permits under the bill.

### ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Substitute Amendment 1 makes the following changes to the bill:

- Specifies that the permits do not apply on highways that are part of the federal interstate highway system.
- Specifies that the permits apply only for transporting fluid milk product to processing facilities.
- Prohibits DOT from “differentiating between types of fluid milk products” when imposing permit conditions, rather than prohibiting DOT from “imposing different conditions for permits for different fluid milk products.”
- Adds new provisions allowing DOT to suspend a permit for up to six months if a permit holder violates their permit by more than 10,000 pounds or more than two times.
- Adds a more general change to how weight is measured, by removing a current law requirement to weigh axles as one unit if they are less than six feet apart.

### BILL HISTORY

Representative Kurtz offered Assembly Substitute Amendment 1 on November 7, 2023. On December 7, 2023, the Assembly Committee on Agriculture voted to recommend adoption of the substitute amendment on a vote of Ayes, 13; Noes, 0. The committee then voted to recommend adoption of the bill, as amended, on a vote of Ayes, 14; Noes, 0.

For a full history of the bill, visit the Legislature’s [bill history page](#).

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