



## 2001 ASSEMBLY BILL 78

February 1, 2001 – Introduced by Representatives SCHNEIDER, BOCK, BALOW, BLACK, CARPENTER, RYBA and BOYLE, cosponsored by Senator DARLING. Referred to Committee on Transportation.

1     **AN ACT to renumber and amend** 348.10 (2); **to amend** 347.46 (2) (intro.),  
2             347.46 (2) (a) and 347.46 (2) (b); and **to create** 347.46 (2) (d) and 348.10 (2) (b)  
3             and (c) of the statutes; **relating to:** mudguards on road tractors, truck tractors,  
4             trailers, semitrailers, and farm trailers, transporting bulk materials on a  
5             highway, and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law requires every privately owned motor truck and most semitrailers operated on a highway between cities to be equipped with fenders or mudguards to minimize the amount of water, mud, and debris thrown by the rear wheels. This requirement does not apply to motor trucks and semitrailers that have dump bodies.

This bill requires every motor truck, road tractor, truck tractor, trailer, semitrailer, and farm trailer, except farm trucks equipped with dump bodies, whether owned publicly or privately, that is operated upon a highway to be equipped with fenders or mudguards. The bill reduces the maximum ground clearance of acceptable fenders or mudguards from one-third of the horizontal distance from the center of the rearmost axle to the fender or mudguard to one-fifth of that distance. The bill also establishes a maximum ground clearance of six inches for fenders or mudguards on vehicles equipped with dump bodies that are transporting sand, gravel, or similar material.

Also under current law, no person is permitted to operate a vehicle on a highway unless the vehicle is so constructed and loaded as to prevent its contents from

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dropping, sifting, leaking, or otherwise escaping from the vehicle. A forfeiture of not less than \$10 nor more than \$200 may be imposed for violating this provision.

This bill specifies that a load of bulk material, such as sand, gravel, or dirt, that is not in containers, must be covered while being transported on a highway to prevent the load from dropping or sifting from the vehicle. Failure to comply with this provision also may result in a forfeiture of not less than \$10 nor more than \$200.

The bill specifies that both of these provisions do not apply to bulk material being applied to a highway for highway construction or maintenance.

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:*

1           **SECTION 1.** 347.46 (2) (intro.) of the statutes is amended to read:

2           347.46 (2) (intro.) No person shall ~~may~~ operate on a highway in ~~intercity~~  
3 ~~movement any privately owned~~ any motor truck ~~or privately owned, road tractor,~~  
4 ~~trailer, farm trailer, semitrailer drawn by a,~~ or truck tractor, except those motor farm  
5 trucks and semitrailers equipped with dump bodies, unless such motor truck ~~or~~  
6 semitrailer the vehicle is equipped with rear fenders or mudguards of such material  
7 and so constructed and placed as to restrict to a minimum the splashing of water,  
8 mud, or other material which may be thrown by the rear wheels. ~~Such~~ The rear  
9 fenders or mudguards shall meet all of the following minimum specifications:

10           **SECTION 2.** 347.46 (2) (a) of the statutes is amended to read:

11           347.46 (2) (a) The fenders or mudguards shall cover the tire or multiple tires  
12 they are protecting starting at the top from a line drawn vertically through the center  
13 of the axle and extending rearward and downward so that the fender or mudguard  
14 under any condition of operation or loading of the vehicle has a ground clearance of  
15 not more than ~~one third~~ one-fifth of the horizontal distance from the center of the  
16 rearmost axle to the fender or mudguard;

17           **SECTION 3.** 347.46 (2) (b) of the statutes is amended to read:

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1           347.46 (2) (b) The fenders or mudguards shall be at least as wide as the tire or  
2 multiple tires they are protecting;

3           **SECTION 4.** 347.46 (2) (d) of the statutes is created to read:

4           347.46 (2) (d) Notwithstanding any other requirement of this subsection, a  
5 motor truck or semitrailer equipped with a dump body that dumps through the floor  
6 of the cargo body and that is transporting sand, gravel, dirt, rock, or similar material  
7 shall be equipped with mudguards that are mounted to the rear of the axles, cover  
8 the entire width of the vehicle, and have a ground clearance of not more than 6 inches  
9 when the vehicle is loaded.

10          **SECTION 5.** 348.10 (2) of the statutes is renumbered 348.10 (2) (a) and amended  
11 to read:

12          348.10 (2) (a) No person shall may operate a vehicle on a highway unless such  
13 vehicle is so constructed and loaded as to prevent its contents from dropping, sifting,  
14 leaking, or otherwise escaping therefrom.

15          **SECTION 6.** 348.10 (2) (b) and (c) of the statutes are created to read:

16          348.10 (2) (b) Notwithstanding par. (a), no person may operate on a highway  
17 a vehicle loaded with bulk material, such as sand, gravel, or dirt, that is not in  
18 containers unless the vehicle is so loaded and covered as to prevent the load from  
19 dropping or sifting from the vehicle.

20          (c) This subsection does not apply to the application of a bulk material to a  
21 highway for the purpose of maintenance or construction of the highway.

22          **SECTION 7. Effective date.**

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

25

(END)