



WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

Senate Bill 448

Testimony from Senator Jerry Petrowski and Representative Keith Ripp

January 7, 2016

Last year, the Legislature passed a comprehensive Implements of Husbandry (IoH) package, now Act 377, to address issues related to increasingly large and heavy farm equipment operating on roadways in Wisconsin.

Since enactment, we have continued to work with stakeholders in the agricultural industry, local governments, and the Department of Transportation to ensure the continued success of agriculture, but still achieve balance between the need for increased weight and capacity and the need to maintain public safety and manage impacts on infrastructure. In April, we authored a clean-up package that was signed into law as 2015 Act 15.

This bill makes further changes to the law that we have received feedback on from stakeholders and the department during this first year of implementation. Many of the changes are strictly cleanup items such as the replacement of the term “farm implements” with “implements of husbandry” for consistency in the statutes. Other changes are more substantive, but very technical in nature such as corrections to lighting and marking requirements. These changes address the fact that many implements, when hauled, are loaded onto a lowboy trailer backwards such that their forward facing markings are now facing the wrong way, and addressing the continued delay of anticipated changes from US DOT to lighting and marking standards.

Our printed testimony has a listing of the more significant provisions in the bill below, but in the interest of time, knowing that there are several people here to testify on this bill who will provide more specific comments, we would be happy to answer any questions.

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1. Creates consistencies in statute by changing references to “farm implement(s)” in Chapters 347 and 348 to “implement(s) of husbandry.”
 2. Removes January 1, 2014 as the differentiation by date for wide IoH lighting and marking requirements. Originally, it was believed that there would be national standards in place for lighting and marking manufacturing for January 1, 2014. That has not come to fruition and having one date for all equipment is simpler for compliance and enforcement.
 3. Clarifies that SMV emblems cannot be used instead of reflectors or lights on the sides of certain agricultural vehicle trains.
 4. Changes “from farm to field, from field to field, or from farm to farm” to “to or from a farm-related destination” to capture the true movement between or among farms, fields, agricultural storage, or processing facilities, locations where an IoH or Ag-CMV is stored, or any combination of these.
 5. Makes several clarifications to the operation and transport of wide Ag-CMV:

- a. Clarifies that Ag-CMV's operating on any **interstate** highway cannot exceed the standard limit of eight feet six inches unless the operator has obtained an oversize permit. This is current federal law.
 - b. Clarifies that wide (over eight feet six inches and under 10 feet or 12 feet) Ag-CMV's can also be transported by trailer or semi-trailer without a permit on all roadways but the interstate for purposes of travel to or from a farm-related destination during daylight hours, or for repair, servicing, or delivery as long as they display "oversize load" signs.
6. Makes these clarifications to the operation and transport of wide IoH:
- a. Clarifies that a wide IoH can only be transported via trailer or semi-trailer or hauled on the interstate if the operator obtains an oversize permit. This is current federal law.
 - b. Clarifies that lighting and marking requirements under current law do not apply to wide IoH being transported by trailer or semi-trailer on any roadway not the interstate as long as they have at least two amber flashing warning lamps, lighted and visible from both the front and rear, and mounted to indicate the lateral extremities.
 - c. Clarifies that the wide IoH transport exceptions do not apply to **interstate** highways, including I-39.
7. Allows for one permit that applies to a vehicle combination to cover multiple sets of identical vehicle combinations rather than requiring multiple identical permit applications
- a. (*i.e.*, permit covers A+B on route X; farmer has 15 combinations that are also A+B and all travel route X; issue one A+B permit and allow farmer to copy and apply that permit to all same combos.)
8. Clarifies that the requirement under current law that dealers must disclose the axle and gross vehicle weights of a farm implement at time of sale must be done **in writing**.
9. Clarifies that, in addition to use for special occasions such as parades or vehicle club events, "personal use" allowed for an unregistered farm tractor on the roadways only includes operation for testing, maintenance, and storage purposes.

The following groups support this legislation:

Wisconsin Farm Bureau

Wisconsin Soybean Association

Wisconsin Pork Association

Wisconsin Cattlemen's Association

Wisconsin Potato and Vegetable Growers Association

Senate Committee on Transportation and Veterans Affairs
Thursday, January 7, 2016
Testimony on Senate Bill 448, Implements of Husbandry

Good afternoon Chairman Petrowski and members of the committee –

My name is Rob Richard and I am Senior Director of Governmental Relations for the Wisconsin Farm Bureau Federation (WFBF). I am here to submit WFBF's support for Senate Bill 448.

Those of us who have working on this bill affectionately refer to it as IOH 3.0. This is the third version of IOH, or implements of husbandry, that has been addressed by the legislature in the last two years. As this committee may recall, 2013 WI Act 377 was signed into law in April of 2014 and 2015 Act 15 was signed into law in April of this year. This version, much like its predecessor IOH 2.0, addresses some issues that are more technical in nature as we strive to make this law work in a practical manner.

The genesis for this bill originates with discussions that occurred amongst members of the Education and Outreach Committee of the IOH Study Group, representing Wisconsin Department of Transportation, Wisconsin Department of Agricultural Trade and Consumer Protection, University of Wisconsin Extension/Madison, Wisconsin Farm Bureau Federation, Wisconsin Towns Association, Professional Nutrient Applicators Association of Wisconsin, Wisconsin Custom Operators and Wisconsin Independent Business Agri-Business Coalition. This group has been largely responsible for compiling and disseminating educational material and giving power point presentations across the state to farmers, law enforcement, local elected officials and the general public.

Not all of the items I will be addressing are necessarily supported by the Education and Outreach Committee of the IOH Study Group. I only speak in support of these items on behalf of WFBF. The major provisions in Senate Bill 448 are:

- 1) Current law requires an implement dealer to disclose the axle weight(s) and gross vehicle weight of an implement upon sale. This bill further clarifies that the disclosure must be in writing and that the “unladen” vehicle weight be disclosed at the point of sale.**
- 2) The definition of farm tractor has been updated to reflect recent changes in statutory language from Act 377 and Act 15.**
- 3) There are numerous references to “farm implement(s)” in Chapter 347. Farm implement is not defined in statutes but implement of husbandry is. Minor changes have been made throughout this chapter to reflect the use of the defined term “implement of husbandry”. Sections 4, 6-7, and 16-18 reflect this change.**

4) Changes several references in statutes of “from farm to field, from field to field, or from farm to farm” to “to or from a farm-related destination” to capture the true movement between or among farms, fields, agricultural storage or processing facilities, locations where an IOH or Ag-CMV is stored (i.e. custom operators or agricultural cooperatives), or any combination of these. Sections 19, 24, 29-31, 34-35 and 37-45 reflect this change.

5) Three specific changes have been made to the statutes governing the definition and use of the slow moving vehicle (SMV) sign. We believe these changes better reflect the true purpose of the SMV sign – to indicate the slow moving speed of a vehicle and nothing else. Sections 5 and 11-14 reflect this change.

a) Updates the language in s. 347.245 to clarify that an IOH must have an SMV sign, but it isn't utilized anymore to indicate the presence of a “wide” IOH.

b) An SMV sign will no longer be utilized as a marking instrument for the side of a vehicle in an agricultural train consisting of two implements of husbandry drawn by a motor truck, truck tractor or agricultural commercial motor vehicle.

c) It will no longer be allowed to attach a yellow or amber light to the left rear of an IOH as a marking instrument in lieu of an SMV sign.

6) The 2015 Budget Act created a provision allowing a farm tractor to be exempt from registration for, among other things, “occasional personal use, but not for regular daily transportation”. This language is being deleted to instead permit the registration exemption for “testing, maintenance, and storage purposes.”

7) A differentiation date of January 1, 2014, was created in Act 377 to essentially separate “old” equipment from “newer” equipment for lighting and marking requirements. Originally, it was believed that there would be national standards in place by January 1, 2014, for equipment manufacturers with regard to lighting and marking. This has not come to fruition and so all but one reference to “January 1, 2014” has been deleted. This will be considerably simpler for compliance and enforcement. Sections 9-11 and 14-15 reflect this change.

8) Federal law does not authorize an Ag-CMV that exceeds 8.5 feet in width to be operated on the interstate highway system unless it has an oversize permit from WisDOT. This was understood, but it will now be expressly written out in statutes.

9) For the movement of IOH within a 75-mile radius from implement dealer to farmer or vice versa, Sections 21-23 and 47 clarifies statutes with regard to the operation, towing or transport of IOH. Subject to “wide” IOH marking requirements, the SMV sign requirement and the lighting requirement for self-propelled IOH exceeding 12 feet, these sections address the issue of an IOH being transported and facing to the rear. It requires that amber flashers must be activated to mark the lateral extremities of the transported IOH. It also stipulates that IOH being operated or towed can legally be on the interstate highway system, but any IOH being transported that exceeds 8.5 feet must have an oversize permit from DOT.

10) Section 25 makes a correction going back to the grandfathering clause of the I-39 conversion. Unlimited width in the transport of IOH was never allowed on I-39. If an IOH being transported exceeds 8.5 feet in width it must have an oversize permit from DOT.

11) Section 26 clarifies that if someone is transporting an IOH that exceeds 8.5 feet in width at times other than hours of darkness, they must have amber flashers activated to mark the lateral extremities of the IOH.

12) Similar to statute 348.05(2g) that governs the movement of IOH from implement dealer to farmer and vice versa, Section 27 grants this same ability to move Ag-CMV's.

13) Much like item #11 above, Sections 28, 32-33, and 48 grant the authority to transport an Ag-CMV that extends out to 12 feet in width without having to obtain an oversize permit. It specifies that it doesn't apply to the interstate highway system. It also specifies that an Ag-CMV being transported at times other than hours of darkness and exceeding 8.5 feet in width must have amber flashers to mark the lateral extremities of the Ag-CMV and they must be activated.

14) Section 36 closes a loophole that potentially exists in s. 348.17 (5) and (6). I believe a person can make a legal argument that they can transport not only at the fall harvest load of 15% over the standard weight table, but they could get an additional 15% on top of that if hauling under the Ag-CMV definition. This correction prevents that from happening.

15) Sections 46, 49 and 50 allow an applicant for a no fee permit to submit only one application for multiple IOH or Ag-CMV's if those vehicles listed in the application are identical. For example, if a custom operator has a fleet of 8 terragators and they are all the exact same vehicle, the maintaining authority must accept one application for those vehicles and any no fee permit that is issued to the operator/owner can be copied and utilized in all the vehicles listed on the application.

Mr. Chairman and members, thank you for the opportunity to testify before you today in support of Senate Bill 448. I'd be happy to answer any questions at this time.



MIDWEST EQUIPMENT DEALERS ASSOCIATION

5330 Wall St., Suite 100, Madison, WI 53718-7929
608-240-4700 • 800-236-6332 • Fax 608-240-2069
E-Mail: mail@medaassn.com • Website: www.medaassn.com

January 7, 2016

To: Wisconsin Senate Committee on Transportation and Veterans Affairs
From: Gary Manke, Executive Vice President-CEO
Re: AB 448 Relating to implements of husbandry and agricultural commercial vehicles operated or transported on highways.

The Midwest Equipment Dealers Association (MEDA) appreciates the opportunity to address SB 448. MEDA is a trade association comprised of retailers of farm, construction, and industrial and outdoor power equipment dealerships throughout Wisconsin. Senator Petrowski and Representative Ripp are tackling a very complicated issue and a need for input by all organizations involved is needed while creating this legislation.

In response to AB 448 MEDA has some concerns and comments. The following is a brief overview of the comments.

- Dealers are currently required to disclose to the buyer the gross vehicle and axle weight of new and used farm equipment they are selling to their customer. Dealers were not required to provide gross vehicle or axle weights at the time of the sale until ACT 377. SB 448 requires that these weights be in writing to the customer and will create a potential liability back to our members if they are not given some leeway for actual weights disclosed. Dealers do not have scales at their dealerships and rely on weights that are provided from their suppliers on **new** equipment. Dealers have large investments in used equipment. There is not a master book or website to provide these weights, so our members rely on their own knowledge. Our members would have to make a substantial investment into a scale if these weights are required to be in writing.
- MEDA members would like to suggest the following amendment:
100.47 (3) (b) No person in the business of selling farm equipment may sell farm equipment that can be operated on a highway unless, at the time of sale, the person who sells the farm equipment discloses to the buyer in writing the gross vehicle weight and axle weights of the unladen farm equipment over 12,000 pounds and with more than one axle at the point of sale.

This would eliminate unnecessary paper work for some equipment covered by ACT 377.

MEDA has been communicating with its members about SB 448 and our members will be discussing this legislation with their legislative representatives. We appreciate your time and attention to this important matter and look forward to working with your offices to address our concerns. Thank you for the opportunity to be heard.

Committed to building the best business environment for equipment dealers in Illinois and Wisconsin...



1 South Pinckney Street, Suite 810, Madison, WI 53703-2869
608.258.4400 fax 608.258.4407

145 University Avenue West, Suite 450, St. Paul, MN 55103-2044
651.228.0213 fax 651.228.1184

www.cooperativenetwork.coop

January 7, 2016

To: Senator Jerry Petrowski and members of the Senate Committee on Transportation And Veterans Affairs

From: David Ward, Director of Government Relations & Dairy, Cooperative Network

Re: For information pertaining to SB 448

Cooperative Network is the trade association for all types of cooperative businesses in Wisconsin. Our membership includes farm supply cooperatives that provide the inputs to producers needed to support Wisconsin's \$88 billion agricultural industry. In nearly all cases, the delivery of crop inputs is accomplished with the use of implements of husbandry (IoH) and agricultural commercial vehicles (AgCMVs).

With the enactment of 2013 Wisconsin Act 377 Cooperative Network and others shared concerns regarding the potentially costly, cumbersome permitting process. Under current law, Cooperative Network estimates that a typical agribusiness operates in 75 jurisdictions and some of our members do business in more than 800 jurisdictions. Cooperative Network does appreciate the inclusion of the provisions within Section 348 that would help streamline the permitting process. However, Cooperative Network continues to have concerns that even with these changes, some cooperatives may need hundreds of permits to operate with some level of efficiency.

Cooperatives have taken steps to reduce the weights they place on vehicles and have obtained permits in good faith to do what they can to comply with the weight limitations for IoH/AgCMVs. However, movement from field-to-field continues to be a concern when travel distances exceed 0.5 miles and is the major driver for obtaining permits today. The industry's estimated compliance costs (as much as \$200,000 just to apply for 45,000 permits under current law) are significant. This proposal may reduce permitting costs, but does not address operating inefficiencies due to the enactment of 2013 Act 377.

Since the enactment of 2013 Wisconsin Act 377, subsequent improvements have been, and the changes SB 448 would bring, are welcome. However, further work is needed. Cooperative Network looks forward to working with the legislature to improve 2013 Wisconsin Act 377 in a way that addresses the operational challenges faced by the state's farm supply cooperatives.

Thank you.