



2009 ASSEMBLY BILL 778

February 25, 2010 - Introduced by Representatives CLARK, FRISKE, SHERMAN, SOLETSKI, MURSAU, BIES and TOWNSEND, cosponsored by Senators HOLPERIN, JAUCH, HANSEN, TAYLOR and COWLES. Referred to Committee on Forestry.

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

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory weight limits unless the person obtains a permit issued by the Department of Transportation (DOT) or a local highway authority. DOT may issue annual or consecutive month permits for the transportation of raw forest products in vehicle combinations having a gross weight not exceeding 98,000 pounds if the vehicle combination has six or more axles and meets other criteria (RS permit). A vehicle combination operated under an RS permit is subject to certain operating restrictions, including that it cannot be operated on an interstate highway. "Raw forest products" includes logs, poles, cordwood, wood chips, sawdust, and pulpwood.

Also under current law, DOT or a local highway authority may impose special weight limits on highways that, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of the special limits. If special weight limits are imposed, the limits must be posted by highway signs along the affected highways. The special weight limits apply regardless of whether a vehicle is being operated under an overweight permit unless the permit expressly authorizes the special weight limits to be exceeded.

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Under this bill, each RS permit must expressly authorize the vehicle combination to exceed any special weight limits imposed in connection with the thawing of frozen highways and to be operated at the full allowable weight of up to 98,000 pounds.

Under current law, if a vehicle's per-axle weight is over limits prescribed by law by not more than 2,000 pounds and the vehicle's load can be reloaded within the normal load carrying areas to eliminate the excess per-axle weight, the operator may reload up to 2,000 pounds and no forfeiture may be imposed. In lieu of reloading the vehicle, the operator may choose to continue operating the vehicle above the per-axle weight limit and pay a forfeiture of \$50 for failure to reload the vehicle.

This bill affords the same opportunity to reload up to 2,000 pounds, or pay a forfeiture of \$50 for failure to reload, for a vehicle combination being operated under an RS permit if the vehicle combination exceeds, by not more than 2,000 pounds, any per-axle weight limit specified in the RS permit.

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., the Department of Transportation, as required by law, will prepare a report to be printed as an appendix to this bill.

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

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

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

2 348.21 (2) (b) If the load on any wheel, axle, or group of axles does not exceed
3 the weight prescribed in s. 348.15 (3) or 348.16 or in a declaration issued under s.
4 348.175, or prescribed in an overweight permit issued under s. 348.27 (9m) (a) 4. with
5 respect to a vehicle combination being operated under such a permit, by more than
6 2,000 pounds and if such excess can be reloaded within the normal load carrying
7 areas, on any other wheel, axle, or axles, so that all wheels and axles are then within
8 the statutory limits, the operator may reload as provided in this paragraph. A total
9 of 2,000 pounds per vehicle or combination of vehicles may be reloaded under this
10 subsection paragraph. If reloading is accomplished and all axles or group of axles
11 are within the legal limits, including the limits of the permit for a vehicle
12 combination operated under a permit issued under s. 348.27 (9m) (a) 4., no forfeiture

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1 may be imposed. A vehicle or combination of vehicles under this subsection ~~which~~
2 paragraph that is not reloaded may continue to be operated upon the highway, but
3 a forfeiture of \$50 shall be imposed for failure to reload. This forfeiture shall be paid
4 upon the basis of the citation issued by the official to the court named in the citation.
5 Failure to pay shall subject the operator to the penalty in par. (a) or sub. (3) (a) or (3g).
6 Violations under this subsection ~~subsection~~ paragraph shall not be considered as violations or
7 prior convictions under par. (a) or sub. (3) to (3r).

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

9 348.27 **(9m)** (a) 4. Raw forest products in vehicle combinations that exceed the
10 maximum gross weight limitations under s. 348.15 (3) (c) by not more than 18,000
11 pounds if the vehicle combination has 6 or more axles and the gross weight imposed
12 on the highway by the wheels of any one axle of the vehicle combination does not
13 exceed 18,000 pounds, except that the gross weight imposed on the highway by the
14 wheels of any steering axle on the power unit may not exceed the greater of 13,000
15 pounds or the manufacturer's rated capacity, but not to exceed 18,000 pounds.
16 Notwithstanding s. 348.15 (8), any axle of a vehicle combination that does not impose
17 on the highway at least 8 percent of the gross weight of the vehicle combination may
18 not be counted as an axle for the purposes of this subdivision. ~~A Subject to par. (c),~~
19 a permit under this subdivision is not valid on any interstate highway designated
20 under s. 84.29 (2), any highway or bridge with a posted weight limitation that is less
21 than the vehicle combination's gross weight, and any part of the state trunk highway
22 system that the department has designated by rule as a route on which a permit
23 issued under this subsection is not valid.

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

