Changes to Implement of Husbandry Laws

Act 377

Presented by:
Education and IoH Outreach Committee
Why the change?

- Equipment increasing in size and weight
- Update statutory definition of IoH
- Need to maintain roads – balancing agriculture’s need and town/county responsibility
- Provide safe roads and bridges for all
Wisconsin Act 377

- IoH Study group provided recommendations with input from town hall meetings
- Legislation leadership by Senator Petrowski and Representative Ripp
- SB509 included discussion by numerous agricultural organizations and agencies and local government
- Signed by Governor Walker on April 23, 2014
• Definitions for IoH and Ag CMV
• Lighting and Marking Requirements
• Rules of the Road
• Size and Weight Limits
• Disclosure in Sales
• “No-fee Permits”
Implement of Husbandry (IoH)
340.01(24)(a)

1. A self-propelled or towed vehicle manufactured, designed, or reconstructed to be used and that is exclusively used in the conduct of agriculture.
Category A

• Farm Tractor
Category B

• Self-propelled combine, forage harvester or self-propelled fertilizer or pesticide application equipment but not including manure application equipment;

• towed tillage, planting, and cultivation equipment and its towing power unit;

• or another self-propelled vehicle that directly engages in harvesting farm products, directly applies fertilizer, spray or seeds but not manure, or distributes feed to livestock.
Category C

A farm wagon, farm trailer, manure trailer, or trailer adapted to be towed by or to tow or pull, another implement of husbandry.
A combination of vehicles in which each vehicle in the combination is an IoH or

in which an IoH farm wagon, farm trailer, manure trailer is towed by a farm truck, farm truck tractor, or motor truck*. 
IoH does not include any of the following:

1. An agricultural commercial motor vehicle.
2. A vehicle that is a commercial motor vehicle under 49 CFR 390.5*:
   • Has a gross vehicle weight rating or
   • gross combination weight rating, or
   • gross vehicle weight or
   • gross combination weight, of
   • 10,001 pounds or more, whichever is greater
Track IoH

• IoH with tracks are allowed on Wisconsin highways

• In the case of damage to the highway, Wisconsin law makes operator of any vehicle liable
**IoH Height**

- No height limit

Operator of the IoH is responsible for ensuring that there is adequate height clearance between the IoH and any overhead structure or obstruction.

Effective- 05-24-14
Without permit:

- Single IoH - 60 feet
- Two IoH vehicle combination - 100 feet
- 3 IoH vehicle combination (train)
  - No more than 100 feet with speed restriction of 25 mph or less or 70 feet at speed greater than 25 mph
- “No-Fee Permit” may be available

Effective- 05-24-14
IoH Width

• Tractor width limits removed, including when operated on Interstate.
• No width limit for IoH operated on a highway.
• Additional lighting and marking requirements for “wide” IoH as of November 1, 2015.

Effective- 11-01-15
Self-propelled IoH exceeding **12 ft** in width must have:

- Yellow or amber rotating strobe or beacon light mounted at highest practical point

or

- 2 flashing amber lights visible to the front and rear

**NOTE:** Lights activated at all times on the highway

Effective- 11-01-15
Any IoH exceeding **15 feet** in total width or that extend over the center of the roadway into a lane intended for the opposite direction of travel.

Effective - 11-01-15
Wide IoH- Lighting/Marking Standards

• Any lamp or light required must be lighted and visible **at the time of operation** on a highway

• At least 2 amber flashing warning lamps
  – Visible from both the front and rear
  – Visible 500 feet from the front and rear

• Mounted to indicate the extreme width - but not more than 16 inches from extremities of the IoH

Effective- 11-01-15
Red retroreflective material:

- visible to the rear
- mounted within 25 inches of the extreme left and extreme right of the IoH and spaced as evenly as practicable.
- such size and so maintained to be visible during the hours of darkness from all distances within 500 feet when directly in front of lawful upper beams of headlamps.
At least 2 strips of yellow retroreflective material:

- Visible to the front of the implement of husbandry.
- Mounted within 16 inches of the extreme left and right of the IoH.
- Such size and maintained to be visible during hours of darkness from all distances within 500 feet when directly in front of lawful upper beams of headlamps.

Effective- 11-01-15
Wide IoH- Lighting/Marking

- At least 2 red tail lamps mounted symmetrically to the rear
- These tail lamps are not required to be hardwired to headlights.
- When lighted, these tail lamps shall be capable of being seen during hours of darkness at a distance of 500 feet from the rear of the IoH

Effective- 11-01-15
Wide IOH Exceeding 22 ft

Must have an escort vehicle with hazard lights activated:

- In front of IoH on two lane highway
- Behind IoH on highway with more than two lanes

Escorts not needed for incidental travel (1/2 mile or less)

Effective- 11-01-15
Wide IOH – Escort Exemption

During times other than hours of darkness extra lighting and marking not required if:

• Accompanied by an escort vehicle operating with hazard lights activated and;

• Two orange or red flags
  o not less than 12 inches square attached to the rear of the wide IoH
  o in a manner that is clearly visible
  o marks the extreme left and extreme right of the wide IoH

Effective- 11-01-15
During hours of darkness:

- On each side of each vehicle in the train
  - One red or amber light or
  - One red or amber reflector or
  - One SMV symbol
- The daylight flag requirement has been rescinded

Effective- 11-01-15
Current Marking and Lighting Standards

347.245 – Identification emblem on certain slow moving vehicles

- Must be displayed on any vehicles or equipment, including animal drawn, which usually travels less than 25 mph
- Displayed day or night
Current Marking and Lighting Standards

347.24 (1) – “Lamps and reflectors on nonmotor vehicles and equipment”

Cannot operate an implement of husbandry during the hours of darkness, UNLESS there is at least:

• 2 white lamps visible ahead and
• 1 red tail lamps or
• 2 red reflectors displayed on the rear
Current Marking and Lighting Standards

What does this mean?

It means that 2 headlamps and at least 2 red tail lamp are required!

Work lights should not be used when operating on roads.
During hours of darkness, any IOH that extends 4 feet or more to the left of the centerline of the power unit, requires

- 1 amber reflector mounted on the left side facing forward marking the extreme width
Rules of the Road

Wide IoH with required lighting and marking requirements may:

• Extend over the center of road into the lane intended for travel in opposite direction

• Extend into passing lane on a 3-lane highway

• Extend into another lane intended for travel in the same direction, if it does not impede other vehicles from the rear

HOWEVER
HOWEVER:

- Must yield the right of way to an oncoming vehicle and yield half of the roadway
- May not drive on left side of roadway on a grade or curve or an area designated as no passing zone if it creates a hazard to oncoming traffic
HOTEVER:

- May not drive so slowly as to impede the normal movement of traffic
- Must, if practicable, yield the roadway to an overtaking vehicle

Act 377 repeals the ability for motorist to pass IoH and Ag CMV in No-Passing Zone (2012 law).
Agricultural Commercial Motor Vehicle (Ag CMV)

340.01 (1o)

Effective- 4-24-14
An Ag CMV is a commercial motor vehicle to which all of the following apply:

a. Substantially designed or equipped, or materially altered from its original construction, for the purpose of agricultural use

b. Designed and manufactured primarily for highway use

c. Manufactured to meet federal motor vehicle safety standard certification label requirements 49 CFR 567, after 1970

d. Used exclusively in the conduct of agricultural operations

e. Is directly engaged in harvesting farm products, directly applies fertilizer (manure included here), spray or seeds to a farm field, or distributes feed to livestock
Is it an Ag CMV?

Insert photo of vehicle to analyze with five questions
Is it an Ag CMV?
NEW!

Ag CMV

- Ag CMV self-certification form available
- Ag CMV and CMV must meet all State and Federal safety standards and inspections
- Ag CMVs exempt from registration fees
**Ag CMV Dimensions**

- **Height:** 13 feet 6 inches
- **Width:** 10 feet including all accessories or attachments except:
  - Ag CMVs spraying pesticides or spreading lime or fertilizer (not manure) may have tires, fenders or fender flares that extend up to 12 feet.

Effective- 05-24-14
Ag CMV Dimensions

Without Permit - Length:

• 45 feet single Ag CMV vehicle (1 vehicle)
• TWO VEHICLE COMBINATION
  • 70 feet for single vehicle and trailer combination
  • 75 feet for truck tractor and trailer with appropriate hitch and axle spacing.
Ag CMV Dimensions

Without Permit - Length:

**3 vehicles or trains**

- 100 feet with speed restriction of 25 mph or less
- 70 feet at speed greater than 25 mph for Ag CMV pulling 2 IoH or 2 empty* pressurized tanks or 2 empty* trailers No Fee Permit may be available for length

*empty = no more than 20% full
Weights GENERALLY increased by 15% for IoH and Ag CMV over the Federal Bridge Formula (FBF).

- Maximum GVW 92,000 lbs
- Maximum Axle weight 23,000 lbs.
- New IoH/Ag CMV Weight Table reflects necessary number of axles and axle spacing

Effective- 04-23-14
Please note:

• In 348.15(3)(c) Single vehicles with 4, 5 and 6 axles are already set 15% over the FBF. These vehicles do not get additional allowances in the new IoH/Ag CMV Weight Table

• New IoH/Ag CMV weight allowances DO NOT apply on the Interstate Highway System

Effective- 04-23-14
### Implement of Husbandry/Ag CMV Maximum Weight Limitations Table

[§348.15(3)(g)]

<table>
<thead>
<tr>
<th>A - Distance in feet between foremost and rearmost axles of a group*</th>
<th>B - 2 axles of a vehicle or combination of vehicles</th>
<th>C - 3 axles of a vehicle or combination of vehicles</th>
<th>D - 4 axles of a vehicle or combination of vehicles</th>
<th>E - 5 axles of a vehicle or combination of vehicles</th>
<th>F - 6 axles of a vehicle or combination of vehicles</th>
<th>G - 7 Axles of a vehicle or combination of vehicles</th>
<th>H - 8 Axles of a vehicle or combination of vehicles</th>
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</table>

Axles must be at least 42 inches apart to qualify as a separate axle and must bear at least 8% of the GVW.
Measuring: [348.15 (5m)]
The distances between the foremost and rearmost of a group of axles shall be measured between axle CENTERS to the nearest even foot, and when a fraction is exactly one-half foot, the nearest larger whole number shall be used.

Example:
50 feet 5 inches = 50 feet
50 feet 6 inches = 51 feet
# Vehicle Measurements

<table>
<thead>
<tr>
<th>Column A</th>
</tr>
</thead>
<tbody>
<tr>
<td>AXLE 1 GAUGE</td>
</tr>
<tr>
<td>AXLE SPACING 1</td>
</tr>
<tr>
<td>AXLE 1 Weight</td>
</tr>
</tbody>
</table>
Potato harvester

No axle weight limits on empty potato harvester. Requires:

- One or more escort vehicles with hazard lights
- No escort needed if traveling less than .5 miles
Weight – Category B Exemptions

Category B IoH

- No axle weight limits
- GVW limit applies at 92,000 lbs.
- No weight limit – axle or GVW – for incidental travel (1/2 mile or less) field to field or field to farm
Category B IoH

- Can disregard Class B Posting (348.16 (2))
- MUST OBEY seasonal or special weight posting or bridge posting (348.17)
NOTE:

• Axle weight limit is set on all state highways for all IoH and Ag CMVs at 23K/92K/weight table – including Category B

• Local maintaining authority may pass ordinance setting 23K axle weight limit for Category B

• Category B must be given an approved route
Weight – Fines

Amount of overweight violation based on statutory limit in the 348.15(3)(c) table, not the IoH/AG CMV allowance 348.15(3)(g)

Example:
IoH weighing 96,000 lbs. GVW – with no permit

- Violation based on max. 80,000 lbs. GVW – not 92,000 GVW = 16,000 lbs. over
  - 1st offense citation = $2,400 (.15 per lbs.)
  - 2nd offense citation = $2,880 (.18 per lbs.)
Until January 15, 2015 State Patrol will only issue warnings for violations to:

- IoH Category A – Farm Tractors
- IoH Category B – Self-propelled IoH or towed tillage, planting or cultivating equipment and power unit

Delayed enforcement period does not apply to:

- Violations that occur on the Interstate Highway System
- County or local law enforcement
- IoH Category C
- AG CMVs
• The same **height, width** and **length** laws with lighting and marking for IoH apply

• No **weight** limits for an IoH or Ag CMV while being operated or transported by an implement dealer or farmer
  
  ▪ For purposes of delivery, repair, or servicing within 75 mile radius of the farmer’s owned or leased land, or dealer’s business location
  
  ▪ May operate on Class B roads but must obey seasonal and special postings
Dealer/Repair Exemptions

Projecting loads limits on side of vehicles (348.09) does not apply if the load is an IoH or Ag CMV being transported or operated by dealer or by farmer for delivery or repair

- For purposes of delivery, repair, or servicing within 75 mile radius of the farmer’s owned or leased land, or dealer’s business location

Effective- 05-24-14
Disclosures in Sales

- Seller must provide farm equipment GVW in writing
- Must have lights, reflectors, and other marking devices meeting the applicable vehicle equipment requirements based on manufactured date

Effective- 01-01-15
Local Options
## Local Options

<table>
<thead>
<tr>
<th>Options</th>
<th>Action</th>
<th>Communication</th>
<th>Permit</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Posting Approach ($§349.16$)</td>
<td>Post roads limiting weight below 23K/92K/Wt Table</td>
<td>No publication required – but roads must be posted</td>
<td>Must respond to permit applications</td>
</tr>
<tr>
<td>B</td>
<td>Total Opt Out $§348.27 (19)5.a.</td>
<td>No weight or length limit on any jurisdiction road for IoH or Ag CMVs</td>
<td>Must pass and post/publish ordinance or resolution. Also posted on DOT website.</td>
<td>No permits necessary</td>
</tr>
<tr>
<td>C</td>
<td>Partial Opt Out I</td>
<td>Sets weight limit above 23K/92K/Wt Table on all roads under jurisdiction</td>
<td>Must pass and post/publish ordinance or resolution. Also posted on DOT website.</td>
<td>Must respond to permit applications</td>
</tr>
<tr>
<td>D</td>
<td>Partial Opt Out II $§348.27 (19)5.c.</td>
<td>Designates roads for over-weight/over-length IoH and Ag CMVs</td>
<td>Must pass and post/publish ordinance or resolution. Also posted on DOT website.</td>
<td>Must respond to permit applications</td>
</tr>
<tr>
<td>E</td>
<td>Opt In $§348.15 (9)(f)2.a.</td>
<td>Pass ordinance requiring Category B and all IoH/Ag CMVs to follow 23K/92K/Wt Table</td>
<td>Must pass and post/publish ordinance or resolution. Also posted on DOT website. State Highway operate like this per 348.15 (9)(f)3</td>
<td>Must respond to permit applications</td>
</tr>
<tr>
<td>F</td>
<td>Abides by Act 377</td>
<td>No special action taken – 23K/92K/Table governs IoH and Ag CMVs – except Category B (no axle limit/ 92K GVW)</td>
<td>No publishing required</td>
<td>Must respond to permit applications</td>
</tr>
</tbody>
</table>

Model ordinances available from Wisconsin Towns Association, [www.wisctowns.com](http://www.wisctowns.com)
Option A – Posting Approach ($\S349.16$)

- Post roads limiting weight below $23K/92K/Wt$ Table

- No publication required – but roads must be posted

- Must respond to permit applications

- Could post notice giving commodities/vehicles exemptions (e.g. milk trucks and Category B). $\S349.16$ (3)
Option B – Total Opt Out
§348.27 (19)5.a.

- **No weight or length limit** on any jurisdiction road for IoH or Ag CMVs
- Must pass and post/publish ordinance or resolution. Also posted on DOT website.
- No permits necessary
- IoH or Ag CMVs of **any weight or length** can run on roads subject to seasonal and special postings
Option C – Partial Opt Out I

- Sets weight limit **above** 23K/92K/Wt Table on all roads under jurisdiction
- Must pass and post/publish ordinance or resolution. Also posted on DOT website.
- Must respond to permit applications
- IoH or Ag CMVs can run up to set limits without permit subject to seasonal and special postings
Option D – Partial Opt Out II
§348.27 (19)5.c.

- **Designates roads** for over-weight/over-length IoH and Ag CMVs
- Must pass and post/publish ordinance or resolution. Also posted on DOT website.
- Must respond to permit applications
- IoH or Ag CMVs can run up to set limits on **designated roads** without permit subject to seasonal and special postings
Option E – Opt In
§348.15 (9)(f)2.a.

- Pass ordinance requiring Category B and all IoH/Ag CMVs to follow 23K/92K/Wt Table
- Must pass and post/publish ordinance or resolution by January 15, 2015. Also posted on DOT website.
- State Highway operate like this per 348.15 (9)(f)3
- Must respond to permit applications
- IoH and Ag CMVs must apply for permit to exceed 23K/92K/Table
Option F – Abides by Act 37

- No special action taken – 23K/92K/Wt Table governs IoH and Ag CMVs – **except** Category B (no axle limit/ 92K GVW)
- No publishing required
- Must respond to permit applications
- IoH and Ag CMVs must apply for permit to exceed 23K/92K/Wt Table; Category B must apply for permit to exceed 92K GVW
No-Fee Permit
Effective January 1, 2015
“No-Fee Permit” (NFP) may be available to exceed weight and length limits

- Issued by maintaining authority (MA)
- Requires MA to provide approved route for Category B operation if permit application denied – may include conditions of operations
Upon receipt of application for “No-Fee Permit”

- MA provides a final decision within 3 weeks
- If MA fails to approve or deny within 3 weeks, application is considered approved until applicant receives a denial or 6 weeks from receipt of application.
- If MA fails to approve or deny within 6 weeks of receipt, application is approved.
- MA may issue consecutive month or annual permits or for longer time period
- State will send a duplicate permit on an annual basis if there are no changes to state road or bridge conditions on route
Amendments to Permits

May be applied for at any time due to an applicant's change in circumstances, information or routes.

Upon receipt of application for amendment:

- **Within 5 business days**—must be given a final decision
- If MA fails to approve or deny within 5 business days, application is considered approved until applicant receives a denial or **10 business days** from receipt of application.
- **Within 10 business days**, MA fails to approve or deny - application is approved.
• Permit applications available on Website: www.Ag.Vehicles.DOT.wi.gov

• Information provided in permit application is not open to public inspection, copying or disclosure
Further information:

Website:  www.AgVehicles.DOT.wi.gov
Email:    AgVehicles@dot.wi.gov
State Hwy Permit Phone: 608-266-7320
Contact your dealer for specific equipment details
This information was prepared by 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.

Information is provided as guidance. For legal reference see Wisconsin Act 377 available at [www.wisconsin.gov](http://www.wisconsin.gov).