

# Implements of Husbandry Legislation - What You Need to Know

## What is 2013 Wisconsin Act 377 (Senate Bill 509) – IOH Legislation?

We believe it is imperative that farmers have the ability to operate their equipment on roadways legally and safely. Wisconsin Act 377 forges a compromise between the agricultural community and local officials that balances the need for farm equipment to operate legally and safely on roads with the need to protect our local infrastructure.

As WFBF's top legislative priority, this bi-partisan legislation passed the Legislature overwhelmingly and was signed into law by Governor Walker on April 23, 2014.

For more information visit: [wfbf.com/legislative/IOH](http://wfbf.com/legislative/IOH).

## Why Now? How did we get here?

Nearly \$88 billion of Wisconsin's economy is directly attributed to the success of agriculture so it was essential to update our laws to accommodate the operational needs of the farming community. It was also incumbent upon farmers to protect the investment Wisconsin taxpayers make into our road and bridge infrastructure. We believe Act 377 does both.

With the modernization of agriculture came a widely-accepted misconception within the farming community that implements of husbandry (IOH) were exempt from any size and weight regulation. This has never been the case. While there has been limited enforcement of road weight limits on farm machinery, this is changing. Several counties own portable scales and may increase education and enforcement activities this year.

An infraction in Marathon County in 2011 brought enforcement of IOH road weight limits to the forefront. WFBF immediately became involved. The Department of Transportation (DOT), along with the Department of Agriculture, Trade and Consumer Protection (DATCP), formed the Implements of Husbandry Working Group. They, along with 18 stakeholder groups, developed recommendations that would give the agricultural community a means to utilize their equipment legally, keep Wisconsin agriculture competitive, and protect the infrastructure by which they move their equipment from farm to field. Senator Jerry Petrowski (R-Marathon) and Representative Keith Ripp (R-Lodi) drafted legislation (Senate Bill 509) based on those recommendations.

## What does Wisconsin Act 377 do?

*Creates new definitions for 'Implement of Husbandry' and 'Agricultural Commercial Motor Vehicle'*

**"Implement of Husbandry"** is defined as - A self-propelled or towed vehicle that is manufactured, designed, or reconstructed to be used and that is exclusively used in the conduct of agricultural operations. An "implement of husbandry" may include any of the following:

- Farm tractors. (Category A)
- A self-propelled combine; a self-propelled forage harvester; 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 B)
- A farm wagon, farm trailer, manure trailer, or trailer adapted to be towed by, or to tow or pull, another implement of husbandry. (Category C)
- A combination of vehicles in which each vehicle in the vehicle combination is an implement of husbandry or in which an implement of husbandry is towed by a farm truck, farm truck tractor or motor truck.

Act 377 creates a definition for **Agricultural Commercial Motor Vehicle (Ag-CMV)** so they can comply with federal regulations, yet enjoy the benefits of exclusive agricultural use. These might include the straight bed truck with a box spreader or a feed mixer mounted on the chassis. They have no DOT registration requirement and they fall under expanded size and weight requirements. An Ag-CMV means a commercial vehicle to which all of the following applies:

- The vehicle is substantially designed or equipped for the purpose of agricultural use.
- The vehicle was designed and manufactured primarily for highway use and manufactured to Federal Motor Vehicle Safety Standard Certification.
- The vehicle is used exclusively in the conduct of agricultural operations.
- The vehicle directly engages in harvesting farm products, applying fertilizer, spray or seeds to a farm field or distributes feed to livestock.



Photo courtesy of Kuhn North America

### IOH and Ag-CMV height, length, weight and width requirements

**Height** – There is no limit on height for IOH, but the operator remains responsible for ensuring clearance of all bridges and utility lines that are constructed to the proper height.

**Length (IOH)** – Length limits are improved for single, two- and three-vehicle combinations. Single vehicles can be up to 60 feet. Two-vehicle combinations can be up to 100 feet. Three-vehicle combinations can also be up to 100 feet if operated below 25 mph or up to 70 feet at a speed greater than 25 mph.

**Length (Ag-CMV)** – Single vehicles can be up to 45 feet. Two-vehicle combinations can be up to 70 feet. Three-vehicle combinations can be up to 100 feet if operated at a speed below 25 mph or up to 70 feet at a speed greater than 25 mph.

For both IOH and Ag-CMV, if you wish to exceed the length limits a no-fee permit may be required.



**Weight** – Prior to Act 377 the same weight limits that applied to any other vehicle on the road also applied to an IOH. No axle could exceed 20,000 lbs. and the gross vehicle weight (GVW) of any vehicle could not exceed 80,000 lbs. Some exceptions allowed vehicles or vehicle combinations to operate without a permit at weights higher than general statutory limits. For example, from September 1 to December 31, a person may, without a permit, exceed the general statutory weight limits by no more than 15% if they are transporting crops, or transporting manure to or from a farm.

Act 377 creates a new standard and weight chart for IOH, allowing for 15% more weight. Generally speaking, the per axle limit is increased to 23,000 lbs and the GVW is increased to 92,000 lbs. Unless otherwise prescribed by a local authority, tillage, planting and cultivation equipment are exempt from the per axle limitation on municipal and county roads. Due to the unique makeup of potato harvesters, they are also exempt from the new axle weight requirement but not the GVW.

Per axle and GVW limits don't apply for "incidental movements" between farm to field and field to field that are less than 0.5 miles, and therefore no permit is required. This also applies to IOH and Ag-CMV being operated or transported to and/or from an implement dealer for purposes of delivery, repair or servicing within a 75-mile radius.

The new weight limitations and no-fee permits do not supercede the weight restrictions placed on bridges, Class "B" roadways, and special and seasonal postings, unless specifically allowed under the conditions of a permit.

**Width** - Additional lighting and marking features are included for IOH that exceed 15 ft. There is no requirement for permitting based on a vehicle's width.

While operating on a highway the following requirements apply. IOH that exceed 15 ft. or that operate over the center line of the road when traveling will be required to add some lights and reflective material, if not already installed as original equipment.

- Two flashing amber lights visible from the front and back placed 16 inches or less from each side of the vehicle's lateral extremities.
- On the back, red retroreflective tape placed within 25 inches of the lateral extremities.
- On the front, two strips of yellow retroreflective tape placed within 16 inches of the lateral extremities.
- Two red tail lamps (hardwiring is not required).
- A standard slow moving vehicle (SMV) sign.

During daylight hours, lighting requirements for IOH that exceed 15 ft. or that operate over the center line of the road when traveling are not applicable if:

- The wide IOH is accompanied by an escort vehicle with hazard lights activated, and
- Two orange or red flags are attached to the rear of the IOH at the lateral extremities.

An IOH in excess of 22 ft., in addition to any lighting and/or marking required must also be escorted by at least one vehicle with hazard lights activated. On two-lane roads the escort is the lead vehicle. On roads with two or more lanes with traffic going in the same direction, the escort vehicle will follow the IOH.

No escort is required for "incidental movements" from farm to field or field to field under 0.5 miles. The lighting, marking and escort vehicle requirements noted above do apply if/when an IOH being operated or transported to and/or from an implement dealer for purposes of delivery, repair or servicing is within a 75-mile radius.

## With the law in effect, what options are now available to municipalities and counties?

The six options available to municipalities and counties to implement Act 377 are commonly referred to as "Options A through F". Options B, C, D and E require the local government to pass a resolution or ordinance by January 15 to be in effect for that calendar year. The following is a very brief description.

**Option A** – Local governments still have statutory authority to post roads imposing special or seasonal weight limitations. They can ultimately provide a means for travel on these routes, if they so choose, just as they have in the past via permit, signage, or specific permission expressly authorizing individual IOH and or Ag-CMV to be operated on these roadways.

**Option B** (Total Opt Out) – Local governments can authorize operation of IOH and Ag-CMV with no weight or length limits on any road within their jurisdiction.

**Option C** (Partial Opt Out I) – Local governments can set the weight limits above the 23K axle/92K GVW weight table, and increase length limits, on all roads within their jurisdiction.

**Option D** (Partial Opt Out II) – Local governments can set the weight limits above the 23K axle/92K GVW weight table, and increase length limits, on designated/priority roads within their jurisdiction.

**Option E** (Opt In) – Local governments require that Category B and all other IOH and Ag-CMV follow the new 23K axle/92K GVW weight table. This is the same requirement when operating on state highways.

**Option F** – If local governments take no affirmative action, this is the default position and the 23K axle/92K GVW weight table governs roads within their jurisdiction. However, Category B IOH are exempt from axle weight requirements.



## How will the state address the permitting process?

If IOH and Ag-CMV operating on state highways exceed the 23K axle/92K GVW weight limits, and/or over-length limitations for single, two-, and three-vehicle combinations, no-fee permit applications to exceed the limits are available at [www.dot.wisconsin.gov/business/ag/permits.htm](http://www.dot.wisconsin.gov/business/ag/permits.htm).

Any no-fee permit that is issued by DOT must "automatically renew each year unless there is a material change to any roadway for which the permit applies."

## How do farmers get a permit?

**Application for Permit** – Depending upon the action a municipality or county may take, any IOH and Ag-CMV that exceeds length and/or weight limits may be required to obtain a no-fee operating permit from the road "maintaining authority" (municipalities, counties or state). The applications will be submitted using a standard form available on the DOT website. The application form will require the applicant to provide, on the form or as an attachment, all of the following information:

- The applicant's contact information.
- A listing or map of potential roadways to be traveled.
- Identification of the types of IOH and Ag-CMV for which the application is made, the length, number of axles, make, model, and estimated weight of the IOH.
- The time of year and frequency that these IOH and Ag-CMV are expected to be operated on the roadway.

**Denial of Permit** – Any denial of a requested route must be issued in writing and must provide a reasonable structurally-based explanation for the denial. A denial cannot be arbitrary. For self-propelled IOH and towed tillage, planting and cultivation equipment, if the only basis for denial is the listing or map of highways, the maintaining authority must modify the application to include an approved alternate route. Route denials may be appealed to a town or municipal board, county highway committee, and if it is a state highway, through the appeals process at DOT. Alternatively, an applicant may appeal directly to the judicial system.

**Confidentiality of Permit** – With limited exceptions, local and state authorities are required to keep confidential all information provided by an applicant for a no-fee permit and the information is not subject to Wisconsin's Open Records Law.

## Enforcement and Violations

It is the Legislature's, and WFBF's, hope that 2014 will be utilized as a time period for extensive education and exposure to the new law. With that in mind, there is a provision in the law that says the state patrol (county sheriff and local police departments are not included) may issue only warnings, not citations, for overweight or oversize violations of farm tractors, and planting, tillage and cultivation equipment that occur between now and April 14, 2015. Be aware that manure application equipment, Ag-CMV and vehicle trains that are overweight or oversize are subject to citations by the state patrol.

With regard to weight violations, the amount of the overweight violation is computed based on the general statutory weight limits (20,000 lbs. per axle or 80,000 lbs. gross vehicle weight) not the new weight allowance that is approximately 15% higher. For example, if you are hauling without a permit at a GVW of 97,000 lbs, you will be fined at 17,000 lbs. overweight, not 5,000 lbs. overweight.

It is no longer legal for a vehicle to pass an IOH or Ag-CMV in a no-passing zone if traveling at a speed less than half the posted speed limit.

## Effective Dates of the Legislation

Most provisions of Wisconsin Act 377 are currently in effect, with the following exceptions:

- The lighting and marking requirements will take effect **November 1, 2015**.
- The requirement for IOH dealers to disclose gross vehicle weight at point of sale will take effect **January 1, 2015**.
- The no-fee permitting provisions sunset on **January 1, 2020**. Also, the Act's provisions increasing the weight limitations for IOH and Ag-CMV and providing specified exemptions to these increased weight limitations sunset **January 1, 2020**. This will require the Legislature to review the permitting process within five years.