



**House  
Legislative  
Analysis  
Section**

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*See revised analyses for 700, 702, 703.  
Next analysis.*

**TRUCK SAFETY PACKAGE**

Senate Bill 700 (Substitute H-2)  
Senate Bill 702 (Substitute H-1)  
Sponsor: Sen. William Faust

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**NOV 10 1988**

Senate Bill 703 (Substitute H-1)  
Sponsor: Sen. Richard D. Fessler

**Mich. State Law Library**

First Analysis (9-27-88)  
House Committee: Transportation  
Senate Committee: State Affairs, Tourism and  
Transportation

**THE APPARENT PROBLEM:**

Truck accidents have increased tremendously within the past decade. There have been several changes within the industry and within the economic environment that can be cited as contributing factors to the increase in truck accidents. The federal government has recently completed rules that are designed to enhance truck safety, and federal rules require states to enact legislation that would adopt federal guidelines in order to maintain present and future transportation funding. In addition, the House Standing Committee on Transportation and the House Subcommittee on Truck Safety have taken testimony for several months concerning issues relating to truck safety. The committees have identified specific problems that are unique to Michigan and not addressed by the federal guidelines. Legislation is also needed to implement the committees' proposals to increase truck safety in Michigan.

**THE CONTENT OF THE BILL:**

Senate Bill 702. The Motor Carrier Act requires carriers to pay an annual fee of \$50 for each vehicle registered in another state and operated entirely in interstate commerce. The bill would require motor carriers licensed in Michigan to pay an annual fee of \$100 for each vehicle registered in the state and operated entirely in interstate commerce.

Motor carriers would be prohibited from engaging in the interstate transportation of property for compensation without first having registered with the Public Service Commission (PSC), under the bill. Motor carriers operating in the state under authority granted by the Interstate Commerce Commission would have to file and maintain a record of that authority with the PSC. The federal Interstate Commerce Act allows motor carriers to engage in the interstate transportation of property in accordance with exemptions from economic regulations permitted under the act; the bill would require PSC approval for the registration of exempt operations.

The bill would allow the PSC to collect an annual fee of \$50 for each motor vehicle operated by an interstate or foreign motor carrier licensed in a state or province of Canada that levied a regulatory fee or tax on a Michigan licensed motor carrier in excess of the \$10 fee provided for under the federal Interstate Commerce Act. The bill would also allow the PSC to collect an annual fee of \$50 for motor vehicles operated by interstate or foreign carriers that did not have a reciprocal agreement with the state relating to motor carrier regulatory fees or taxes. Further, the bill would require the annual fee levied on each interstate or foreign motor carrier vehicle licensed in another state or province of Canada to be equal to the

annual fee charged to a Michigan licensed motor carrier vehicle in the state or province. The commission could enter into a reciprocal agreement with a state or province of Canada relating to motor carrier regulatory fees or taxes and could also waive the fee for an interstate or foreign motor carrier licensed in another state or province.

Fees collected under the bill would be deposited in the Truck Safety Fund.

Senate Bill 703. The bill would amend current law to establish the Truck Safety Fund in the state treasury. The fund would be administered by the Office of Highway Safety Planning (OHSP) within the Department of State Police. The bill would also establish the Michigan Truck Safety Commission in the OHSP.

The commission. The commission would control the expenditures of the truck safety fund and would consist of ten members. Membership on the commission would include a member of the State Transportation Commission, the director of OHSP, the secretary of state, and the commanding officer of the Motor Carrier Division of the Department of State Police. Six individuals appointed by the governor with the advice and consent of the Senate would also be members on the commission. One of the six would represent Michigan community colleges, and one would represent four-year colleges or universities. The Michigan Trucking Association, organized labor, private motor carriers, and the general public would each be represented by one of the six members appointed by the governor. The appointed members of the commission would be appointed for two-year terms. The chair of the commission would be elected by a majority of the members serving on the commission. Vacancies would be filled for the balance of an unexpired term in the same manner as an original appointment. The commission would meet quarterly. A majority of the members would constitute a quorum.

The fund. The priority of expenditures from the fund would be as follows. No more than five percent or \$100,000 of the money deposited in the fund would be expended for administering the fund. The OHSP could not employ more than two persons under the bill. The bill would require that not less than 30 percent or \$1 million of the balance of the money deposited in the fund be expended for establishing truck driver safety education programs, and administering and coordinating grants for research and demonstration projects to develop new ideas and concepts applicable to truck driver safety education that would be applicable to Michigan problems. A portion of the 30 percent would also be used for applying, receiving, and accepting any grant, loan, or other assistance in the form of money, property, labor and any other form from a public or private source

**OVER**

S.B. 700, 702 & 703 (9-27-88)

for enhancement of truck driver safety education. Under the bill, not less than \$750,000 of the balance of the money deposited in the fund would be expended for the establishment of special transportation enforcement team (STET) operations within the Motor Carrier Division of the Department of State and for expenses incurred by the team. The division would submit an annual report of the activities of the STET operations and expenditures of the fund for those operations provided by the team. The balance of the money in the fund, if any, would be spent for the following:

- investigating, performing data collection and analysis, and making recommendations on truck accidents within the state;
- investigating and making recommendations on the truck safety enforcement procedures of local law enforcement agencies;
- performing other functions considered necessary by the commission for enhancement of truck and truck driver safety within the state.

Senate Bill 700. The bill would amend the Michigan Vehicle Code to establish a series of group designations and endorsements for different types and classes of vehicles. Under the bill, a person would be prohibited from driving a motor vehicle upon a highway unless the person had a valid operator's or chauffeur's license with the appropriate designation or endorsement.

The bill would prohibit the secretary of state's office from issuing a license to a nonresident of the state.

Under the Michigan Vehicle Code, class 1, class 2, or class 3 endorsements are required on an operator's or chauffeur's license before a person may operate a vehicle of a certain weight. The bill would amend the code to establish vehicle designations and endorsements in place of the current class endorsements, and to establish different weight standards in compliance with federal rules. Despite the different weight standards for vehicle endorsements and designations, the same fees and requirements currently pertaining to class 1, 2 and 3 endorsements would pertain to vehicle endorsements and designations.

Vehicle Group Designations. Currently, the Michigan Vehicle Code requires a person to obtain a class 1 endorsement on his or her operator's or chauffeur's license in order to operate a single vehicle weighing over 24,000 pounds and a class 2 endorsement before operating a combination of vehicles weighing over 24,000 pounds. The bill would delete these requirements and provide that before operating a vehicle towing a vehicle having a gross vehicle weight rating over 10,000 pounds, a person would have to obtain a group A vehicle designation. The bill would provide that before operating a single vehicle or a combination of vehicles with a gross vehicle weight rating (GVWR) of 26,001 pounds or more if the vehicle being towed did not have a GVWR over 10,000 pounds, a person would be required to obtain a group B vehicle designation on his or her operator's or chauffeur's license. Unless an endorsement was required, a person licensed to operate a group A designated vehicle could operate a group B or C designated vehicle without taking another test. Further, a person licensed to operate a group B vehicle could operate a group C vehicle without taking another test unless an endorsement was required.

The code currently requires a person to obtain a class 3 endorsement before operating a bus or a school bus. The bill would provide that before operating a single vehicle or a combination of vehicles with a GVWR under 26,001 (if the vehicle being towed did not have a GVWR over 10,000 pounds and carried hazardous materials marked

according to federal rules), or designed to transport sixteen or more passengers including the driver, a person would procure a group C vehicle designation and hazardous material or passenger vehicle endorsement on his or her operator's or chauffeur's license. All licenses with a vehicle group designation would contain information required by federal rules.

Vehicle Group Endorsements. The bill would require a person to obtain the appropriate vehicle group designation and vehicle group endorsement before operating certain commercial vehicles. More than one endorsement could be necessary to operate a commercial motor vehicle, and an applicant for an endorsement would take the knowledge and skills tests described and required under federal rules. A person who failed the air brake portion of the written or driving tests provided under the act or who took the driving test provided under the act for air brakes in a commercial motor vehicle that was not equipped with air brakes could not operate a commercial vehicle equipped with air brakes. Appropriate vehicle group endorsements required for certain types of commercial motor vehicles are listed below:

<u>Commercial Motor Vehicle</u>	<u>Vehicle Group Endorsement</u>
vehicle pulling double or triple trailers	T vehicle group endorsement
bus or school bus	P vehicle group endorsement
vehicle with tanks	N vehicle group endorsement
vehicle carrying hazardous materials	H vehicle group endorsement
tank vehicle carrying hazardous material	X vehicle group endorsement

The bill would exempt farmers from the vehicle group endorsement and designation requirements if the vehicles which they operated had farm registration plates and a GVWR of less than 26,001 pounds (increased from 24,000 pounds) when towing a trailer or semitrailer. However, the bill would delete an exemption that allowed persons 16 years of age or older who operated vehicles used for farming purposes to obtain a class 1 endorsement. The bill would also exempt motor homes and vehicles used exclusively to transport personal possessions or family members for nonbusiness purposes.

Applications/Suspensions of Chauffeur's and Operator's Licenses. The bill would add an application procedure for an operator's or chauffeur's license with a vehicle group designation or endorsement. An application would include an applicant's full name, social security number, date of birth, place of residence, height, and sex. A person applying for a vehicle group endorsement would be required to provide the information listed above and certify that applicable federal physical driver qualification requirements had been met if the person operated or intended to operate in interstate commerce, or an applicant would have to certify that the physical qualifications established by the Department of State Police under the Motor Carrier Safety Act had been met if the applicant operated or intended to operate in intrastate commerce. An applicant would have to certify that he or she had not been convicted of certain offenses under the code and that the vehicle in which the applicant was taking the driving skills test was representative of the type of vehicle the applicant operated or intended to operate. Further, the applicant would certify that he or she did not have a driver's license from more than one state. An applicant could claim a waiver of the driving test for an operator's or chauffeur's license with a vehicle group designation or endorsement if he or she certified the

following concerning the two-year period immediately preceding the application:

- the applicant had not had more than one license;
- the applicant had not had a license suspended, revoked, or canceled;
- the applicant had not been convicted of certain offenses listed under the code while operating a motor vehicle;
- the applicant was regularly employed in a job requiring the operation of a commercial vehicle; and
- the applicant had passed the behind-the-wheel driving test given by a state with a classified licensing and testing system and taken in a representative vehicle for the applicant's driver's license classification, or for two years immediately preceding application an applicant had operated a vehicle representative of the commercial vehicle group or passenger vehicle for which the applicant was applying.

The secretary of state's office would be required to issue operator's or chauffeur's licenses with vehicle group designations that contained the following information:

- name and complete address of residence of the licensee;
- licensee's date of birth;
- licensee's height and sex;
- information considered necessary by the U.S. Department of Transportation to identify the licensee;
- the vehicle group designation and any indorsement of a commercial motor vehicle the licensee was authorized to operate;
- the name of the state; and
- the expiration date of the license.

The bill would require the secretary of state's office to check an applicant's driving record with the National Driver Register and with the U.S. Department of Transportation before issuing an original, renewal, or indorsement. If an applicant was previously licensed in another jurisdiction, the secretary of state's office would request information pertaining to the applicant's driving record from the other jurisdiction before licensing. The bill would allow the office to waive a driving test for an original vehicle group designation (as is currently the procedure for the current class indorsements) upon receipt of adequate evidence of experience, testing, and driving record as prescribed under federal rule. The office could also enter into an agreement with another public or private person or agency to conduct a skills test required under the federal rules. The office would be required to provide an information manual to an applicant explaining how to obtain a vehicle group designation or indorsement upon request. The manual would contain the information required under federal rules.

Under the act, original licenses cannot be issued by the secretary of state's office without an examination conducted by the office. Refunds could not be given to an applicant who failed a behind-the-wheel road test under the bill. Further, if an applicant had successfully passed a driver education course and examination within the year preceding the application for a license, a behind-the-wheel road test would not be required unless the person was applying for a license with a vehicle group designation or passenger indorsement and a waiver had not been granted.

Licensees who held an operator's or chauffeur's license with a class 1 indorsement issued before October 1, 1989 could operate with the class 1 designation without having been issued a group B designation until their licenses expired. The bill would also exempt holders of class 2 and 3 indorsements from compliance with the indorsement requirements of the act until their licenses expired. Under

the bill, class 1, 2, or 3 indorsements which expired after March 1, 1992 would expire on the licensee's next birthday after March 31, 1991. A person whose operator's or chauffeur's license was unexpired but whose class 1, 2, or 3 indorsement had expired after March 1, 1991 in accordance with the bill could apply for a vehicle group designation or indorsement. Upon proper application and payment of fees, the expiration of the person's operator's or chauffeur's license would be extended for four years beyond the expiration which would have applied under the act.

In addition to current restrictions for class indorsements, the bill would prohibit the secretary of state's office from issuing an original vehicle group designation or indorsement to an applicant who:

- incurred a bond forfeiture in relation to a 6-point violation under the code in the two years immediately preceding application;
- was listed on the National Driver Register or on a commercial driver license information system in the U.S. Department of Transportation as being disqualified from operating a motor vehicle or having had a license suspended, revoked, or canceled in the 36 months immediately preceding application;
- was listed on the National Driver Register or on a commercial driver license information system in the U.S. Department of Transportation as having been convicted of or had incurred a bond forfeiture in relation to any of the offenses specified in the National Driver Register;
- was subject to a suspension under the code; or
- had been disqualified under federal law within 36 months immediately preceding the date of application.

When considering applicability of conditions for refusing to issue a license under certain situations, the code requires the secretary of state's office to take into consideration the points, suspensions, revocations, or violations which had occurred after April 30, 1979. However, under the bill, the office would only consider disqualifications from the National Driver Register and bond forfeitures which occurred on or after October 1, 1989.

The secretary of state's office would be required to immediately suspend a class 1, 2, or 3 indorsement and all vehicle group designations on an operator's or chauffeur's license when the secretary of state received notice of a conviction or bond forfeiture for an offense described in the bill within Michigan or another state. The period of suspension would be as follows:

- 60 days when the licensee was convicted of two serious traffic offenses within 36 months while operating a commercial motor vehicle;
- 120 days when the licensee was convicted of three serious traffic offenses while operating a commercial motor vehicle within 36 months;
- one year when the licensee was convicted of: 1) a violation of driving under the influence of intoxicating liquor or a controlled substance, driving while intoxicated, operating a vehicle when impaired by intoxicating liquor or a controlled substance, or of a violation of a local ordinance or law of another state corresponding to Michigan's laws concerning those violations; 2) leaving the scene of an accident involving a commercial motor vehicle operated by the licensee; 3) using a commercial motor vehicle in the commission of a felony; and 4) a six-point violation regarding a driver's incompetence;
- three years when the licensee was convicted of using a commercial motor vehicle in the commission of a felony if the vehicle was carrying hazardous material required to have a placard under the federal rules;

- for life when the licensee was convicted of: two violations under Michigan's laws or another state's laws regulating driving under the influence, driving while intoxicated, operating a vehicle when impaired; two violations of leaving the scene of an accident involving a commercial motor vehicle; two violations of a felony involving the use of a commercial motor vehicle; two violations of any combinations of the offenses in this section; one violation of operating a commercial motor vehicle used in connection with a felony involving the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance.

The secretary of state's office could suspend a vehicle group designation notwithstanding a suspension, restriction, revocation, or denial of an operator's or chauffeur's license under another section of the bill. The bill would require the office to only consider convictions, violations, or bond forfeitures that occurred after October 1, 1989 when determining the applicability of conditions listed for suspension of endorsements or vehicle group designations. For suspension determinations only, bond forfeitures would be considered convictions. Upon receiving a record of a bond forfeiture determination of a person upon a charge of unlawful operation of a motor vehicle requiring a vehicle group designation while the designation was suspended, the secretary of state's office would immediately extend the period of suspension for an additional corresponding period. This provision would also apply to a person who operated a commercial vehicle while disqualified under federal law.

Information for the U.S. Department of Transportation. The secretary of state's office would be required to provide the U.S. Department of Transportation with the following information pertaining to an operator's or chauffeur's license with a vehicle group designation:

- notice of issuance of an operator's or chauffeur's license with a vehicle group designation within ten days after the issuance of the license;
- notice of a suspension, revocation, or denial of a license within 10 days after the suspension, revocation or denial. If the licensee was a nonresident, notice of the state which issued the suspension, revocation, or denial of the license would also be provided.

When nonresident drivers licensed to operate commercial vehicles were convicted of motor vehicle violations (other than parking violations), the secretary of state's office would have to notify within 10 days the state official designated by the state which issued the license of the convicted person. A person could not operate a commercial motor vehicle in this state while he or she was subject to an out of service order issued under federal rules.

Taxes and Fees. The code currently requires the secretary of state's office to collect certain taxes at the time of registering a vehicle. The bill would amend the code to increase by \$10 the fee for each elected gross weight category for trucks weighing 8,000 pounds or less while towing a trailer or any other combination of vehicles, and for trucks weighing more than 8,000 pounds, road tractors, and truck tractors. The bill would increase the fee for vehicles in the 36,001 to 42,000 pound elected gross weight category from \$612 to \$672.

The act currently requires \$5 to be deposited in the Michigan Transportation Fund for each commercial vehicle registered under the act. The bill would increase the deposit to \$15 per each vehicle and would require the money to be deposited in the Truck Safety Fund created under Senate Bill 703.

Right-hand lane restrictions. The bill would amend the code to allow the driver of a truck with a gross weight of more than 10,000 pounds, a truck tractor, or a combination of a vehicle and trailer or semitrailer to drive the vehicle or vehicles only in either of the two lanes farthest to the right upon a roadway having two or more lanes for travel, except for a reasonable distance when making a left turn or when a special hazard existed.

Recapped or Retreaded tires. A truck or truck tractor with a gross vehicle weight of more than 26,000 pounds could not be operated on state highways with recapped or retreaded tires on the front wheels of the vehicle.

Tandem Axles. The act authorizes the Department of Transportation to designate highways where roads and bridges are adequate for heavier-than-normal loading. For loading on those highways, the act sets a maximum weight of 16,000 pounds per axle for maximum tandem axle assembly loading. It allows only one tandem axle assembly on vehicle combinations to weigh up to 16,000 pounds if no other tandem axle assembly in the combination exceeded 13,000 pounds per axle. The act also allows two tandem axle assemblies to weigh up to 16,000 pounds when the maximum gross weight of a combination did not exceed 73,280 pounds. Under the bill, the 16,000 pound maximums would apply if no other axle were within nine feet of any axle of the assembly.

Overall gross weight on a group of two or more axles would have to be determined by weighing individual axles or several axles, and the total weight of all the axles in the group would be the overall gross weight of the group.

The act authorizes the department and local authorities to designate highways for the operation of vehicles that weighed up to 80,000 pounds and did not exceed certain weights, including tandem axle weight of 17,000 pounds per axle. The bill specifies that the designated loading maximum would apply to interstate highways, and would refer to a tandem axle weight of 34,000 pounds, instead of 17,000 pounds per axle. The bill would also define the term "tandem axle weight" for the purposes of this section as the total weight transmitted to the road by two or more consecutive axles, whose centers could be included between parallel transverse vertical planes spaced more than 40 but not more than 96 inches apart.

Emblems and logos. The act requires all trucks, tractors, trailers, or semitrailers of more than 3,500 pounds to have certain information painted upon them. In addition to information required under the act, the bill would require all trucks and truck tractors of more than 5,000 pounds registered weight and all towing or platform bed wrecker road service vehicles to include the city, state or the registered logo or emblem of the registered owner or lessee of the vehicle, painted or permanently attached on each side of the cab on a motor truck or truck tractor. The logo or emblem would be painted or attached no lower than the bottom edge of the door. However, trucks with closed van bodies could place the information on each side of the van body not lower than the bottom edge of the cab door. The bill would require the information to be in sharp color contrast to the background. The bill would allow identification requirements to be met through the use of removable devices which met the provisions of the bill but would require permanent or painted attachments for towing or platform bed wrecker road service vehicles. Removable devices would be of durable construction and securely attached to each side of the truck or truck tractor, and they would be attached so that the identification was in a horizontal position. Vehicles that were required to have logos or emblems would have to be in compliance two

years after the effective date of the bill. Logo and emblem provisions would not apply to trucks eligible for and equipped with farm license plates.

**Weight provisions.** The act provides that owners or lessees of owner-operator vehicles who allow the vehicle to be loaded and driven on a highway in violation of weight requirements under the act are responsible for a civil infraction and would be assessed certain civil fines. The bill would provide that any person who violated the act's weight requirements in the above situation would be responsible for a civil infraction. Under the bill, fines would be increased as follows:

- three cents per pound, up from two cents, for each pound of excess load between 1,000 and 2,000 pounds;
- six cents per pound, up from four, of excess load when the excess is between 2,000 and 3,000 pounds;
- nine cents per pound, up from six, of excess load when the excess is between 3,000 and 4,000 pounds;
- twelve cents per pound, up from eight cents, for each pound of excess load between 4,000 and 5,000 pounds;
- fifteen cents per pound, up from ten, for each pound of excess load between 5,000 and 10,000 pounds; and
- 20 cents per pound for each pound of excess load over 10,000.

Under the bill, drivers of trucks, truck tractors, and trucks and truck tractors in combination with other vehicles or special mobile equipment who knowingly failed to stop at or who knowingly bypassed any scales or weighing station would be guilty of a misdemeanor.

**Other provisions.** The act allows police officers to issue citations to drivers of motor vehicles involved in accidents when the officer has reasonable cause to believe that the person has committed a misdemeanor under the act in connection with the accident. Under the bill, if a citation was issued to a person operating a commercial motor vehicle, the citation would contain the vehicle group designation and indorsement description of the vehicle operated by the person at the time of the alleged violation. If a person was determined to be responsible or responsible with explanation for a civil infraction under the bill or a local ordinance substantially corresponding to a provision under the bill while driving a commercial motor vehicle, he or she would be ordered to pay costs as currently provided in the code and a civil fine of not more than \$250.

Municipal judges and clerks of a court of record are required to keep a full record of cases in which a person is cited for violation of the code or law corresponding to the code regulating the operation of vehicles on highways. The code also requires judges and clerks to forward abstracts of certain cases to the secretary of state's office. The bill would require the abstracts to include the type of vehicle driven at the time of the violation. If the vehicle was a commercial motor vehicle, the abstract would also include the vehicle's group designation and indorsement classification. Currently, the secretary of state's office is prohibited from entering an abstract for a bond forfeiture which occurred outside of the state on a master driving record. However, the bill would require the office to retain and enter on the master driving record an abstract for an out-of-state bond forfeiture which occurred after October 1, 1989 in connection with the operation of a commercial motor vehicle.

The bill would allow the secretary of state's office to issue a registration valid for three months or more for use on a vehicle with an elected gross vehicle weight of 24,000 pounds or more. The fee for registration would be 1/10 of the fee for trucks weighing 8,000 pounds or less towing a trailer or any other combination of vehicles and for each

truck weighing 8,001 pounds or more, road tractor or truck tractor times the number of months for which the special registration was requested. A \$10 service fee would also be required for special registrations. The fee would be credited to the Michigan Transportation Fund and used to defray the expenses of the registration.

The following provisions would take effect January 1, 1989:

- right-hand lane provision;
- recapped or retreaded tire provision;
- tandem axle provision;
- logo and emblem requirements;
- owner-operator vehicle weight provision;
- three-month registration provision; and
- civil infraction with explanation provision.

All other provisions of the bill would take effect October 1, 1989. The bill is tie-barred to House Bill 703.

MCL 257.4b et al.

### **HOUSE COMMITTEE ACTION:**

The House Transportation Committee adopted a substitute for Senate Bill 700 to add expiration dates and to delete several provisions, including provisions concerning brakes, bumpers, maximum truck length, and mudflaps. The House version also strengthens other safety provisions of the bill and increases registration fees. The committee substitute for Senate Bill 702 provides for an additional fee for vehicles operated by states that charged Michigan motor carriers fees in excess of the Federal Interstate Commerce Act. The committee adopted a substitute for Senate Bill 703 to require the Department of State Police to annually report activities of the special transportation enforcement team and expenditures of the Truck Safety Fund and to delete a provision requiring the department and the commission to establish rules regarding the implementation and administration of the bill within one year after enactment of the bill.

### **SUGGESTED AMENDMENTS:**

Senate Bill 700 regulates commercial drivers. Under an extreme case scenario, a farmer driving a truck for one mile on one day would come under commercial driver regulations because his or her trucks would be a "commercial vehicle" under the bill. Farmers operate trucks for seasonal transport of perishable goods. The federal rules provide a state option for waiver of regulations for a farmer transporting his or her own goods within 150 miles of the farm. The Michigan Farm Bureau suggests that Senate Bill 700 be amended to include this option.

### **FISCAL IMPLICATIONS:**

According to the Department of State, it would cost \$3 million for the department to implement Senate Bill 700. According to the Department of Transportation, Senate Bill 700 would generate \$1 million in revenue, and Senate Bill 702 would generate \$200,000-600,000. (9-23-88)

### **ARGUMENTS:**

#### **For:**

The U.S. Congress recently passed the Commercial Motor Vehicle Safety Act to address a number of truck safety issues. The act requires state compliance or possible loss of federal highway funds. According to the U.S. Department of Transportation, Michigan is currently 85 to 90 percent in compliance with the intent of the federal laws. However, certain changes are necessary to meet other compliance deadlines over the next few years; Senate Bill 700 would make the changes necessary to comply with the federal legislation.

OVER

**For:**

It is common knowledge that trucks are much harder to stop than cars traveling at the same speed, and many feel that there is an increased potential for accidents when trucks and cars traveling at different speeds are required to use the same lane. In the past, the left-hand lane of highways with more than two lanes were generally used by cars and trucks that were increasing speed to pass. Some feel that since the speed limit was recently raised, many passenger vehicles travel 65 miles per hour in the left-hand lane on highways with more than two lanes while trucks traveling 55 miles per hour remain in the right lane. Senate Bill 700 would encourage this trend by requiring trucks to remain in the two lanes farthest to the right on highways with more than two lanes and would alleviate concerns about cars and trucks traveling at different speeds on the same highway.

**Response:** Travel on roads leading through suburbs to major cities during periods of congestion (such as rush hour and before and after major entertainment and sports events) can be very difficult for truck drivers because people are apt to exit quickly and weave in and out of lanes. It may be unsafe to require the heaviest vehicles on the road to remain in the right-hand lane during periods of congestion when other drivers are rapidly moving in and out of the right-hand lane.

**For:**

Proper maintenance of tires is important to vehicle control on trucks. Maintenance of front wheel tires is crucial because front wheel tires are usually single and, if damaged, can easily cause a truck accident. Evidence presented to the Subcommittee on Truck Safety cited improper tire maintenance as a common equipment violation and an identifiable factor in equipment-related causes of accidents. Senate Bill 700 will help reduce the possibility of tire failure on wheels of trucks and tractors that have a direct bearing on vehicle control by banning recapped or retreaded tires on front wheels.

**For:**

Under the Michigan Vehicle Code, the secretary of state's office may waive its road test requirement for class 1 or class 2 license endorsements if a driver gives adequate evidence of experience or training in operating the type or general class of vehicle which the applicant intended to drive. Usually, an employer or Michigan truck driver training school verifies that a driver has adequate experience or training to operate a vehicle. However, it has been alleged that the waiver provision has been subject to abuse. Senate Bill 700 would help alleviate abuse of the waiver procedure by only allowing a waiver of the driving test for an original vehicle group designation upon receipt of adequate evidence of experience, testing, and driving record as prescribed under federal rule.

**For:**

Senate Bill 700 will strengthen identification requirements for commercial vehicles. Trucks as well as passenger vehicles are required to be identified by a license plate when operated on the state's highways. However, it can be difficult to identify trucks because of dust, dirt and other grime that can collect on trucks from extended travel. Adequate identification on trucks and trailers enhances the identification of drivers or companies with potentially dangerous equipment or driving patterns.

**For:**

Currently, the Public Service Commission is allowed to suspend or revoke operating authority to prevent a carrier from operating with inadequate equipment. However, carriers consistently operate with poorly maintained equipment anyway. The Truck Driver Safety Fund, once created under Senate Bill 703, will fund truck driver education, truck safety research, inspection and enforcement programs.

**For:**

Currently, many states assess fees on motor vehicles operated by interstate or foreign motor carriers that are in excess of the \$10 fee provided for in the federal Interstate Commerce Act. Michigan should not unfairly restrict interstate commerce. However, it is unfair for some states to charge Michigan motor carriers exorbitant fees when Michigan does not charge drivers from those states a fee. Senate Bill 702 would allow the state to engage in reciprocal agreements that would ensure fair treatment of Michigan motor carriers.

**POSITIONS:**

The Michigan Public Service Commission supports the truck safety package and the three bills. (9-22-88)

The Department of State supports the three bills. (9-23-88)

The County Road Association of Michigan supports all three bills. (9-21-88)

The Michigan Association of Counties supports all three bills. (9-22-88)

The Michigan Trucking Association supports all three bills. (9-22-88)

The Michigan Townships Association supports Senate Bills 702 and 703. (9-22-88)

The Department of Transportation generally supports the package but still has questions about a number of areas. (9-21-88)

The Department of State Police support all three bills with qualifications. (9-21-88)

The Michigan Farm Bureau does not support Senate Bill 700. (9-23-88)