



**House  
Legislative  
Analysis  
Section**

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**TRUCK SAFETY PACKAGE**

House Bill 5673 as introduced  
Sponsor: Rep. Sidney Ouwinga

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House Bill 5674 (Substitute H-1)  
Sponsor: Rep. Alvin Hoekman

APR 10 1989

House Bill 5681 (Substitute H-2) Mich. State Law Library  
Sponsor: Rep. Ken DeBeaussaert

Committee: Transportation  
First Analysis (6-14-88)

H.B. 5673, 5674 & 5681 (6-14-88)

***THE APPARENT PROBLEM:***

Truck safety has been an issue of increasing concern to the legislature within the past decade because of the increasing number of accidents involving trucks. The Department of Transportation estimates that truck related accidents have increased approximately 65 percent from 1983-1985, while the rate for automobiles increased 11-14 percent during the same period. The trucking industry has undergone substantial changes within the past decade, including federal deregulation, and procedures used to enforce safety practices have also changed, with the addition of new technology such as advanced scales used to weigh trucks. It is not clear how these changes have affected the industry. However, since these changes started taking effect during the early 1980's, there has been no review of state regulation or policy. A truck safety subcommittee of the standing Committee on Transportation was established in January 1987 to take testimony from interested parties concerning truck safety issues and to formulate legislation to address the concerns set forth. House Bills 5673, 5674 and 5681 have been proposed as part of a comprehensive package of truck safety legislation.

***THE CONTENT OF THE BILL:***

House Bill 5673 would amend the Motor Carrier Safety Act to prohibit a truck or truck tractor from operating on the highways of the state with recapped or retreaded tires on the front wheels of the vehicle.

MCL 480.12b

House Bill 5674. The Michigan Vehicle Code requires trailers and semitrailers with a gross weight of 5,500 pounds or more to be equipped with brakes adequate to control the movement of and to stop and hold a vehicle. The bill would amend the code to require trailers and semitrailers to be equipped with brakes operating on all wheels. The bill would also require new motor vehicles, trailers or semitrailers sold in the state to be equipped with brakes on all wheels.

Under the code, semitrailers and trailers weighing less than 3,300 pounds gross weight are not required to have brakes. The bill would require semitrailers and trailers weighing more than 3,000 pounds gross weight to be equipped with brakes on all wheels. The bill would also provide that pole trailers, semitrailers, and trailers weighing less than 3,000 pounds gross weight would not have to be equipped with brakes if the gross weight of a trailer or pole trailer (with no part of the load resting upon the towing vehicle) did not exceed 40 percent of gross weight of a towing vehicle, and if the gross weight of a towing vehicle combined with the gross weight of a semitrailer or pole trailer (with part

of the load resting upon the towing vehicle) did not exceed 40 percent of the gross weight of the towing vehicle when connected to the semitrailer or pole trailer. The bill would require every bus, school bus, truck or truck tractor to be equipped with brakes operating on all wheels, but would exclude trucks or truck tractors with three or more axles from a provision requiring brakes on the front wheels if the vehicle was manufactured before July 25, 1980.

MCL 257.705

House Bill 5681. The bill would amend the Motor Carrier Act to provide that a person or motor carrier could be subject to an assessment by the Public Service Commission not to exceed \$500 for violation of the act, rules or orders provided under the act, or terms or conditions or a certificate or permit, beginning January 1, 1989. Assessments collected under the act would be deposited in the Truck Safety Fund. (as proposed in Senate Bill 703.)

MCL 479.18

***FISCAL IMPLICATIONS:***

According to the Department of State Police, House Bills 5673 and 5674 have no fiscal implications for the state. (6-13-88) According to the Public Service Commission, House Bill 5681 would annually generate approximately \$50,000 - \$100,000. (6-13-88)

***ARGUMENTS:***

***For:***

The Michigan Vehicle Code and the Motor Carrier Division of the Department of State Police set forth several similar provisions regarding commercial vehicles. However, most of the code's provisions are less specific and restrictive than rules developed by the Motor Carrier Division. Inconsistency between the division's rules and provisions in the code have enabled defendants to successfully argue in court that the code takes precedence over the rules. Several bills in the package would correct inconsistencies between the rules and the code. House Bill 5674 would bring the codes provisions into agreement with the division's rules concerning brake requirements on wheels of trucks. In addition, the bill will strengthen brake requirements for trailers, semitrailers and buses.

***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

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improper tire maintenance as a common equipment violation and an identifiable factor in equipment related causes of accidents. House Bill 5673 will help reduce the possibility of tire failure on wheels of trucks and truck tractors that have a direct bearing on vehicle control by banning recapped or retreaded tires on front wheels.

***Against:***

Currently, recapped and retreaded tires are not banned from being used on any vehicle. Since the bill would address this issue for trucks, it might as well address the issue for all other vehicles as well. Damage and blow-outs of tires on pick-up trucks and cars can be just as dangerous as damage or blow-outs of tires on heavy trucks.

***Response:*** The recapping and retreading issue is just as serious concerning pick-ups and cars as it is concerning heavy trucks. However, pick-up truck and car issues should not be addressed in a truck safety package. The package has been designed to deal with specific truck safety issues; passage of the package could become problematic if other issues are addressed in the package. New legislation should be introduced to address the recapping and retreading issue for cars and pick-ups.

***For:***

Currently, the Public Service Commission is allowed to suspend or revoke operating authority to prevent a carrier from operating with inadequate equipment. However, the carriers consistently operate with poorly maintained equipment anyway. House Bill 5681 will strengthen the measures that the commission may take to ensure that motor carriers operate effectively by allowing the commission to make assessments for violation of the act. The Truck Driver Safety Fund, once created under Senate Bill 703, will fund truck education, inspection and enforcement programs. House Bill 5681 will help facilitate more safety enforcement since all of the assessments collected under the bill will be deposited into the Truck Safety Fund.

***Against:***

If House Bill 5681 passes and Senate Bill 703, the bill which creates the Truck Safety Fund, does not pass there is no guarantee that assessments collected under House Bill 5681 will be used for the purposes for which they were intended. The bill should be tie-barred to Senate Bill 703 or other provisions should be made for money collected under the bill.

***POSITIONS:***

The Department of State Police supports all of the bills.  
(6-13-88)

The Public Service Commission supports House Bill 5681.  
(6-13-88)

The secretary of state's office supports all of the bills.  
(6-13-88)

The Michigan Trucking Association supports House Bills 5673 and 5674, and does not oppose House Bill 5681.  
(6-13-88)