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Senate Fiscal Agency

Lansing, Michigan 48909

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Mich. State Law Library

Senate Bill 700 (Substitute S-5 as reported)
 Sponsor: Senator William Faust
 Committee: State Affairs, Tourism, and Transportation
 Date Completed: 5-10-88

SUMMARY OF SENATE BILL 700**(Substitute S-5):**

Senate Bill 700 (S-5) would amend the Michigan Vehicle Code to:

- Require loads to be covered or tied down.
- Increase assessments for excessive axle weight.
- Set a \$250 maximum fine for civil infractions involving a commercial vehicle.
- Require the vehicle owner's name on trucks, truck tractors, tow trucks, and wreckers.
- Require brakes on all trailers or semitrailers weighing at least 5,500 pounds; on all buses, trucks, and truck tractors (except on the front wheels of trucks or tractors made before July 25, 1990); and, as of January 1, 1989, on all new motor vehicles, trailers, and semitrailers.
- Set a 22-inch bumper height for new motor vehicles, trailers, and semitrailers beginning January 1, 1990.
- Categorize vehicles by Group A, B, C or D vehicle designations, instead of Class 1, 2 or 3 indorsements, and require an additional vehicle group indorsement for certain vehicles.
- Specify grounds for the denial of a vehicle group designation.
- Require the suspension of a designation for a "serious traffic offense" involving a commercial vehicle.

The bill would take effect on April 1, 1989 (except for the section that would rename the Truck Driver Education Account), and is tie-barred to Senate Bill 703.

Loading Requirements

Under the Code, a vehicle carrying a load, other than logs or tubular products, that is not completely enclosed, must either be loaded so that none of the load making contact with the sides or rear of the enclosure is within six inches of the top of the enclosure contacted; or, have the load securely fastened to the vehicle body or frame to prevent the load from dropping off or shifting. Under the bill, a load would have to be either covered with firmly secured canvas or similar covering, or securely fastened to the vehicle.

The Code makes an exception to its loading requirements for persons operating a vehicle to transport seasonal agricultural commodities at the time of harvest or in the normal operation of the farm. Under the bill, this exception would apply to persons transporting seasonal agricultural commodities at the time of harvest in the normal operation of the farm, and it would not apply to a person operating a vehicle for hire. Otherwise, farm vehicles would be subject to the loading and load-covering requirements.

In addition, the bill would make an exception for hay and straw to the prohibition against driving a vehicle on a

highway unless it is constructed or loaded in a way that prevents its contents from dropping or blowing off.

The bill also would create an exception to the load-covering requirement for motor vehicles and other equipment engaged in work upon the surface of a highway or street in a designated work area.

Axle Weight

The Code 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 Code sets a maximum weight of 16,000 pounds per axle for maximum tandem axle assembly loading; 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 exceeds 13,000 pounds per axle; and allows two tandem axle assemblies to weigh up to 16,000 pounds when the maximum gross weight of a combination does not exceed 73,280 pounds. Under the bill, those 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 Code authorizes the Department and local authorities to designate highways for the operation of vehicles that weigh up to 80,000 pounds and do not exceed certain weights, including a 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 also would define "tandem axle weight" for purposes of this provision 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.

Violations/Penalties

The bill would establish a maximum civil fine of \$250, plus costs, for a person determined to be responsible or "responsible 'with explanation'" for a civil infraction under the Code or a corresponding local ordinance while driving a commercial vehicle. This fine would be in addition to the per-pound civil fine (which the bill would term an "assessment") that is imposed for vehicles that exceed axle

weight maximums, and the bill would increase the assessment as follows:

<u>Pounds Over</u>	<u>Current Fine</u>	<u>Proposed Assessment</u>
1,001-2,000	2 cents	3 cents
2,001-3,000	4 cents	6 cents
3,001-4,000	6 cents	9 cents
4,001-5,000	8 cents	12 cents
Over 5,000 (current)	10 cents	
5,001-10,000 (proposed)		15 cents
Over 10,000 (proposed)		20 cents

The bill provides that an assessment levied under these provisions would not be considered a civil fine for purposes of the section that allocates a civil fine for Vehicle Code infractions to public libraries (Section 909). Also, except for the proposed civil fine for a civil infraction "with explanation", each assessment would have to be deposited in the Truck Safety Fund.

Under the Code, a driver or owner of a vehicle who knowingly fails to stop at or knowingly bypasses any scales or weighing station is guilty of a misdemeanor. The bill would apply this also to a driver or owner of a truck or truck tractor, truck or truck tractor with other vehicles in combination, or special mobile equipment.

Owner Identification

The Code provides that all motor trucks, tractors, trailers, and semitrailers (except those with farm commercial license plates) of more than 3,500 pounds have painted upon them "information relative to name and address of the registered owner" or lessee of the vehicle. The bill would increase the weight for this requirement to 5,000 pounds; apply the requirement to motor trucks or truck tractors (except as provided below), and all towing or platform bed wrecker road service vehicles; require the complete name, city, and state or the registered logo of the owner or lessee; and require the information to be painted or permanently attached on each side of the cab or van body.

Except for towing or platform wreckers, these identification requirements could be met through the use of removable devices that met the requirements above. The devices would have to be of durable construction and securely attached to each side of the truck or truck tractor.

These requirements would have to be complied with within two years after their effective date.

Brakes

The bill would require that a trailer or semitrailer weighing at least 5,500 pounds, and beginning January 1, 1989, a new motor vehicle, trailer, or semitrailer sold and operated in this State, be equipped with brakes on all wheels. A semitrailer, pole trailer, or trailer under 3,000 pounds would not have to be equipped with brakes if the gross weight of the trailer or pole trailer did not exceed 40% of the gross weight of the towing vehicle and none of the load rested on the towing vehicle; or if the gross weight of the towing vehicle and the trailer did not exceed 40% of the towing vehicle's weight when connected to the trailer, and part of the load rested on the towing vehicle. (Under current law, a trailer or semitrailer weighing at least 5,500 pounds, and new vehicles, must be equipped with brakes "adequate to control the movement of and to stop and to hold the vehicle"; and brakes are not required on a trailer or semitrailer under 3,300 pounds.) The bill also would delete a provision under which a truck or truck tractor with three or more axles is not required to have brakes on the front wheels, and a requirement that a truck

or truck tractor that is equipped with at least two steerable axles have brakes on one of the steerable axles.

In addition, the bill would require that every bus, school bus, truck, or truck tractor be equipped with brakes operating on all wheels, although a truck or truck tractor that had three or more axles would not have to have brakes on the front wheels if the vehicle were manufactured before July 25, 1990.

Bumper

The Code requires a rear fender or bumper on a motor vehicle, trailer, or semitrailer whose frame or body extends more than 36 inches beyond its rear axle and is more than 42 inches above the roadway, and the bumper must extend down to within 30 inches of the roadway. The bill would require a rear bumper if the vehicle's body extended more than 30 inches above the roadway. Beginning January 1, 1990, the bumper of a new motor vehicle, trailer, or semitrailer would have to extend down to within 22 inches of the roadway.

The Code also requires an underride guard on the rear of a truck tractor or semitrailer combination with a semitrailer length longer than 50 feet whose frame or body extends more than 36 inches beyond its rear axle and is more than 42 inches above the roadway. The bill would require an underride guard on these vehicles if their body were more than 30 inches above the roadway.

Vehicle Group Designation/Indorsement

Under the Motor Vehicle Code, truck operators must obtain a Class 1 operator's or chauffer's license indorsement for a single vehicle weighing over 24,000 pounds gross weight. For a combination of vehicles weighing over 24,000 pounds, a Class 2 indorsement is required. A Class 3 indorsement is required for a bus or school bus. The bill would require drivers to obtain, instead, a Group A, Group B, Group C, or Group D vehicle designation. A Group A designation would be required for a combination of vehicles weighing 26,001 pounds or more or a vehicle towing a vehicle weighing over 10,000 pounds. Unless an indorsement was required, an individual having a Group A designation could operate a Group C or D designated vehicle without taking another test. A Group B designation would be required for operating a bus or school bus. A person having a Group B designation could operate Group D vehicles without taking another test, unless an indorsement was required. A Group C designation would be required for operating a vehicle or combination of vehicles weighing at least 26,001 pounds, or a vehicle towing a vehicle weighing up to 10,000 pounds. Unless an indorsement was required, a Group C licensee could operate a Group D vehicle without taking another test. Before operating a vehicle under 26,001 pounds carrying hazardous material on which a placard was required under Federal regulations, the operator would have to procure a Group D designation and a hazardous material indorsement.

In addition to the appropriate vehicle group designation, a person would have to procure an "AR" vehicle group indorsement before operating a commercial motor vehicle equipped with air brakes; a "TT" vehicle group indorsement to operate a commercial motor vehicle pulling double or triple trailers; an "AB" indorsement to operate a commercial motor vehicle that was an articulated bus; a "CT" indorsement to operate a commercial motor vehicle that had cargo tanks; and an "HM" indorsement to operate a commercial motor vehicle carrying hazardous materials. (An "articulated bus" would be a vehicle designed for

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carrying passengers and comprised of two sections permanently joined by a hinge mechanism or articulated joint.) One or more indorsements could be necessary to operate a commercial motor vehicle. An applicant for an indorsement would have to take the knowledge and skills tests required under Federal regulations.

The bill would define "commercial motor vehicle" as a bus, school bus, or a motor vehicle, except a motor home, having a gross vehicle weight of 26,001 pounds or more or that carried hazardous material and was required to display a placard under Federal regulations. The bill also specifies that the section requiring group vehicle designations and indorsements would not apply to a person operating a motor home.

The Code makes an exception to the indorsement requirements for farm vehicles that do not weigh over 24,000 pounds and that tow a trailer or semitrailer used exclusively in agricultural operations. Under the bill, the exception would apply to farm vehicles up to 26,000 pounds.

Application

An applicant for an operator's or chauffeur's license with a vehicle group designation or indorsement would have to certify that:

- The applicant met the pertinent Federal physical driver qualification requirements if the applicant operated or intended to operate in interstate or intrastate commerce.
- The vehicle in which the applicant would take the driving skills test represented the type of vehicle the applicant would operate.
- The applicant had not been convicted of an offense for which the Secretary of State could not issue a group designation or would be required to suspend all vehicle group designations (described below).
- The applicant had previously passed a driving skills test or had sufficient experience in driving a commercial motor vehicle. The test or experience would have to be acceptable to the Secretary of State, and the Secretary of State could contract with another public or private person to conduct a skills test required under the bill and Federal regulations.

Upon request, the Secretary of State would have to give an applicant an information manual that explained how to obtain a vehicle group designation or indorsement and contained the information required by Federal regulations. Before issuing an original, renewal, or change of vehicle group designation or indorsement, the Secretary of State would have to check the applicant's driving record with the National Drivers Register and the U.S. Department of Transportation, as well as another jurisdiction in which the applicant was previously licensed.

Group Designation Denial

A vehicle group designation could not be issued to or renewed for an applicant who came under any of the following conditions:

- 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; as having had a license suspended, revoked, or canceled in the preceding 36 months; or as having been convicted of or having incurred a bond forfeiture in relation to offenses specified in the National Driver Register Act.
- Was subject to a suspension under the bill (as described below).
- Had been disqualified under Federal law.

These conditions would be in addition to the grounds upon which an indorsement currently may be denied. Among those grounds is conviction of a six-point violation under the Code or operating a vehicle while impaired within 24 months before applying, if the impaired offense occurred while the applicant was operating a vehicle under a Class 1, 2, or 3 indorsement. The bill provides for denial of an indorsement also for a bond forfeiture in relation to such an offense. When determining the applicability of the additional conditions, the Secretary of State could consider only disqualifications, points earned, suspensions, revocations, or violations that occurred after April 1, 1989.

Group Designation Suspension

The bill provides for the suspension of a license or vehicle group designation upon the conviction of a "serious traffic offense" involving a commercial motor vehicle. "Serious traffic offense" would mean reckless driving, a traffic violation in connection with an accident in which a person died, careless driving, excessive speeding as defined in Federal regulations, or any other serious traffic offense specified in those regulations or regulations under the Michigan Vehicle Code.

The Secretary of State would be required immediately to suspend all vehicle group designations on an operator's or chauffeur's license upon receiving notice of a conviction or bond forfeiture for one of the following offenses committed in Michigan or another state. The period of suspension would be as follows:

- 60 days when the licensee was convicted of two serious traffic offenses while operating a commercial motor vehicle within 36 months.
- 120 days when the licensee was convicted of three serious traffic offenses while driving a commercial motor vehicle within 36 months.
- One year when the licensee was convicted of driving under the influence or with a blood alcohol level of .10% or more while operating a commercial motor vehicle; leaving the scene of an accident involving a commercial motor vehicle operated by the licensee; or using a commercial motor vehicle in the commission of a felony.
- Three years when the licensee was convicted of using a commercial motor vehicle in the commission of a felony, if the vehicle were carrying hazardous material and required to have a placard.
- For life when the licensee was convicted of two of the offenses described above or of any combination of those offenses; or one conviction 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.

The Secretary of State could suspend a designation notwithstanding a suspension, restriction, revocation, or denial of an operator's or chauffeur's license under the Michigan Vehicle Code. When determining the applicability of the conditions listed above, the Secretary of State could consider only convictions, violations, or bond forfeitures that occurred after April 1, 1989. For the purpose of these provisions, a bond forfeiture would be considered a conviction.

In addition, 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 regulations.

Government Vehicles

The bill specifies that all vehicles owned and operated by the State and by local authorities with a gross weight of

10,000 pounds or more, and all vehicles transporting hazardous materials would have to comply with rules relating to physical qualifications of drivers and the equipment requirements of the vehicles they operate promulgated by the Department of State Police under the Motor Carrier Safety Act.

Secretary of State Reporting

The Secretary of State would be required to give the U.S. Department of Transportation notice of the application for, issuance of, and suspension, revocation, or denial of an operator's or chauffeur's license with a vehicle group designation. In addition, if a person licensed in another state to operate a commercial motor vehicle were convicted in this State of a violation of a law relating to motor vehicle traffic control, except a parking violation, the Secretary of State would have to give notice of the conviction to the other state.

Other Provisions

Right Lane Driving. The bill would require that, upon a roadway having three or more lanes for travel in one direction, the driver of a truck weighing over 10,000 pounds, a truck tractor, or a combination of a vehicle and trailer or semitrailer drive only in the two lanes farthest to the right, except for a reasonable distance when turning left.

Maximum Truck Length. The bill would authorize the State Transportation Department and local authorities with respect to highways under their jurisdiction to designate highways where the overall length of a truck and trailer or semitrailer could not exceed 65 feet. The bill also provides for the total length of an articulated bus.

Mudflaps. The Code generally requires commercial vehicles to be constructed or operated in a way that prevents water or "other road surface substances" from being thrown against the rear wheels of the vehicle, and provides for the attachment of a "flap type device". Under the bill, if a mudflap were used, it would have to extend downward from the rear of the frame or body to within three inches of the roadway and be weighted.

Violation Reporting. Under the Code, court clerks must send the Secretary of State an abstract of convictions, civil infraction determinations, and bail forfeitures involving Code violations. The bill would require that all abstracts indicate the type of vehicle driven at the time of the violation, and a commercial motor vehicle's group designation and indorsement classification. Also, the Secretary of State would have to retain and enter on the master driving record an abstract for an out-of-state bond forfeiture that occurred in connection with the operation of a commercial motor vehicle. (Under current law, abstracts of out-of-state bond forfeitures are discarded.) In addition, a citation issued to a person operating a commercial motor vehicle would have to contain the vehicle group designation and indorsement.

Registration Fee. The bill would increase from \$612 to \$662 the registration fee for trucks and tractors weighing 36,001 to 42,000 pounds.

Truck Safety Fund. The Code requires that \$5 be deposited in a truck driver education account for the registration of certain large trucks and truck combinations. The bill would require that the \$5 be deposited instead in the proposed Truck Safety Fund.

MCL 257.4b et al.

Legislative Analyst: S. Margules

FISCAL IMPACT

The Department of Transportation estimates \$150,000-\$300,000 in additional revenue to the Truck Safety Fund annually. Increased administrative costs to the Department of State would be contingent on the annual appropriations process.

Fiscal Analyst: B. Bowerman

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.