



**House
Legislative
Analysis
Section**

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NO TARP REQUIRED FOR CERT. FARM LOADS

House Bill 4316 as introduced
First Analysis (3-2-89)

RECEIVED

APR 17 1989

Sponsor: Rep. Donald Van Singel
Committee: Transportation

Mich. State Law Library

THE APPARENT PROBLEM:

Michigan's Vehicle Code was amended in 1988 by a number of different acts which strengthened the act's truck safety provisions. One of these acts, Public Act 354, requires that vehicles carrying a load which is not completely enclosed, other than logs or tubular products, must be covered with firmly secured canvas or a similar type of covering. The act intended to ensure that moving vehicles carrying unsecured materials were properly covered to protect other vehicles from flying debris. The act permits exemptions to this requirement depending on whether the hauler's load and vehicle meet certain requirements, or if the hauler is a "farmer operating [his or her truck] in the normal operation of a farm." The act also exempts those who transport "seasonal" agricultural commodities during harvest time. Agricultural commodities (i.e. wheat, sugar beets, corn, etc.), however, often are transported at times other than harvest — for instance, harvested commodities are often "stockpiled" in one location, only to be moved to a plant for processing at a later date. Also, the persons who transport the goods may not even be considered "farmers," although they are involved in transporting farm produce. Because of this, some feel the exemption should apply to all persons who transport certain agricultural commodities (whether in or out of season) in the "normal operation of a farm."

THE CONTENT OF THE BILL:

Public Act 354 of 1988 amended the Michigan Vehicle Code to require all vehicles carrying a load which is not completely enclosed, other than logs or tubular products, to have the load covered with firmly secured canvas or a similar type of covering. The act's provisions, however, do not apply to persons who transport seasonal agricultural commodities during the time of harvest or for farmers who operate their own vehicles in the "normal operation of a farm." The bill would strike the word "seasonal" from this provision, as well as language which makes the provision apply to "farmers operating their own trucks in the normal operation of the farm." Under the bill, the exception would apply to all agricultural commodities that were transported in the "normal operation of a farm" if the farm load, because of its weight, would not fall off a moving vehicle or if the load's center of gravity was at least 6 inches below the top of the vehicle's enclosures.

MCL 257.720

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would not affect state expenditures. (2-28-89)

ARGUMENTS:

For:

The bill would clarify the original intent of Public Act 384 from last year: to exempt persons, whether or not "farmers," transporting agricultural commodities in the

typical operation of a farm. Apparently, in the rush to get the amendments enacted, drafters of last year's legislation inadvertently excluded non-farmers from the exemption. People who transport various farm commodities often are not "farmers," but nevertheless should be included within the exemption. In addition, various farm products often are moved at times other than the harvest. For instance, after harvesting sugar beets in the fall, owners of the produce often will transport the beets to a stockpile area, perhaps due to a lack of immediate warehouse space. The beets, which are heartier in cold weather than other farm commodities, may then be shipped during the winter months to a processing plant. Further, the bill recognizes the fact that some produce, such as green beans or tomatoes, cannot be covered in hotter weather without risk of damaging the produce. Under the bill, however, a produce transporter would still have to ensure that a load, due to its weight or the fact that it was at least six inches below a vehicle's enclosure, could not fall or be blown off a moving vehicle.

POSITIONS:

The Department of State Police supports the bill. (2-28-89)

The Motor Carrier Division of the State Police supports the bill. (3-1-89)

Michigan Food Processors supports the bill. (3-1-89)

The Michigan Trucking Association supports the bill. (3-1-89)

The Michigan Farm Bureau supports the bill. (3-1-89)

AAA Michigan supports the bill. (2-28-89)

Monitor Sugar Company of Bay City supports the bill. (3-1-89)

H.B. 4316 (3-2-89)