

HOUSE BILL No. 5591

March 13, 1990, Introduced by Reps. Muxlow, Hertel, Gnodtke, Giese, Van Singel, Ouwinga, Allen, DeLange, Hoekman, Randall, Stacey, London, Sikkema, Ostling, Bartnik, Hoffman, Griffin, Wartner, Law, Gilmer, Dolan, Nye, Munsell, Strand, Fitzgerald, Oxender, Pridnia, Van Regenmorter, O'Connor, Walberg, Jaye, Bender and Power and referred to the Committee on Transportation.

A bill to amend sections 312e and 720 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

section 312e as amended by Act No. 299 of the Public Acts of 1989 and section 720 as amended by Act No. 37 of the Public Acts of 1989, being sections 257.312e and 257.720 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 312e and 720 of Act No. 300 of the
2 Public Acts of 1949, section 312e as amended by Act No. 299 of
3 the Public Acts of 1989 and section 720 as amended by Act No. 37
4 of the Public Acts of 1989, being sections 257.312e and 257.720
5 of the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 312e. (1) Except as provided in subsections (4), (5),
7 and (6), a person, before operating a vehicle towing a vehicle

1 having a gross vehicle weight rating over 10,000 pounds, shall
2 procure a group A vehicle designation on his or her operator's or
3 chauffeur's license. Unless an indorsement is required, a person
4 licensed to operate a group A designated vehicle may operate a
5 group B or C designated vehicle without taking another test. A
6 person, before operating a single vehicle having a gross vehicle
7 weight rating of 26,001 pounds or more, or any combination of
8 vehicles having a gross combination weight rating of 26,001
9 pounds or more if the vehicle being towed does not have a gross
10 vehicle weight rating over 10,000 pounds, shall procure a group B
11 vehicle designation on his or her operator's or chauffeur's
12 license. Unless an indorsement is required, a person licensed to
13 operate a group B vehicle may operate a group C vehicle without
14 taking another test. A person, before operating a school trans-
15 portation vehicle or a single vehicle having a gross vehicle
16 weight rating under 26,001 pounds or a combination of vehicles
17 having a gross combination weight rating under 26,001 pounds if
18 the vehicle being towed does not have a gross vehicle weight
19 rating over 10,000 pounds and carrying hazardous materials on
20 which a placard is required under 49 C.F.R. parts 100 to 199, or
21 designed to transport 16 or more passengers including the driver,
22 shall procure a group C vehicle designation and a hazardous mate-
23 rial or passenger vehicle indorsement on his or her operator's or
24 chauffeur's license. An applicant for a vehicle group designa-
25 tion shall take knowledge and driving skills tests that comply
26 with minimum federal standards prescribed in 49 C.F.R. part 383
27 as required under this act. The license shall be issued,

1 suspended, revoked, canceled, or renewed in accordance with this
2 act.

3 (2) A person, before operating a commercial motor vehicle
4 pulling double or triple trailers, shall procure the appropriate
5 vehicle group designation and a T vehicle indorsement under this
6 act. A person, before operating a commercial motor vehicle that
7 is a tank vehicle, shall procure the appropriate vehicle group
8 designation and an N vehicle indorsement under this act. A
9 person, before operating a commercial motor vehicle carrying haz-
10 ardous materials, shall procure the appropriate vehicle group
11 designation and an H vehicle indorsement under this act. A
12 person, before operating a commercial motor vehicle that is a
13 tank vehicle carrying hazardous material, shall procure the
14 appropriate vehicle group designation and an X vehicle indorse-
15 ment under this act. A person, before operating a bus, school
16 bus, or school transportation vehicle, shall procure the appro-
17 priate vehicle group designation and a P vehicle indorsement
18 under this act. A person who fails the air brake portion of the
19 written or driving tests provided under section 312f or who takes
20 the driving test provided under that section in a commercial
21 motor vehicle that is not equipped with air brakes shall not
22 operate a commercial motor vehicle equipped with air brakes. One
23 or more indorsements may be necessary to operate a commercial
24 motor vehicle. An applicant for an indorsement shall take the
25 knowledge and driving skills tests described and required pursu-
26 ant to 49 C.F.R. part 383. Knowledge tests shall be limited to
27 that which a driver must have for the safe operation of a

1 commercial motor vehicle. The driver is not expected to have
2 knowledge of subjects, such as vehicle mechanics, which go beyond
3 the scope of the information necessary for safe operation of
4 his/her commercial motor vehicle. An applicant for a P vehicle
5 indorsement shall take the driving skills test in a bus or school
6 bus.

7 (3) The holder of an unexpired operator's or chauffeur's
8 license may be issued a vehicle group designation and indorsement
9 valid for the remainder of the license upon meeting the qualifi-
10 cations of section 312f and payment of the original vehicle group
11 designation fee of \$20.00 and an indorsement fee of \$5.00 per
12 indorsement for a 4-year operator's or chauffeur's license, pay-
13 ment of a vehicle group designation fee of \$20.00 for a 2-year
14 operator's or chauffeur's license under section 314b and an
15 indorsement fee of \$5.00 per indorsement, and a corrected license
16 fee of \$6.00.

17 (4) This section does not apply to a ~~farmer who drives a~~
18 ~~passenger vehicle, pickup truck, or truck with a farm registra-~~
19 ~~tion plate and a gross vehicle weight rating of not more than~~
20 ~~26,000 pounds that is towing a trailer or semitrailer used exclu-~~
21 ~~sively in agricultural operations for the transportation of agri-~~
22 ~~cultural products, farm machinery, or farm supplies within 150~~
23 ~~miles of the farm~~ VEHICLE OPERATED BY A FARMER UNDER THE FOLLOW-
24 ING CONDITIONS:

25 (A) THE VEHICLE IS CONTROLLED AND OPERATED BY A FARMER.

1 (B) THE VEHICLE IS USED TO TRANSPORT AGRICULTURAL PRODUCTS,
2 FARM MACHINERY, FARM SUPPLIES, OR A COMBINATION OF THESE ITEMS,
3 TO OR FROM A FARM.

4 (C) THE VEHICLE IS NOT USED IN THE OPERATION OF A COMMON OR
5 CONTRACT MOTOR CARRIER.

6 (D) THE VEHICLE IS OPERATED WITHIN 150 MILES OF THE FARM.

7 (E) THE VEHICLE BEARS FARM REGISTRATION PLATES.

8 FOR THE PURPOSE OF THIS SUBSECTION, "FARMER" INCLUDES AN EMPLOYEE
9 OR FAMILY MEMBER OF THE FARMER IF THE VEHICLE IS CONTROLLED BY
10 THE FARMER AND THE REQUIREMENTS OF SUBDIVISIONS (B) TO (D) ARE
11 MET.

12 (5) This section does not apply to a fire fighter operating
13 an authorized emergency vehicle who has met the driver training
14 standards of the Michigan fire fighters' training council.

15 (6) This section does not apply to a person operating a
16 motor home or a vehicle used exclusively to transport personal
17 possessions or family members for nonbusiness purposes.

18 (7) A licensee who holds an operator's or chauffeur's
19 license with a class 1 indorsement issued before January 1, 1990,
20 may operate a single vehicle weighing over 24,000 pounds gross
21 vehicle weight without having been issued a group B vehicle des-
22 ignation on his or her license until the license expires as pro-
23 vided in subsection (8). A licensee who holds an operator's or
24 chauffeur's license with a class 2 indorsement issued before
25 January 1, 1990, may operate a combination of vehicles weighing
26 over 24,000 pounds gross vehicle weight or a vehicle towing a
27 vehicle weighing over 10,000 pounds gross vehicle weight or a

1 single vehicle weighing over 24,000 pounds gross vehicle weight
2 without having been issued a group A or B vehicle designation on
3 his or her license until the license expires as provided in sub-
4 section (8). A licensee who holds an operator's or chauffeur's
5 license with a class 3 indorsement issued before January 1, 1990,
6 may operate a bus or school bus without having been issued a
7 vehicle group designation or passenger vehicle indorsement on his
8 or her license until the license expires as provided in subsec-
9 tion (8).

10 (8) The class 1, class 2, or class 3 indorsement on a
11 person's operator's or chauffeur's license which expires after
12 March 31, 1992 shall expire on the person's next birthday after
13 March 31, 1991.

14 (9) The money received and collected under subsection (3)
15 for a vehicle group designation or indorsement shall be deposited
16 in the state treasury to the credit of the general fund. The
17 secretary of state shall refund out of the fees collected to each
18 county or municipality acting as an examining officer or examin-
19 ing bureau, \$3.00 for each applicant examined for a first desig-
20 nation or indorsement to a 4-year operator's or chauffeur's
21 license, \$2.50 for each original designation or indorsement to a
22 2-year operator's or chauffeur's license, \$1.50 for each renewal
23 designation or indorsement to a 2- or 4-year operator's or
24 chauffeur's license, whose application is not denied, on the con-
25 dition, however, that the money refunded shall be paid to the
26 county or local treasurer and is appropriated to the county,

1 municipality, or officer or bureau receiving that money for the
2 purpose of carrying out this act.

3 Sec. 720. (1) A person shall not drive or move a vehicle,
4 except a vehicle carrying logs or tubular products, on a highway
5 unless the vehicle is so constructed or loaded as to prevent its
6 contents from dropping, sifting, leaking, blowing off, ~~except~~
7 ~~for hay or straw,~~ or otherwise escaping from the vehicle. A
8 PERSON WHO DRIVES OR MOVES A VEHICLE ON A HIGHWAY IS NOT IN VIO-
9 LATION OF THIS REQUIREMENT WHEN HAY, STRAW, SILAGE, OR RESIDUE
10 FROM ANY OTHER AGRICULTURAL OR HORTICULTURAL PRODUCTS, OR MATE-
11 RIAL USED TO AID IN THE LOADING, UNLOADING, TRANSPORTATION, STOR-
12 AGE, OR PRESERVATION OF AGRICULTURAL OR HORTICULTURAL PRODUCTS,
13 DROP, SIFT, LEAK, BLOW OFF, OR OTHERWISE ESCAPE FROM THE VEHICLE
14 IN AN AMOUNT THAT DOES NOT CONSTITUTE A TRAFFIC HAZARD OR CAUSE
15 DAMAGE TO OTHER VEHICLES ON THE HIGHWAY. The tailgate, faucets,
16 and taps on a vehicle shall be securely closed to prevent spill-
17 age during transportation whether the vehicle is loaded or empty,
18 and the vehicle shall not have any holes or cracks through which
19 material can escape. Any highway maintenance vehicle engaged in
20 either ice or snow removal shall be exempt from this section.

21 (2) Actual spillage of material on the highway or proof of
22 that spillage is not necessary to prove a violation of this
23 section.

24 (3) A vehicle carrying a load, other than logs or tubular
25 products, which is not completely enclosed shall meet either of
26 the following requirements:

1 (a) Have the load covered with firmly secured canvas or a
2 similar type of covering. A device used to comply with the
3 requirement of this subdivision shall not exceed a width of 108
4 inches nor by design or use have the capability to carry cargo by
5 itself.

6 (b) Have the load securely fastened to the body or the frame
7 of the vehicle with binders of adequate number and of adequate
8 breaking strength to prevent the dropping off or shifting of the
9 load.

10 (4) A company or individual who loads or unloads a vehicle
11 or causes it to be loaded or unloaded, with knowledge that it is
12 to be driven on a public highway, in a manner so as to cause a
13 violation of subsection (1) shall be prima facie liable for a
14 violation of this section.

15 (5) A person shall not operate a motor vehicle carrying logs
16 or tubular products on a highway unless the following conditions
17 are met:

18 (a) If the logs or tubular products are loaded crosswise or
19 at right angles to the side of the vehicle, the load of logs or
20 tubular products shall be securely fastened to the body or frame
21 of the vehicle with not less than 2 binders which are secured to
22 the frame at each end of the load and pass over the load so that
23 the frame and binders completely encircle the load.

24 (b) If the vehicle is a truck or trailer carrying logs which
25 has a loading surface more than 33 feet in length and the logs
26 are loaded crosswise or at right angles to the side of the
27 vehicle, the vehicle shall be equipped with a center partition

1 located approximately 1/2 the distance from the front to the rear
2 of the loading surface of the truck or trailer. The center par-
3 tition shall be either a center mounted hydraulic loader or a
4 center set of stakes and shall be pinned, bolted, or otherwise
5 securely fastened to the frame. The load shall be secured as
6 required by subdivision (a) and, in addition, the 2 lengthwise
7 tie downs shall be attached or threaded through the center parti-
8 tion at a level not less than 1 foot below the load height.

9 (c) If the logs or tubular products are loaded lengthwise of
10 the vehicle, obliquely or parallel to the sides, with metal
11 stakes and pockets, the load of logs or tubular products shall be
12 secured as follows:

13 (i) With 2 tie downs from frame to frame for every tier.

14 (ii) So that not more than 1/2 the diameter of the top log
15 or tubular product extends higher than the stake tops.

16 (iii) With 2 cross chains per tier if the load extends more
17 than 5 feet above the loading surface.

18 (iv) So that every 10 linear feet, and any remaining frac-
19 tion thereof, has not less than 1 tie down from frame to frame.

20 (d) If the logs or tubular products are loaded lengthwise of
21 the vehicle, obliquely or parallel to the sides, with permanent
22 metal gusseted bunks, the load of logs or tubular products shall
23 be secured as follows:

24 (i) With 2 tie downs from frame to frame for every tier.

25 (ii) So that not more than 1/2 the diameter of the top log
26 extends higher than the stake tops.

1 (iii) So that every 10 linear feet, and any remaining
2 fraction thereof, has not less than 1 tie down from frame to
3 frame.

4 (e) The tie downs, cross chains, stakes, and other materials
5 used to secure loads of logs or tubular products as required
6 under subdivisions (a) to (d) shall meet the following minimum
7 requirements:

8 (i) Chain shall be of steel and shall be of a strength not
9 less than 5/16 inch in diameter "transport", which is embossed
10 with a grade stamp representative of grade 70, or not less than
11 3/8 inch in diameter "high test", which is embossed with a grade
12 stamp representative of grade 40. Chain shall not be repaired by
13 welding, wire, or cold shuts.

14 (ii) Wire rope shall be of improved plow steel and not less
15 than 3/8 inch in diameter.

16 (iii) Webbing strap shall be not less than 3 inches in width
17 and shall have a minimum breaking strength of 14,000 pounds.

18 (iv) Metal stakes shall be of sufficient strength to hold
19 and contain the load.

20 (v) Connecting links and hooks shall be at least as strong
21 as the tie down material used.

22 (6) Subsection (3) shall not apply to a person operating a
23 vehicle to transport agricultural commodities in the normal oper-
24 ation of a farm. However, a person operating a vehicle to trans-
25 port agricultural commodities in the normal operation of the farm
26 who violates subsection (1) or (4) is guilty of a misdemeanor and
27 shall be subject to the penalties prescribed in subsection (9).

1 (7) Subsection (3)(a) shall not apply to a motor vehicle
2 transporting items of a load which because of their weight will
3 not fall off the moving vehicle and which have their centers of
4 gravity located at least 6 inches below the top of the enclosure
5 nor to a motor vehicle carrying metal which because of its weight
6 and density is so loaded as to prevent it from dropping or fall-
7 ing off the moving vehicle.

8 (8) Subsection (3)(a) shall not apply to motor vehicles and
9 other equipment engaged in work upon the surface of a highway or
10 street in a designated work area.

11 (9) A person who violates this section is guilty of a misde-
12 meanor punishable by a fine of not more than \$500.00 or imprison-
13 ment for not more than 90 days, or both.

14 (10) As used in this section:

15 (a) "Cross chain" means a chain which extends through the
16 load of logs or tubular products and is connected at each end to
17 a side stake.

18 (b) "Logs" means sawlogs, pulpwood, or tree length poles.

19 (c) "Tie down" means a high strength material which is used
20 to secure the load of logs or tubular products to the frame or
21 the bed of the vehicle.

22 (d) "Tier" means a vertical pile or stack of logs or tubular
23 products.