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SFA



BILL ANALYSIS

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House Bill 4139 (Substitute S-1 as reported)
Sponsor: Representative Penny Crissman
House Committee: Transportation
Senate Committee: Transportation and Tourism

Date Completed: 11-9-98

RATIONALE

The Michigan Vehicle Code prescribes maximum size and weight limits for vehicles, and/or the loads they carry or haul, that may travel on State highways. Reportedly, problems have arisen regarding compliance with size and weight restrictions when large, heavy vehicles have become disabled and must be towed by wreckers.

The Code prescribes weight restrictions based upon the weight that rests upon each axle of a truck, truck tractor, tractor-trailer combination, or other vehicles. Because wreckers are designed to tow vehicles, when heavy trucks, buses, trailers, or combinations are lifted and hooked to a wrecker, the weight of its rear axle often is out of compliance with weight restrictions. Further, if a vehicle such as a bus, or a combination of a vehicle and trailer, is by itself near the maximum length restrictions, attaching a wrecker may put the wrecker and its load out of compliance with the length requirements.

Reportedly, as a practical matter a wrecker is allowed to move a heavy or large disabled vehicle to the side of the road or to the nearest exit for purposes of safety, even if the wrecker is in violation of weight or size restrictions. After this is done, the wrecker may not move the load further (without risking a ticket), unless it obtains a special permit under Section 725 of the Code. Section 725 allows a jurisdictional authority (the Department of Transportation, county road commission, or local authority having jurisdiction of the road or roads upon which the vehicle is proposed to be moved) to issue a special permit that allows the movement of a vehicle or vehicles that exceed size and weight restrictions. Reportedly, however, the special permit process is rarely used. Apparently, obtaining a special permit can be impractical for several reasons: a permit may involve obtaining

the permission of multiple jurisdictional authorities; the Department is not open at night; and the permit process can take several hours. Some argue that delays in the special permit process are particularly problematic when a load should not be left to sit, such as in the case of perishables that cannot be allowed to freeze or be left unrefrigerated, or a disabled cement hauler whose load, if it hardened, would render the vehicle useless. The Department, on the other hand, reports that it needs stronger control over wreckers that exceed weight and size restrictions if those vehicles are operated in restricted areas. (The Department has compiled a list of bridges in the State where special permits for the movement of overweight vehicles are not allowed.) It has been suggested that wrecker services be allowed to obtain special permits that would be valid for one year, while a wrecker with an overweight load specifically be prohibited from operating in certain places as determined by the Department.

CONTENT

The bill would amend the Michigan Vehicle Code to permit a wrecker and a disabled vehicle, or a wrecker and a combination of a disabled vehicle and one trailer, that exceeded the Code's size and weight limits to operate on the State's highways under certain conditions. The bill also would establish civil penalties for the owner or operator of a wrecker who operated it on certain prohibited roads or structures, unless the disabled vehicle were located on one of them.

Under the bill, a wrecker and a disabled vehicle, or a wrecker and a combination of a disabled vehicle and one trailer, that exceeded the size and weight limitations in the Code could be operated on the

State's highways under the following conditions:

- The wrecker was designed specifically for towing operations; was equipped with flashing, oscillating, or rotating amber or red lights as permitted under the Code; and was capable of using the lighting and braking systems of the disabled vehicle or combination of disabled vehicles if those systems were operational.
- The wrecker was issued an extended restricted permit under Section 725 of the Code by the State Transportation Department if each trip beginning from the place of original disablement of the disabled vehicle or vehicles were 25 miles or less, except that for each trip that began and ended north of a line between Ludington and Pinconning, the trip beginning from the place of original disablement could be up to 50 miles. (Section 725 allows the Department to issue special permits on an annual basis. The fee for an annual permit is \$100.)
- The wrecker did not operate on any highway, road, street, or structure included on a list provided by the Department unless the disabled vehicle were located on one of those roads or structures.

The owner or operator of a wrecker that did not comply with the last criterion would be responsible for a civil infraction and would have to pay a civil fine of at least \$250 but not more than \$500. The bill specifies that the civil fine would be in addition to any fine that could be imposed under Section 724 or 725 of the Code. (Section 724 permits a police officer or agent of the Department or a county road commission to require a driver to stop and submit for weighing a vehicle believed to have an illegal weight or load. A driver who exceeds the weight limit is subject to a civil fine based on the excess pounds. A person who violates Section 725 is responsible for a civil infraction.)

The bill would take effect March 1, 1999.

MCL 257.716

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

If a vehicle becomes disabled on a highway and cannot be repaired at that spot, safely and within a reasonable amount of time, then a wrecker must be called to remove the vehicle. If the disabled vehicle is at the maximum weight and/or size limitations prescribed in the Vehicle Code for operation on the highways, then a wrecker that lifts and attaches the vehicle for removal automatically is in violation of the size or weight limits. While the Code has no provisions to allow wreckers to violate weight and size restrictions, in practice a wrecker is allowed to move such a disabled vehicle to the side of the road or to a nearby exit, particularly if the disabled vehicle presents a safety hazard or is blocking traffic. At this point the disabled vehicle is prohibited from further movement unless a special permit is obtained under the Code, to allow the movement of overweight and/or oversized vehicles. (Of course, if the vehicle's load is removed or the vehicle is disassembled, then a special permit is not needed if the wrecker that removes the vehicle is then in compliance with the restrictions.) To obtain a permit a wrecker service must call a commercial permit service, which must apply for the permit with the Department and/or the local jurisdiction that has authority over the road or roads upon which the vehicle is to be hauled.

Both the Department and wrecker services acknowledge that the special permit process is rarely used. Reportedly, once a wrecker driver hooks to a disabled vehicle for removal, usually it does not stop at the side of the road or the nearest exit, but instead proceeds to a place where the vehicle can be repaired. Wrecker services complain that the special permit process is impractical, because it can take several hours to obtain a permit, and permits may have to be obtained from multiple jurisdictions. If the breakdown occurs at night, the wrecker or permit service might not be able to submit the permit application until the next day, causing more delay. Further complicating matters, in some cases a disabled vehicle may contain perishable cargo that must reach its destination before it is ruined, or before it causes further damage to the vehicle (a loaded cement truck, for instance). Wrecker services claim that traditionally law enforcement agencies have been lenient with overweight wreckers and allowed them to proceed without interference; however, ticketing for weight and size violations has increased in recent years. The Department, on the other hand, reports that it does not want overloaded wreckers going everywhere without permission, especially on roads that contain bridges or other structures upon which overweight

vehicles are always prohibited, regardless of whether a special permit has been obtained. The bill offers a good compromise. Wrecker services would be allowed to obtain annual permits, which would relieve them of the current problems associated with obtaining a special permit on a per-incident basis, while increased penalties would be imposed upon overweight or oversized wrecker loads that were transported in those areas specifically prohibited by the Department.

Supporting Argument

Heavy wrecker towing services often exceed weight and size restrictions when they remove disabled vehicles from the roadway, since a disabled vehicle, itself, is usually at the maximum weight and size allowed on Michigan roadways. Removing such vehicles quickly is important for safety and for commerce. A heavy-duty towing service should not be considered to be in violation of the Code simply because it offers its services to maximum weight vehicles without a one-time special permit. The bill would correct this problem.

Opposing Argument

There are times when a disabled vehicle, in combination with a wrecker, is simply too heavy for the roadbed or bridge over which it must travel. In these instances, towing services should be encouraged to disassemble certain parts of the disabled vehicle--to separate trailers from cabs, for example--and to move the pieces individually. A 12-month permitting process, rather than a special permit issued at the time of each incident, would reduce the likelihood that overweight vehicles would be disassembled.

Legislative Analyst: G. Towne

FISCAL IMPACT

The fiscal impact of this bill is indeterminate. As specified in the bill, the owner or operator of a wrecker operating without an extended restricted permit would be liable for a civil fine, in addition to fines levied for carrying an illegal weight or load. The revenues collected from these fines would vary based on the number and severity of violations that occur each year, and cannot be calculated. However, the revenues generated from these fines would be earmarked for the support of local public libraries.

Fiscal Analyst: P. Alderfer

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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.