

**SUBSTITUTE FOR
HOUSE BILL NO. 4139**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 716 (MCL 257.716), as amended by 1980 PA
311.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 716. (1) Unless specifically declared to be a civil
2 infraction, it is a misdemeanor for a person to drive or move or
3 for the owner to cause or permit to be driven or moved on a high-
4 way a vehicle or vehicles of a size or weight exceeding the limi-
5 tations stated in this chapter or otherwise in violation of this
6 chapter, and the maximum size and weight specified in this chap-
7 ter shall be lawful throughout this state, and local authorities
8 shall not alter those size and weight limitations except as
9 express authority is granted in this chapter.

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1 (2) The provisions of this chapter governing size, weight,
2 and load shall not apply to a fire apparatus, ~~or~~ to an
3 implement of husbandry incidentally moved upon a highway, A COM-
4 BINATION OF VEHICLES DESCRIBED IN, AND UNDER THE CONDITIONS PRO-
5 VIDED BY, SUBSECTION (4), or to a vehicle operated under the
6 terms of a special permit issued as provided in this chapter.

7 (3) The state transportation department, pursuant to ~~Act~~
8 ~~No. 306 of the Public Acts of 1969, as amended~~ THE ADMINISTRA-
9 TIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328,
10 may promulgate rules permitting and regulating the operation of a
11 vehicle or vehicles of a size or weight which exceeds the size or
12 weight limitations in this chapter. The rules may restrict or
13 proscribe the conditions of operation of a vehicle or vehicles of
14 a size or weight which exceeds the size or weight limitations in
15 this chapter, if the restriction or proscription is necessary to
16 protect the public safety or to prevent undue damage to a road
17 foundation or surface, a structure, or an installation. The
18 rules may provide for a reasonable inspection fee for an inspec-
19 tion of a vehicle or vehicles to determine whether their sizes
20 and weights are in conformance with this act, and may require
21 other security necessary to compensate for damage caused by the
22 vehicle or vehicles described in this subsection.

23 (4) A WRECKER AND A DISABLED VEHICLE, OR A WRECKER AND A
24 COMBINATION OF A DISABLED VEHICLE AND 1 TRAILER, THAT EXCEEDS THE
25 SIZE AND WEIGHT LIMITATIONS IN THIS CHAPTER MAY BE OPERATED UPON
26 THE HIGHWAYS OF THIS STATE UNDER THE FOLLOWING CONDITIONS:

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Sub. H. B. 4139 (H-2) as amended March 11, 1998

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1 (A) THE WRECKER IS SPECIFICALLY DESIGNED FOR SUCH TOWING
2 OPERATIONS, IS EQUIPPED WITH FLASHING, OSCILLATING, OR ROTATING
3 AMBER OR RED LIGHTS AS PERMITTED UNDER SECTION 698, AND IS
4 CAPABLE OF UTILIZING THE LIGHTING AND BRAKING SYSTEMS OF THE DIS-
5 ABLED VEHICLE OR COMBINATION OF DISABLED VEHICLES IF THOSE SYS-
6 TEMS ARE OPERATIONAL.

7 (B) THE WRECKER IS ISSUED AN EXTENDED RESTRICTED PERMIT
8 UNDER SECTION 725 BY THE STATE TRANSPORTATION DEPARTMENT IF EACH
9 TRIP BEGINNING FROM THE PLACE OF ORIGINAL DISABLEMENT OF THE DIS-
10 ABLED VEHICLE OR COMBINATION OF VEHICLES IS 25 MILES OR LESS
11 EXCEPT THAT, FOR EACH TRIP THAT BEGINS AND ENDS [NORTH OF A LINE
12 BETWEEN LUDINGTON AND PINCONNING,] THE TRIP BEGINNING FROM THE PLACE
OF ORIGINAL DISABLEMENT
13 OF THE DISABLED VEHICLE OR COMBINATION OF VEHICLES MAY BE 50
14 MILES OR LESS.

15 (C) THE WRECKER DOES NOT OPERATE ON ANY HIGHWAY, ROAD,
16 STREET, OR STRUCTURE INCLUDED ON A LIST PROVIDED BY THE STATE
17 TRANSPORTATION DEPARTMENT UNLESS THE DISABLED VEHICLE OR COMBINA-
18 TION OF VEHICLES IS LOCATED ON 1 OF THOSE ROADS OR STRUCTURES.

19 (5) THE OWNER OR OPERATOR OF A WRECKER THAT DOES NOT COMPLY
20 WITH SUBSECTION (4)(C) IS RESPONSIBLE FOR A CIVIL INFRACTION AND
21 SHALL PAY A CIVIL FINE OF [NOT LESS THAN \$250.00 BUT NOT MORE THAN
22 \$500.00. THE CIVIL FINE IMPOSED BY THIS SUBSECTION IS IN ADDITION
TO ANY FINE THAT MAY BE IMPOSED UNDER SECTION 724.]

[Enacting section 1. This amendatory act takes effect October
1, 1998.]