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COMMERCIAL MOTOR VEHICLES; BRAKES

House Bill 4846 (Substitute H-4)
Sponsor: Rep. Michael Switalski

House Bill 4865 (Substitute H-1)
Sponsor: Rep Rick Johnson

First Analysis (10-28-99)
Committee: Transportation

THE APPARENT PROBLEM:

As motor vehicles are increasing in size and weight, the weight of many vehicles used to tow boats and small construction equipment, when combined with the weight of the boat, equipment, and trailer, surpasses 10,001 pounds. This circumstance has caused two problems: the vehicles are classified as commercial when they pass that weight threshold; and additionally, all commercial trailers towed by these vehicles must be equipped with cab-operated brakes.

More specifically, the definition for commercial motor vehicle that is found in the Motor Carrier Safety Act, specifies, among other things, that a commercial vehicle has either a gross vehicle weight rating or an actual gross weight or gross combination weight of 10,001 or more pounds. When the 10,001 pound threshold is exceeded, the vehicle becomes a commercial vehicle under the Motor Carrier Safety Act, and is subject to enforcement provided by the Motor Carrier Safety Division of the Department of State Police. Further, when classified as a commercial motor vehicle, the trailer it tows must have electric brakes, and if it does not, the rig can be found to be operating in violation of the law.

In addition, current law requires electric brakes on most commercial vehicles; the alternative, surge brakes, are not allowed. Specifically, the Michigan Vehicle Code requires that a trailer or semitrailer of a gross weight of 5,500 pounds or more must be equipped with brakes operating on all wheels and designed to be applied by the driver of the towing motor vehicle from its cab. Under the law, then, the only appropriate brake device is an electric brake, since the only kind of brake that would operate all of the time on all wheels, even when the vehicle is at rest, is an electric device.

The alternative to electric brakes, surge brakes, operate only when the brakes of a trailer have been activated as

a result of the forward momentum of the trailer against the towing vehicle during deceleration. Further and according to committee testimony, most of the trailers used to tow small construction equipment or boats are not equipped with electric brakes by their manufacturers, but instead have surge brakes which they claim to be safe for loads whose combined weight is under 15,000 pounds. Manufacturers do sell kits to adapt trailers for electrical brakes in place of their customary surge brakes, but according to committee testimony, the modified equipment is often faulty and unworkable.

For these reasons, legislation has been introduced to specify that electric brakes would be required on vehicles when they exceed 15,000 pounds, but also to specify that trailers weighing less than 15,000 pounds may be equipped with surge brakes for intrastate operation.

THE CONTENT OF THE BILLS:

House Bill 4846 would amend the Motor Carrier Safety Act of 1963 (MCL 480.11a) to change the definition of "commercial motor vehicle." The definitional change, an increase in gross vehicle weight, would have the effect of exempting more vehicles from the definition for "commercial motor vehicle" found in federal regulations promulgated by the United States Department of Transportation's Federal Highway Administration, and administered within the state by the Department of State Police.

In the current law, "commercial motor vehicle" is defined to mean a self-propelled or towed vehicle designed or used on public highways to transport passengers or property, except certain buses, if the vehicle is one or more of the following: has either a gross, gross actual, or gross combination vehicle

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weight rating of 10,001 or more pounds; is designed for carrying 16 or more passengers (including the driver); or is used in transportation of hazardous materials in a quantity that requires the vehicle to be marked or placarded pursuant to parts 100 through 180 of the Code of Federal Regulations (CFR).

House Bill 4846 would retain the vehicle weight rating threshold of 10,001 or more pounds that is now a part of the definition for "commercial motor vehicle," but also would specify that trailers with a gross vehicle weight or gross vehicle weight rating of 15,000 pounds or less could be equipped with surge brakes for intrastate operation, as allowed by section 705(1)(c) of the Michigan Vehicle Code.

House Bill 4865 would amend the Michigan Vehicle Code (MCL 257.705) to require that any trailer or semitrailer operated on a highway that has a gross weight of 15,000 pounds or more be equipped with brakes operating on all wheels and designed to be applied by the driver of the towing motor vehicle from its cab. Under the current law, this requirement applies to a trailer or semitrailer having a gross weight of 5,500 pounds or more.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, House Bill 4846 would have no significant fiscal impact, and House Bill 4865 would have no fiscal impact. (10-28-99)

ARGUMENTS:

For:

These bills would change the law to promote public safety in sensible ways. It makes little sense to require that commercial vehicles designed to tow boats or small rental construction equipment be held to the same safety and equipment standards as are much heavier vehicles in the commercial freight industry. The fact is, surge brakes operate safely on trailers that carry 15,000 pounds or less. Further, surge brakes are easier to install and to operate than are electric braking systems, which must be operated from inside the cab of the towing vehicle.

Against:

Exempting commercial vehicles from the electric brake safety requirement may not be a safe motor carrier policy. The state regulates commercial vehicles to better ensure public safety. Commercial vehicles are regulated because they are used repeatedly for certain

purposes, such as towing, while privately owned vehicles may only be used periodically for these purposes. Because commercial vehicles undergo sustained use, they are prone to operational failure if improperly maintained. Their maintenance is of public concern. What's more, commercial vehicles are driven by employees of a business or corporation, and earnings increase if the vehicles are driven hard and long. Employees of those corporations should, then, be well-trained and healthy, their work hours should be regulated by work rules to assure safe driving conditions, and their equipment should be of the highest quality and well-maintained. These standards help to ensure the safety of the employees, and of all who share the roadways with them.

POSITIONS:

Representatives of the following organizations testified in support of the bills (10-19-99 and 10-26-99):

- *The Michigan Boating Industries Association
- *The American Rental Association of Michigan
- *The County Road Association of Michigan
- *The Department of State Police
- *The American Trucking Association

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.