

REPRINT
SUBSTITUTE FOR
SENATE BILL NO. 1094
(As passed the Senate May 7, 2002)

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 720 (MCL 257.720), as amended by 1996
PA 136.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 720. (1) A person shall not drive or move a vehicle on
2 a highway unless the vehicle is so constructed or loaded as to
3 prevent its contents from dropping, sifting, leaking, blowing
4 off, or otherwise escaping from the vehicle. This requirement
5 does not apply to a vehicle transporting agricultural or horti-
6 cultural products when hay, straw, silage, or residue from a pro-
7 duct, but not including the product itself, or when materials
8 such as water used to preserve and handle agricultural or
9 horticultural products while in transportation, escape from the
10 vehicle in an amount that does not interfere with other traffic

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1 on the highway. The tailgate, faucets, and taps on a vehicle
2 shall be securely closed to prevent spillage during transporta-
3 tion whether the vehicle is loaded or empty, and the vehicle
4 shall not have any holes or cracks through which material can
5 escape. Any highway maintenance vehicle engaged in either ice or
6 snow removal shall be exempt from this section.

7 (2) Actual spillage of material on the highway or proof of
8 that spillage is not necessary to prove a violation of this
9 section.

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

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

18 (b) Have the load securely fastened to the body or the frame
19 of the vehicle with binders of adequate number and of adequate
20 breaking strength to prevent the dropping off or shifting of the
21 load.

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

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

4 (a) If the logs or tubular products are loaded crosswise or
5 at right angles to the side of the vehicle, the load of logs or
6 tubular products shall be securely fastened to the body or frame
7 of the vehicle with not less than 2 binders which are secured to
8 the frame at each end of the load and pass over the load so that
9 the frame and binders completely encircle the load.

10 (b) If the vehicle is a truck or trailer carrying logs which
11 has a loading surface more than 33 feet in length and the logs
12 are loaded crosswise or at right angles to the side of the vehi-
13 cle, the vehicle shall be equipped with a center partition
14 located approximately 1/2 the distance from the front to the rear
15 of the loading surface of the truck or trailer. The center par-
16 tition shall be either a center mounted hydraulic loader or a
17 center set of stakes and shall be pinned, bolted, or otherwise
18 securely fastened to the frame. The load shall be secured as
19 required by subdivision (a) and, in addition, the 2 lengthwise
20 tie downs shall be attached or threaded through the center parti-
21 tion at a level not less than 1 foot below the load height.

22 (c) If the logs or tubular products are loaded lengthwise of
23 the vehicle, obliquely or parallel to the sides, with metal
24 stakes and pockets, the load of logs or tubular products shall be
25 secured as follows:

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

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

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

5 (iv) So that every 10 linear feet has not less than 1 tie
6 down from frame to frame.

7 (d) If the logs or tubular products are loaded lengthwise of
8 the vehicle, obliquely or parallel to the sides, with permanent
9 metal gusseted bunks, the load of logs or tubular products shall
10 be secured as follows:

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

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

14 (iii) So that every 10 linear feet has not less than 1 tie
15 down from frame to frame.

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

20 (i) Chain shall be of steel and shall be of a strength not
21 less than $5/16$ inch in diameter "transport", which is embossed
22 with a grade stamp representative of grade 70, or not less than
23 $3/8$ inch in diameter "high test", which is embossed with a grade
24 stamp representative of grade 40. Chain shall not be repaired by
25 welding, wire, or cold shuts.

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

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

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

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

7 (6) Subsection (3) shall not apply to a person operating a
8 vehicle to transport agricultural commodities or to a person
9 operating a farm truck or implement of husbandry transporting
10 sand, gravel, and dirt necessary in the normal operation of a
11 farm. However, a person operating a vehicle to transport agri-
12 cultural commodities or sand, gravel, and dirt in the normal
13 operation of the farm who violates subsection (1) or (4) is
14 guilty of a misdemeanor and ~~shall be~~ IS subject to the penal-
15 ties prescribed in subsection ~~-(9)-~~ (10).

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

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

26 (9) A PERSON SHALL NOT DRIVE OR MOVE ON A HIGHWAY A VEHICLE
27 EQUIPPED WITH A FRONT END LOADING DEVICE WITH A TINE PROTRUDING

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Sub. SB 1094 (S-2) as amended June 19, 2002

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1 PARALLEL TO THE HIGHWAY BEYOND THE FRONT BUMPER OF THE VEHICLE
2 UNLESS THE TINE IS CARRYING A LOAD DESIGNED TO BE CARRIED BY THE
3 FRONT END LOADING DEVICE. THIS SUBSECTION DOES NOT APPLY TO A
4 VEHICLE DESIGNED TO BE USED OR BEING USED TO TRANSPORT AGRICUL-
5 TURAL COMMODITIES [, TO A VEHICLE EN ROUTE TO A REPAIR FACILITY, OR TO A
VEHICLE ENGAGED IN CONSTRUCTION ACTIVITY]. AS USED IN THIS SUBSECTION,
"AGRICULTURAL
6 COMMODITIES" MEANS THAT TERM AS DEFINED IN SECTION 722.

7 (10) ~~-(9)-~~ A person who violates this section is guilty of a
8 misdemeanor punishable by a fine of not more than \$500.00 or
9 imprisonment for not more than 90 days, or both.

10 (11) ~~-(10)-~~ As used in this section:

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

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

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

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