

SENATE BILL No. 1007

February 24, 2004, Introduced by Senator GILBERT and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 725 (MCL 257.725), as amended by 1998 PA 247.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 725. (1) Upon receipt of a written application and
2 good cause being shown, a jurisdictional authority may issue a
3 written special permit authorizing an applicant to operate upon
4 or remove from a highway maintained by that jurisdictional
5 authority a vehicle or combination of vehicles that are any of
6 the following:

7 (a) Of a size, weight, or load exceeding the maximum
8 specified in this chapter.

9 (b) Otherwise not in conformity with this chapter.

10 (2) The application for a special permit shall be on a form

1 prescribed by the jurisdictional authority and shall specifically
2 describe the vehicle or vehicles and load to be operated or moved
3 and the particular highways upon which the special permit to
4 operate is requested.

5 (3) A jurisdictional authority may issue a special permit and
6 charge a fee that does not exceed the administrative costs
7 incurred authorizing the operation of the following upon a
8 highway:

9 (a) Traction engines or tractors having movable tracks with
10 transverse corrugations upon the periphery of those movable
11 tracks on farm tractors.

12 (b) Other farm machinery otherwise prohibited under this
13 chapter.

14 (c) A vehicle of a size or weight otherwise prohibited under
15 this chapter that is hauling farm machinery to or from a farm.

16 (4) A special permit shall specify the trip or trips and date
17 or dates for which it is valid and the jurisdictional authority
18 granting the special permit may restrict or prescribe conditions
19 of operation of a vehicle or vehicles, if necessary, to protect
20 the safety of the public or to ensure against undue damage to the
21 road foundations, surfaces, structures, or installations, and may
22 require a reasonable inspection fee and other security as that
23 jurisdictional authority determines necessary to compensate for
24 damages caused by the movement. A special permit may be issued
25 on an annual basis. Except as otherwise provided in this
26 section, the fee charged by the state transportation department
27 for an intrastate or an out-of-state vehicle for a single trip

1 shall be \$50.00 and for multiple trips or on an annual basis
2 shall be \$100.00. Except as otherwise provided in this section,
3 the fee charged by a jurisdictional authority other than the
4 state transportation department for an intrastate or an
5 out-of-state vehicle for a single trip shall be not more than
6 \$50.00 and for multiple trips or on an annual basis shall be not
7 more than \$100.00. Effective October 1, 1998, the fee charged by
8 a jurisdictional authority other than the state transportation
9 department for a special permit under this subsection shall be
10 the fee charged on September 30, 1997. The fee charged by a
11 jurisdictional authority other than the state transportation
12 department for a special permit under this subsection may be
13 increased above the amount charged on September 30, 1997 subject
14 to the maximums allowed by this subsection subject to a prior
15 public hearing with reasonable notice. However, the fee charged
16 by a jurisdictional authority other than the state transportation
17 department for a special permit under this subsection that is
18 more than \$50.00 for a single trip or that is more than \$100.00
19 for multiple trips or on an annual basis, or both, on
20 September 30, 1997 shall not be increased.

21 (5) The fee charged by the state transportation department
22 for an intrastate or an out-of-state vehicle or combination of
23 vehicles that exceed the maximum size specified in this chapter
24 but do not exceed the maximum weight or load specified in this
25 chapter or are otherwise not in conformity with this chapter
26 shall be \$15.00 for a single trip and \$30.00 for multiple trips
27 or on an annual basis. The fees charged under this subsection

1 may be increased not more than once each year based on the
2 percentage increase in the United States consumer price index for
3 all urban consumers for the immediately preceding 12-month period
4 rounded to the nearest whole dollar. This subsection takes
5 effect October 1, 1998.

6 (6) The fee charged by a jurisdictional authority other than
7 the state transportation department for an intrastate or an
8 out-of-state vehicle or combination of vehicles of a size
9 exceeding the maximum specified in this chapter but not exceeding
10 the maximum weight or load specified in this chapter shall not
11 exceed the administrative costs incurred by that jurisdictional
12 authority in issuing the permit. This subsection takes effect
13 October 1, 1998.

14 (7) A special permit issued under this section shall be
15 carried in the vehicle or combination of vehicles to which it
16 refers and shall be open to inspection by a police officer or
17 authorized agent of a jurisdictional authority granting the
18 special permit. A person shall not violate any of the terms or
19 conditions of the special permit.

20 (8) A person who violates this section is responsible for a
21 civil infraction.

22 (9) A jurisdictional authority issuing a special permit to
23 move a mobile home under this section and a person who is issued
24 a special permit to move a mobile home under this section are
25 subject to section 719a.

26 (10) **If a special permit is required under this section to**
27 **operate a vehicle that is needed to respond to the derailment of**

1 a locomotive engine or a railroad freight or passenger car, or a
2 spill of material from a locomotive engine or a railroad freight
3 or passenger car, the requirements for obtaining the permit are
4 suspended for 2 business days of the jurisdictional authority
5 after the date of the derailment or spill. This subsection does
6 not waive the requirements of this section for obtaining the
7 permit within the period of suspension. A person required to
8 obtain a permit under this section to operate a vehicle that is
9 needed to respond to the derailment of a locomotive engine or
10 railroad freight or passenger car, or a spill of material from a
11 locomotive engine or a railroad freight or passenger car, or his
12 or her employee or agent, shall not be detained for a violation
13 of this section while operating that vehicle during the period in
14 which the requirements for obtaining a permit are suspended
15 except for purposes of verifying the derailment or spill.

16 (11) ~~(10)~~ As used in this section, "jurisdictional
17 authority" means the state transportation department, a county
18 road commission, or a local authority having jurisdiction over a
19 highway upon which a vehicle is proposed to be moved pursuant to
20 a permit required under this section.