

SENATE BILL No. 1419

September 23, 2004, Introduced by Senators BRATER and BARCIA and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 720 (MCL 257.720), as amended by 2003 PA 142.

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. **The tailgate,**
5 **faucets, and taps on a vehicle shall be securely closed to**
6 **prevent spillage during transportation whether the vehicle is**
7 **loaded or empty, and the vehicle shall not have any holes or**
8 **cracks through which material can escape. This ~~requirement~~**
9 **subsection does not apply to ~~a~~ either of the following:**

10 (a) A vehicle transporting agricultural or horticultural

1 products when hay, straw, silage, or residue from a product, but
2 not including the product itself, or when materials such as water
3 used to preserve and handle agricultural or horticultural
4 products while in transportation, escape from the vehicle in an
5 amount that does not interfere with other traffic on the
6 highway. ~~The tailgate, faucets, and taps on a vehicle shall be~~
7 ~~securely closed to prevent spillage during transportation whether~~
8 ~~the vehicle is loaded or empty, and the vehicle shall not have~~
9 ~~any holes or cracks through which material can escape.~~

10 (b) Any highway maintenance vehicle engaged in either ice or
11 snow removal. ~~shall be exempt from this section.~~

12 (2) Actual spillage of material on the highway or proof of
13 that spillage is not necessary to prove a violation of this
14 section.

15 (3) ~~A~~ **Except as provided in subsections (4) and (5), a**
16 vehicle carrying a load, other than logs or tubular products,
17 ~~which~~ **that** is not completely enclosed shall meet either of the
18 following requirements:

19 (a) Have the load **completely covered on all sides** with firmly
20 secured canvas or a similar type of covering. A device used to
21 comply with the requirement of this subdivision shall not exceed
22 a width of 108 inches nor by design or use have the capability to
23 carry cargo by itself.

24 (b) Have the load securely fastened to the body or the frame
25 of the vehicle with binders of adequate number and of adequate
26 breaking strength to prevent the dropping off or shifting of the
27 load.

1 (4) Subsection (3) does not apply to a person operating a
2 vehicle to transport agricultural commodities or to a person
3 operating a farm truck or implement of husbandry transporting
4 sand, gravel, and dirt necessary in the normal operation of a
5 farm. However, a person operating a vehicle to transport
6 agricultural commodities or sand, gravel, and dirt in the normal
7 operation of the farm who violates subsection (1) or (6) is
8 guilty of a misdemeanor and is subject to the penalties
9 prescribed in subsection (10).

10 (5) Subsection (3) (a) does not apply to either of the
11 following:

12 (a) A motor vehicle transporting items of a load that because
13 of their weight will not fall off the moving vehicle and that
14 have their centers of gravity located at least 6 inches below the
15 top of the enclosure.

16 (b) A motor vehicle carrying metal that because of its weight
17 and density is so loaded as to prevent it from dropping or
18 falling off the moving vehicle.

19 (c) Motor vehicles and other equipment engaged in work upon
20 the surface of a highway or street in a designated work area.

21 (6) ~~—(4)—~~ A company or individual who loads or unloads a
22 vehicle or causes it to be loaded or unloaded, with knowledge
23 that it is to be driven on a public highway, in a manner so as to
24 cause a violation of subsection (1) shall be prima facie liable
25 for a violation of this section.

26 (7) ~~—(5)—~~ A person shall not operate a motor vehicle carrying
27 logs or tubular products on a highway unless the following

1 conditions are met:

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

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

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

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

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

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

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

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

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

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

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

14 (e) Subject to subsection ~~—(11)—~~ **(8)**, if the vehicle is a
15 crib vehicle and the logs are loaded lengthwise of the vehicle,
16 the logs shall be loaded and secured as follows:

17 (i) The vehicle ~~—must—~~ **shall** have sides, sideboards, or
18 stakes; a front headboard, bulkhead, or frontgate; and a rear
19 headboard, bulkhead, or endgate, each of which ~~—are—~~ **is** strong
20 enough and high enough to assure that the load will not shift
21 upon or fall from the vehicle.

22 (ii) The sides, sideboards, headboard, bulkhead, or front- or
23 rear-end gate that is in direct contact with the ends of the logs
24 shall not have an aperture large enough to permit logs to pass
25 through it.

26 (iii) There shall be a minimum of 2 stakes on each side of
27 the vehicle per tier of logs.

1 (iv) Vehicles with permanent steel gusseted bunks do not
2 require cross chains.

3 (v) Vehicles with steel stakes and pockets require cross
4 chains for each tier if the load extends more than 5 feet above
5 the loading surface.

6 (vi) Three additional lights are required on the upper rear
7 of the vehicle.

8 (vii) Vehicles over 102 inches wide shall have lights placed
9 at each stake along the longitudinal length of the vehicle.

10 (viii) Not more than 1/2 the diameter of the top logs shall
11 extend higher than the stake tops when loaded.

12 (ix) Tie downs are not required if the following loading
13 procedures are used:

14 (A) The distance between a tier of logs and a headboard,
15 bulkhead, front- or rear-end gate, or another tier of logs does
16 not allow a log to lose contact with a side stake if a log were
17 to shift forward or backward.

18 (B) Each tier of logs shall be loaded to the same height from
19 the stake tops to prevent movement.

20 (x) One tie down assembly that meets the requirements of this
21 act and federal regulations is required for each tier of logs
22 under the following conditions:

23 (A) There is a distance large enough between a tier of logs
24 and a headboard, bulkhead, front- or rear-end gate, or another
25 tier of logs to allow a log to lose contact with a side stake if
26 a log were to shift forward or backward.

27 (B) Each tier of logs is not loaded to the same height from

1 the stake tops to prevent movement.

2 (f) The tie downs, cross chains, stakes, and other materials
3 used to secure loads of logs or tubular products as required
4 under subdivisions (a) to (d) shall meet the following minimum
5 requirements:

6 (i) Chain shall be of steel ~~and shall be of a~~ **that is**
7 **"transport"** strength of not less than 5/16 inch in diameter
8 ~~"transport", which~~ **and that** is embossed with a grade stamp
9 representative of grade 70, or **that is "high test" strength of**
10 not less than 3/8 inch in diameter ~~"high test", which~~ **and that**
11 is embossed with a grade stamp representative of grade 40. Chain
12 shall not ~~be~~ **have been** repaired by welding, wire, or cold
13 shuts.

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

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

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

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

22 ~~(6) Subsection (3) does not apply to a person operating a~~
23 ~~vehicle to transport agricultural commodities or to a person~~
24 ~~operating a farm truck or implement of husbandry transporting~~
25 ~~sand, gravel, and dirt necessary in the normal operation of a~~
26 ~~farm. However, a person operating a vehicle to transport~~
27 ~~agricultural commodities or sand, gravel, and dirt in the normal~~

~~1 operation of the farm who violates subsection (1) or (4) is
2 guilty of a misdemeanor and is subject to the penalties
3 prescribed in subsection (10).~~

~~4 ——— (7) Subsection (3) (a) does not apply to a motor vehicle
5 transporting items of a load which because of their weight will
6 not fall off the moving vehicle and which have their centers of
7 gravity located at least 6 inches below the top of the enclosure
8 nor to a motor vehicle carrying metal which because of its weight
9 and density is so loaded as to prevent it from dropping or
10 falling off the moving vehicle.~~

~~11 ——— (8) Subsection (3) (a) does not apply to motor vehicles and
12 other equipment engaged in work upon the surface of a highway or
13 street in a designated work area.~~

**14 (8) Subsection (7) (e) does not apply unless 23 USC 127 is
15 amended to allow crib vehicles carrying logs to be loaded as
16 described in this section and a waiver of the tiedown
17 requirements under 49 CFR 393.116 is authorized by the United
18 States department of transportation, federal motor carrier safety
19 administration.**

**20 (9) A person shall not drive or move on a highway a vehicle
21 equipped with a front end loading device with a tine protruding
22 parallel to the highway beyond the front bumper of the vehicle
23 unless the tine is carrying a load designed to be carried by the
24 front end loading device. This subsection does not apply to a
25 vehicle designed to be used or being used to transport
26 agricultural commodities, to a vehicle en route to a repair
27 facility, or to a vehicle engaged in construction activity. As**

1 used in this subsection, "agricultural commodities" means that
2 term as defined in section 722.

3 (10) A person who violates this section is guilty of a
4 misdemeanor punishable by **imprisonment for not more than 90 days**
5 **or** a fine of not more than \$500.00, ~~or imprisonment for not more~~
6 ~~than 90 days,~~ or both.

7 ~~(11) Subsection (5)(c) does not apply unless section 127(d)~~
8 ~~of title 23 of the United States Code, 23 U.S.C. 127, is amended~~
9 ~~to allow crib vehicles carrying logs to be loaded as described in~~
10 ~~this section and a waiver of the tiedown requirements under 49~~
11 ~~C.F.R. 393.116 is authorized by the United States department of~~
12 ~~transportation, federal motor carrier safety administration.~~

13 (11) ~~(12)~~ As used in this section:

14 (a) "Cross chain" means a chain ~~which~~ **that** extends through
15 the load of logs or tubular products and is connected at each end
16 to a side stake.

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

18 (c) "Tie down" means a high strength material ~~which~~ **that** is
19 used to secure the load of logs or tubular products to the frame
20 or the bed of the vehicle.

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