

SUBSTITUTE FOR
SENATE BILL NO. 1257

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 716 (MCL 257.716), as amended by 1998 PA 427.

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 highway
4 a vehicle or vehicles of a size or weight exceeding the limitations
5 stated in this chapter or otherwise in violation of this chapter,
6 and the maximum size and weight specified in this chapter ~~shall be~~
7 **ARE** lawful throughout this state, and local authorities shall not
8 alter those size and weight limitations except as express authority
9 is granted in this chapter.

1 (2) The provisions of this chapter governing size, weight, and
2 load ~~shall~~ DO not apply to a fire apparatus, to an implement of
3 husbandry incidentally moved upon a highway, a combination of
4 vehicles described in, and under the conditions provided by,
5 subsection (4), or to a vehicle operated under the terms of a
6 special permit issued as provided in this chapter.

7 (3) The state transportation department, ~~pursuant to~~ UNDER
8 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
9 to 24.328, may promulgate rules permitting and regulating the
10 operation of a vehicle or vehicles of a size or weight ~~which~~ THAT
11 exceeds the size or weight limitations in this chapter. The rules
12 may restrict or proscribe the conditions of operation of a vehicle
13 or vehicles of a size or weight ~~which~~ THAT exceeds the size or
14 weight limitations in this chapter, if the restriction or
15 proscription is necessary to protect the public safety or to
16 prevent undue damage to a road foundation or surface, a structure,
17 or an installation. The rules may provide for a reasonable
18 inspection fee for an inspection of a vehicle or vehicles to
19 determine whether their sizes and weights are in conformance with
20 this act, and may require other security necessary to compensate
21 for damage caused by the vehicle or vehicles described in this
22 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:

27 (a) The wrecker is specifically designed for such towing

1 operations, is equipped with flashing, oscillating, or rotating
2 amber or red lights as permitted under section 698, and is capable
3 of utilizing the lighting and braking systems of the disabled
4 vehicle or combination of disabled vehicles if those systems are
5 operational.

6 (b) ~~The~~ **FOR A COMBINATION OF DISABLED VEHICLES, THE** wrecker
7 is issued ~~an extended restricted~~ **A SPECIAL** permit under section
8 725 by the state transportation department if each trip beginning
9 from the place of original disablement of the ~~disabled vehicle or~~
10 combination of **DISABLED** vehicles is 25 miles or less except that,
11 for each trip that begins and ends north of a line between
12 Ludington and Pinconning, the trip beginning from the place of
13 original disablement of the ~~disabled vehicle or~~ combination of
14 vehicles may be 50 miles or less. **THE SPECIAL PERMIT IS VALID FOR**
15 **THE ENTIRE TOWING DISTANCE SET FORTH IN THIS SUBDIVISION, AND THE**
16 **OPERATOR OF THE WRECKER MAY REMOVE THE DISABLED VEHICLES FROM THE**
17 **ROADWAY AT ANY LAWFUL POINT OF HIS OR HER CHOOSING WITHIN THAT**
18 **DISTANCE.**

19 (c) **FOR A SINGLE DISABLED VEHICLE, THE WRECKER IS ISSUED A**
20 **SPECIAL PERMIT UNDER SECTION 725 BY THE STATE TRANSPORTATION**
21 **DEPARTMENT FOR THE TRANSPORT OF THE DISABLED VEHICLE. A WRECKER**
22 **OPERATOR IS NOT SUBJECT TO MILEAGE LIMITATIONS FOR A SPECIAL PERMIT**
23 **ISSUED FOR PURPOSES OF THIS SUBDIVISION.**

24 (d) ~~(e)~~ The wrecker does not operate on any highway, road,
25 street, or structure included on a list provided by the state
26 transportation department unless the disabled vehicle or
27 combination of vehicles is located on 1 of those roads or

1 structures.

2 (5) The owner or operator of a wrecker that does not comply
3 with subsection ~~—(4)(e)—~~ **(4) (D)** is responsible for a civil
4 infraction and shall pay a civil fine of not less than \$250.00 ~~but~~
5 ~~not~~ **OR** more than \$500.00. The civil fine imposed ~~by~~ **UNDER** this
6 subsection is in addition to any fine that may be imposed under
7 section 724 or 725.