

# HOUSE BILL No. 6244

June 21, 2006, Introduced by Reps. Casperson, Hildenbrand, Emmons, Marleau, Huizenga, Pastor and Farhat 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 a  
2 highway unless the vehicle is so constructed or loaded as to  
3 prevent its contents from dropping, sifting, leaking, blowing off,  
4 or otherwise escaping from the vehicle. This requirement does not  
5 apply to a vehicle transporting agricultural or horticultural  
6 products when hay, straw, silage, or residue from a product, but  
7 not including the product itself, or when materials such as water  
8 used to preserve and handle agricultural or horticultural products  
9 while in transportation, escape from the vehicle in an amount that

1 does not interfere with other traffic on the highway. The tailgate,  
2 faucets, and taps on a vehicle shall be securely closed to prevent  
3 spillage during transportation whether the vehicle is loaded or  
4 empty, and the vehicle shall not have any holes or cracks through  
5 which material can escape. ~~Any~~ **A** highway maintenance vehicle  
6 engaged in either ice or snow removal ~~shall be~~ **IS** exempt from  
7 this section.

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

11 (3) ~~A~~ **EXCEPT AS PROVIDED IN SUBSECTION (6), A** vehicle  
12 carrying a load, other than logs or tubular products, ~~which~~ **THAT**  
13 is not completely enclosed shall meet either of the following  
14 requirements:

15 (a) ~~Have~~ **EXCEPT AS PROVIDED IN SUBSECTIONS (7) AND (8), HAVE**  
16 the load covered with firmly secured canvas or a similar type of  
17 covering. A device used to comply with the requirement of this  
18 subdivision shall not exceed a width of 108 inches nor by design or  
19 use have the capability to carry cargo by itself.

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

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

1 of this section.

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

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

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

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

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

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

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

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

16           (e) ~~Subject to subsection (11), if~~ **IF** the vehicle is a crib  
17 vehicle and the logs are loaded lengthwise of the vehicle, the logs  
18 shall be loaded and secured, **AND THE VEHICLE SHALL BE LIGHTED**, as  
19 follows:

20           (i) The vehicle ~~must~~ **SHALL** have sides, sideboards, or stakes;  
21 a front headboard, bulkhead, or frontgate; and a rear headboard,  
22 bulkhead, or endgate, each of which ~~are~~ **IS** strong enough and high  
23 enough to assure that the load ~~will~~ **DOES** not shift upon or fall  
24 from the vehicle.

25           (ii) The sides, sideboards, headboard, bulkhead, or front- or  
26 rear-end gate that is in direct contact with the ends of the logs  
27 ~~shall~~ **DOES** not have an aperture large enough to permit logs to

1 pass through it.

2 (iii) There ~~shall be a minimum of~~ **ARE 2 OR MORE** stakes on each  
3 side of the vehicle per tier of logs.

4 ~~(iv) Vehicles with permanent steel gusseted bunks do not~~  
5 ~~require cross chains.~~

6 (iv) ~~(v)~~ Vehicles with steel stakes and pockets require cross  
7 chains for each tier if the load extends more than 5 feet above the  
8 loading surface.

9 (v) **VEHICLES WITH PERMANENT STEEL GUSSETED BUNKS DO NOT**  
10 **REQUIRE CROSS CHAINS.**

11 (vi) Three additional lights are required on the upper rear of  
12 the vehicle.

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

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

17 (ix) Tie downs are not required if the following loading  
18 procedures are used:

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

23 (B) Each tier of logs ~~shall be~~ **IS** loaded to the same height  
24 from the stake tops to prevent movement.

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

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

5 (B) Each tier of logs is not loaded to the same height from  
6 the stake tops to prevent movement.

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

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

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

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

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

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

25 (6) Subsection (3) does not apply to a person operating a  
26 vehicle to transport agricultural commodities or to a person  
27 operating a farm truck or implement of husbandry transporting sand,

1 gravel, and dirt necessary in the normal operation of a farm.  
2 However, a person operating a vehicle to transport agricultural  
3 commodities or sand, gravel, and dirt in the normal operation of  
4 the farm who violates subsection (1) or (4) is guilty of a  
5 misdemeanor and is subject to the penalties prescribed in  
6 subsection (10).

7 (7) Subsection (3)(a) does not apply to ~~a~~ **EITHER OF THE**  
8 **FOLLOWING:**

9 (A) A motor vehicle transporting items of a load ~~which~~ **THAT**  
10 because of their weight will not fall off the moving vehicle and  
11 ~~which~~ **THAT** have their centers of gravity located at least 6 inches  
12 below the top of the enclosure. ~~nor to a~~

13 (B) A motor vehicle carrying metal ~~which~~ **THAT** because of its  
14 weight and density is so loaded as to prevent it from dropping or  
15 falling off the moving vehicle.

16 (8) Subsection (3)(a) does not apply to motor vehicles and  
17 other equipment engaged in work upon the surface of a highway or  
18 street in a designated work area.

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

1 in section 722.

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

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

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

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

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

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

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