

SENATE BILL No. 1257

May 9, 2006, Introduced by Senators SANBORN and KUIPERS and referred to the Committee on Transportation.

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

1 is granted in this chapter.

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

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

24 (4) A wrecker and a disabled vehicle, or a wrecker and a
25 combination of a disabled vehicle and 1 trailer, that exceeds the
26 size and weight limitations in this chapter may be operated upon
27 the highways of this state under the following conditions:

1 (a) The wrecker is specifically designed for such towing
2 operations, is equipped with flashing, oscillating, or rotating
3 amber or red lights as permitted under section 698, and is capable
4 of utilizing the lighting and braking systems of the disabled
5 vehicle or combination of disabled vehicles if those systems are
6 operational.

7 (b) ~~The~~ **FOR A COMBINATION OF DISABLED VEHICLES, THE** wrecker
8 is issued an extended restricted permit under section 725 by the
9 state transportation department if each trip beginning from the
10 place of original disablement of the ~~disabled vehicle or~~
11 combination of **DISABLED** vehicles is ~~25~~ 50 miles or less except
12 that, for each trip that begins and ends north of a line between
13 Ludington and Pinconning, the trip beginning from the place of
14 original disablement of the disabled vehicle or combination of
15 vehicles may be ~~50~~ 100 miles or less.

16 (C) **FOR A DISABLED VEHICLE, THE WRECKER IS ISSUED AN EXTENDED**
17 **RESTRICTED PERMIT UNDER SECTION 725 BY THE STATE TRANSPORTATION**
18 **DEPARTMENT FOR THE TRANSPORT OF THE DISABLED VEHICLE.**

19 (D) ~~(e)~~ The wrecker does not operate on any highway, road,
20 street, or structure included on a list provided by the state
21 transportation department unless the disabled vehicle or
22 combination of vehicles is located on 1 of those roads or
23 structures.

24 (5) The owner or operator of a wrecker that does not comply
25 with subsection ~~(4)(e)~~ **(4)(D)** is responsible for a civil
26 infraction and shall pay a civil fine of not less than \$250.00 ~~but~~
27 ~~not~~ **OR** more than \$500.00. The civil fine imposed by this

- 1 subsection is in addition to any fine that may be imposed under
- 2 section 724 or 725.