

HOUSE BILL No. 5695

February 6, 2008, Introduced by Reps. Mayes, Casperson, Lahti, Lindberg and Sheltroun 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 highway maintenance vehicle engaged
6 in either ice or snow removal shall be exempt from this section.

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

10 (3) A vehicle carrying a load, other than logs or tubular
11 products, which is not completely enclosed shall meet either of the
12 following requirements:

13 (a) Have the load covered with firmly secured canvas or a
14 similar type of covering. A device used to comply with the
15 requirement of this subdivision shall not exceed a width of 108
16 inches nor by design or use have the capability to carry cargo by
17 itself.

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

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

27 (5) A person shall not operate a motor vehicle carrying logs

1 or tubular products on a highway unless the following conditions
2 are met:

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

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

21 (c) If the logs or tubular products are loaded lengthwise of
22 the vehicle, obliquely or parallel to the sides, with metal stakes
23 and pockets, the load of logs or tubular products shall be secured
24 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 than
2 5 feet above the loading surface.

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

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

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

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

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

27 (iv) Vehicles with permanent steel gusseted bunks do not

1 require cross chains.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (6) Subsection (3) does not apply to a person operating a
20 vehicle to transport agricultural commodities or to a person
21 operating a farm truck or implement of husbandry transporting sand,
22 gravel, and dirt necessary in the normal operation of a farm.
23 However, a person operating a vehicle to transport agricultural
24 commodities or sand, gravel, and dirt in the normal operation of
25 the farm who violates subsection (1) or (4) is guilty of a
26 misdemeanor and is subject to the penalties prescribed in
27 subsection (10).

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

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

11 (9) A person shall not drive or move on a highway a vehicle
12 equipped with a front end loading device with a tine protruding
13 parallel to the highway beyond the front bumper of the vehicle
14 unless the tine is carrying a load designed to be carried by the
15 front end loading device. This subsection does not apply to a
16 vehicle designed to be used or being used to transport agricultural
17 commodities, to a vehicle en route to a repair facility, or to a
18 vehicle engaged in construction activity. As used in this
19 subsection, "agricultural commodities" means that term as defined
20 in section 722.

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

24 ~~(11) Subsection (5)(c) does not apply unless section 127(d) of~~
25 ~~title 23 of the United States Code, 23 U.S.C. 127, is amended to~~
26 ~~allow crib vehicles carrying logs to be loaded as described in this~~
27 ~~section and a waiver of the tiedown requirements under 49 C.F.R.~~

1 ~~393.116 is authorized by the United States department of~~
2 ~~transportation, federal motor carrier safety administration.~~

3 (11) ~~(12)~~As used in this section:

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

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

8 (c) "Tie down" means a high strength material which is used to
9 secure the load of logs or tubular products to the frame or the bed
10 of the vehicle.

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