

Legislative Analysis



VEHICLE CODE: IMPLEMENT OF HUSBANDRY, AUTOCYCLES & CRIB VEHICLES

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Senate Bill 1121 (Substitute H-1)
Sponsor: Sen. Bruce Caswell
House Committee: Transportation
Senate Committee: Transportation

Complete to 10-29-12

A SUMMARY OF SENATE BILL 1121 (H-1) AS REPORTED FROM HOUSE COMMITTEE ON 9-27-12

Senate Bill 1121 (H-1) would amend six sections of the Michigan Vehicle Code, as follows.

Implement of Husbandry (Sections 21, 59, and 73)

Under Section 21 of the Michigan Vehicle Code "implement of husbandry" currently means "a vehicle which is either a farm tractor, a vehicle designed to be drawn by a farm tractor or an animal, a vehicle which directly harvests farm products, or a vehicle which directly applies fertilizer, spray, or seeds to a farm field."

Senate Bill 1121 would amend the Section 21 to strike the current definition of "implement of husbandry" and replace it with the following definition: *"Implement of husbandry means a vehicle or trailer designed or used for the primary function of serving agricultural, horticultural, or livestock operations. Implement of husbandry includes a farm tractor, self-propelled application-type vehicle, farm wagon, farm trailer, a vehicle or trailer adapted for lifting or carrying another implement of husbandry, or any substantially similar equipment used to transport products necessary for agricultural production."*

The bill would also amend Section 59 and Section 73 to exclude implements of husbandry from the definition of "semi-trailer" and "trailer," respectively.

Amendments to Sections 312b and 658

Senate Bill 1121 as passed by the Senate included amendments related to autocycles in Sections 312a, 312b, and 658. Changes related to autocycles are not included in the H-1 substitute. Senate Bill 1121 (H-1) does include a minor technical change to Section 312b. In addition, the bill would amend Section 658 to strike language in current law which prohibits using a moped to carry more than one person at a time.

Vehicle Size-Weight-Load Limitations – Crib Vehicles (Section 717)

Several sections of the Michigan Vehicle Code, beginning with Section 716 (MCL 257.716), deal with vehicle size, weight, and load restrictions. Section 717 establishes the maximum permissible width or load of vehicles at 96 inches with certain designated

exceptions. Senate Bill 1121 would make an exception for "crib vehicles" – the outside body width of a crib vehicle could not exceed 108 inches.

FISCAL IMPACT:

The Senate-passed version of Senate Bill 1121 dealt with three separate subjects within the Michigan Vehicle Code: the definition of "implement of husbandry," the regulation of autocycles, and the establishment of a maximum permissible vehicle width exception for crib vehicles. The H-1 version of the bill does not include the amendments dealing with autocycles. The bill does include a minor technical amendment to Section 312b, and would amend Section 658 to strike the prohibition on using a moped to carry more than one person. The proposed amendments to Sections 312b and 658 do not appear to have a fiscal impact. The two major subjects of the H-1 substitute are the amendments related to the permissible width of crib vehicles, and the definition of "implement of husbandry."

Crib Vehicles Width

With regard to bill's proposed amendment to Section 717 to establish the maximum permissible width for "crib vehicles" of 108 inches: The bill does not define "crib vehicles" and there is no general definition elsewhere in the act. We note that 2003 PA 142 (House Bill 4154 of the 2003-3004 Legislative Session) amended Section 719 of the act to make an exception to the standard vehicle *length* limitation for "a crib vehicle on which logs are loaded lengthwise." At that time there were concerns that the amendments put Michigan out of compliance with federal vehicle size-weight limitations of Section 658 of Title 23 of the Code Federal Regulations (23 CFR). Annual certifications of compliance are required by 23 CFR Section 657, and the state is subject to federal sanctions for non-compliance, including withholding of federal highway funds. Because of those concerns, 2003 PA 142 included language indicating that the exceptions for crib vehicles would not apply unless 23 USC 127d was amended to allow crib vehicles carrying logs as described in the amended section. To our knowledge, the referenced section of the USC has not been amended.

The proposed amendments to Section 717 in Senate Bill 1121 do not include a reference to federal vehicle size-weight regulations. We do not have information as to whether adopting a 108 inch width standard for "crib vehicles" conforms to federal size-weight limitations or not.

Implement of Husbandry

The bill would amend Section 21 of the Michigan Vehicle Code to would define "implement of husbandry" as *"a vehicle or trailer designed or used for the primary function of serving agricultural, horticultural, or livestock operations. The second sentence of the definition states that "implement of husbandry" includes a farm tractor, self-propelled application-type vehicle, farm wagon, farm trailer, a vehicle or trailer adapted for lifting or carrying another implement of husbandry, or any substantially similar equipment used to transport products necessary for agricultural production."*

The bill would also amend Sections 59 and 73 of the Michigan Vehicle Code to exclude "implement of husbandry" from the definition of "semi-trailer" and "trailer," respectively. It is not clear if the proposed definition would include as an instrument of husbandry vehicles and trailers, such as horse trailers, fertilizer tank trailers, grain trailers, or trucks and trailers delivering nursery stock, to the extent that those vehicles and trailers were used "for the primary function of agricultural, horticultural, and livestock operations," and "used to transport products necessary for agricultural production."

Agricultural, horticultural, and livestock vehicles and trailers considered "instrument of husbandry" as defined by the bill would be exempt from the registration requirements of Section 216 and exempt from the registration taxes imposed on vehicles and trailers under **Section 801**. To the extent that the bill expands the current definition of "instrument of husbandry," the bill would reduce revenue to the Michigan Transportation Fund by an indeterminate amount.

We note that in addition to the definition sections, and the impact to Section 216, there are 17 other sections of the Michigan Vehicle Code which include the term "instrument of husbandry," including Sections 716, 717, 720, and 721 dealing with vehicle size-weight-load limitations, and several sections dealing with required motor vehicle equipment. We have not reviewed how the proposed change to the definition of "instrument of husbandry" would affect those other sections.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.