

# HOUSE BILL No. 5730

August 27, 2014, Introduced by Rep. Genetski and referred to the Committee on Local Government.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 726 (MCL 257.726), as amended by 2008 PA 539.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 726. (1) Local authorities and county road commissions  
2 with respect to highways under their jurisdiction, except state  
3 trunk line highways, by ordinance or resolution, may do any of the  
4 following:

5           (a) Prohibit the operation of trucks or other commercial  
6 vehicles on designated highways or streets.

7           (b) Impose limitations as to the weight of trucks or other  
8 commercial vehicles on designated highways or streets.

9           (c) Provide that only certain highways or streets may be used  
10 by trucks or other commercial vehicles.

1           (2) Any prohibitions, limitations, or truck route designations  
2 established under subsection (1) shall be designated by appropriate  
3 signs placed on the highways or streets. The design and placement  
4 of the signs shall be consistent with the requirements of section  
5 608.

6           (3) If a township has established any prohibition or  
7 limitation under subsection (1) on any county primary road that an  
8 adjoining township determines diverts traffic onto a border highway  
9 or street shared by the township and the adjoining township, the  
10 adjoining township may submit a written objection to the county  
11 road commission having jurisdiction over the county primary road,  
12 along with a copy to the township that established the prohibition  
13 or limitation, on or before the later of March 1, 2009, or 60 days  
14 after the township approves the prohibition or limitation. The  
15 written objection shall explain how the prohibition or limitation  
16 diverts traffic onto the border highway or street shared by the  
17 township and the adjoining township. The county road commission  
18 shall then investigate the objection. The township and adjoining  
19 township shall cooperate with that investigation and negotiate in  
20 good faith to resolve the objection. If the objection is not  
21 resolved within 60 days after the township receives the copy of the  
22 written objection, the county road commission has the authority to,  
23 and shall, either approve or void the prohibition or limitation  
24 that is the subject of the objection within 60 days thereafter,  
25 which decision shall be final. For purposes of this subsection,  
26 "county primary road" means a highway or street designated as a  
27 county primary road ~~pursuant to~~ **UNDER** 1951 PA 51, MCL ~~247.671~~

1 247.651 to 247.675.

2 (4) LOCAL AUTHORITIES AND COUNTY ROAD COMMISSIONS MAY, BY  
3 ORDINANCE OR RESOLUTION, PROHIBIT THE USE OF COMPRESSION BRAKES ON  
4 THOSE PORTIONS OF STATE TRUNK LINE HIGHWAYS THAT FALL WITHIN THEIR  
5 LIMITS AND THAT LIE WITHIN 200 YARDS OF AN AREA WHERE THE POSTED  
6 SPEED LIMIT IS 35 MILES PER HOUR. A LOCAL AUTHORITY OR COUNTY ROAD  
7 COMMISSION THAT PROHIBITS THE USE OF COMPRESSION BRAKES UNDER THIS  
8 SUBSECTION SHALL INDICATE THAT PROHIBITION BY APPROPRIATE SIGNS  
9 PLACED ON THE STATE TRUNK LINE HIGHWAYS. THE SIGNS SHALL CONFORM TO  
10 THE REQUIREMENTS OF SECTION 608. THE COST OF ERECTING SIGNS UNDER  
11 THIS SUBSECTION SHALL BE BORNE EQUALLY BY THE LOCAL AUTHORITY OR  
12 COUNTY ROAD COMMISSION WHERE THE SIGNS ARE PLACED AND THE STATE  
13 TRANSPORTATION DEPARTMENT. AS USED IN THIS SUBSECTION, "COMPRESSION  
14 BRAKES" MEANS BRAKES COMMONLY KNOWN AS "JAKE BRAKES".

15 (5) A PERSON WHO VIOLATES AN ORDINANCE OR RESOLUTION  
16 PROHIBITING THE USE OF COMPRESSION BRAKES UNDER SUBSECTION (4) IS  
17 RESPONSIBLE FOR A CIVIL INFRACTION.

18 (6) ~~(4)~~—A person who violates a prohibition, limitation, or  
19 truck route designation established pursuant to ~~UNDER~~ subsection  
20 (1) is responsible for a civil infraction.