

SENATE BILL No. 702

January 13, 2016, Introduced by Senator CASPERSON 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 2008 PA 539.

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 are
7 lawful throughout this state, and local authorities shall not alter
8 those size and weight limitations except as express authority is
9 granted in this chapter.
- 10 (2) The provision of this chapter governing size, weight, and
11 load do not apply to a fire apparatus, to an implement of

1 husbandry, a boat lift or oversized hydraulic boat trailer owned
2 and operated by a marina or watercraft dealer used exclusively in a
3 commercial boat storage operation and incidentally moved upon a
4 highway, a combination of vehicles described in, and under the
5 conditions provided by, subsection (4), or to a vehicle operated
6 under the terms of a special permit issued as provided in this
7 chapter.

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

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

27 (a) The wrecker is specifically designed for such towing

1 operations, is equipped with flashing, oscillating, or rotating
2 amber or red lights as permitted under section 698, and is capable
3 of utilizing the lighting and braking systems of the disabled
4 vehicle or combination of disabled vehicles if those systems are
5 operational.

6 (b) For a combination of disabled vehicles, the wrecker is
7 issued a special permit under section 725 by the state
8 transportation department. ~~if each trip beginning from the place of~~
9 ~~original disablement of the combination of disabled vehicles is 25~~
10 ~~miles or less except that, for each trip that begins and ends north~~
11 ~~of a line between Ludington and Pinconning, the trip beginning from~~
12 ~~the place of original disablement of the combination of vehicles~~
13 ~~may be 50 miles or less.~~ The special permit is valid for the entire
14 towing distance, ~~set forth in this subdivision,~~ and the operator of
15 the wrecker may remove the disabled vehicles from the roadway at
16 any lawful point of his or her choosing within that distance.

17 (c) For a single disabled vehicle, the wrecker is issued a
18 special permit under section 725 by the state transportation
19 department for the transport of the disabled vehicle. A wrecker
20 operator is not subject to mileage limitations for a special permit
21 issued for purposes of this subdivision.

22 (d) The wrecker does not operate on any highway, road, street,
23 or structure included on a list provided by the state
24 transportation department unless the disabled vehicle or
25 combination of vehicles is located on 1 of those roads or
26 structures.

27 (5) The owner or operator of a wrecker that does not comply

1 with subsection (4) (d) is responsible for a civil infraction and
2 shall pay a civil fine of not less than \$250.00 or more than
3 \$500.00. The civil fine imposed under this subsection is in
4 addition to any fine that may be imposed under section 724 or 725.

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.