

SENATE BILL No. 396

June 11, 2015, Introduced by Senators HOPGOOD, WARREN, SMITH, BIEDA, GREGORY, KNEZEK, YOUNG, JOHNSON and ANANICH and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 719 and 724 (MCL 257.719 and 257.724), section
719 as amended by 2012 PA 282 and section 724 as amended by 2012 PA
498.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 719. (1) A vehicle unloaded or with load shall not exceed
2 a height of 13 feet 6 inches. The owner of a vehicle that collides
3 with a lawfully established bridge or viaduct is liable for all
4 damage and injury resulting from a collision caused by the height
5 of the vehicle, whether the clearance of the bridge or viaduct is
6 posted or not.

7 (2) Lengths described in this subsection shall be known as the
8 normal length maximum. Except as provided in subsection (3), the
9 following vehicles and combinations of vehicles shall not be

operated on a highway in this state in excess of these lengths:

(a) Subject to subsection (8), any single vehicle: 40 feet; a crib vehicle on which logs are loaded lengthwise of the vehicle: 42.5 feet; any single bus or motor home: 45 feet.

(b) Articulated buses: 65 feet.

(c) Notwithstanding any other provision of this section, a combination of a truck and semitrailer or trailer, or a truck tractor, semitrailer, and trailer, or truck tractor and semitrailer or trailer, designed and used exclusively to transport assembled motor vehicles or bodies, recreational vehicles, or boats: 65 feet.

A combination of a truck and semitrailer or trailer, or a truck tractor, semitrailer, and trailer, or a truck tractor and semitrailer or trailer designed and used to transport boats from the manufacturer, or a stinger-steered combination: 75 feet. The load on the combinations of vehicles described in this subdivision may extend an additional 3 feet beyond the front and 4 feet beyond the rear of the combinations of vehicles. Retractable extensions used to support and secure the load that do not extend beyond the allowable overhang for the front and rear shall not be included in determining length of a loaded vehicle or vehicle combination.

(d) Truck tractor and semitrailer combinations: no overall length, the semitrailer: 50 feet.

(e) Truck and semitrailer or trailer: 59 feet.

(f) Except as provided in subdivision (g), truck tractor, semitrailer, and trailer, or truck tractor and 2 semitrailers: 59 feet.

(g) A truck tractor, semitrailer, and trailer, or a truck

1 tractor and 2 semitrailers, in which no semitrailer or trailer is
2 more than 28-1/2 feet long: 65 feet. This subdivision only applies
3 while the vehicle is being used for a business purpose reasonably
4 related to picking up or delivering a load and only if each
5 semitrailer or trailer is equipped with a device or system capable
6 of mechanically dumping construction materials or dumping
7 construction materials by force of gravity.

8 (h) More than 1 motor vehicle, wholly or partially assembled,
9 in combination, utilizing 1 tow bar or 3 saddle mounts with full
10 mount mechanisms and utilizing the motive power of 1 of the
11 vehicles in combination: 55 feet.

12 (i) A recreational vehicle that has its own motive power, in
13 combination with a trailer: 65 feet or, if the operator of the
14 recreational vehicle has a group commercial motor vehicle
15 designation on his or her operator's or chauffeur's license, 75
16 feet.

17 (3) Notwithstanding subsection (2), the following vehicles and
18 combinations of vehicles shall not be operated on a designated
19 highway of this state in excess of these lengths:

20 (a) Truck tractor and semitrailer combinations: no overall
21 length limit, the semitrailer 53 feet. All semitrailers longer than
22 50 feet shall have a wheelbase of 37.5 to 40.5 feet plus or minus
23 0.5 feet, measured from the kingpin coupling to the center of the
24 rear axle or the center of the rear axle assembly. City, village,
25 or county authorities may prohibit stops of vehicles with a
26 semitrailer longer than 50 feet within their jurisdiction unless
27 the stop occurs along appropriately designated routes, or is

1 necessary for emergency purposes or to reach shippers, receivers,
2 warehouses, and terminals along designated routes.

3 (b) Truck and semitrailer or trailer combinations: 65 feet,
4 except that a person may operate a truck and semitrailer or trailer
5 designed and used to transport saw logs, pulpwood, and tree length
6 poles that does not exceed an overall length of 70 feet or a crib
7 vehicle and semitrailer or trailer designed and used to transport
8 saw logs that does not exceed an overall length of 75 feet. A crib
9 vehicle and semitrailer or trailer designed to and used to
10 transport saw logs shall not exceed a gross vehicle weight of
11 164,000 pounds. A person may operate a truck tractor and
12 semitrailer designed and used to transport saw logs, pulpwood, and
13 tree length wooden poles with a load overhang to the rear of the
14 semitrailer which does not exceed 6 feet if the semitrailer does
15 not exceed 50 feet in length.

16 (c) Notwithstanding subsection (4)(d), a truck tractor with a
17 log slasher unit and a log saw unit: no overall limit if the length
18 of each unit does not exceed 28-1/2 feet, or the overall length of
19 the log slasher unit and the log saw unit, as measured from the
20 front of the first towed unit to the rear of the second towed unit
21 while the units are coupled together, does not exceed 58 feet. The
22 coupling devices of the truck tractor and units set forth in this
23 subdivision shall meet the requirements established under the motor
24 carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

25 (d) Truck tractor and 2 semitrailers, or truck tractor,
26 semitrailer, and trailer combinations: no overall length limit, if
27 the length of each semitrailer or trailer does not exceed 28-1/2

1 feet each, or the overall length of the semitrailer and trailer, or
2 2 semitrailers as measured from the front of the first towed unit
3 to the rear of the second towed unit while the units are coupled
4 together does not exceed 58 feet.

5 (e) More than 1 motor vehicle, wholly or partially assembled,
6 in combination, utilizing 1 tow bar or 3 saddle mounts with full
7 mount mechanisms and utilizing the motive power of 1 of the
8 vehicles in combination: 75 feet.

9 (f) Truck tractor and lowboy semitrailer combinations: no
10 maximum overall length, if the lowboy semitrailer does not exceed
11 59 feet, except as otherwise permitted under this subdivision. A
12 lowboy semitrailer wheelbase shall not exceed 55 feet as measured
13 from the kingpin coupling to the center of the rear axle. A lowboy
14 semitrailer more than 59 feet in length shall not operate with more
15 than any combination of 4 axles on the lowboy unless an oversized
16 load permit is issued by the state transportation department or a
17 local authority with respect to highways under its jurisdiction. As
18 used in this subdivision, "lowboy semitrailer" means a flatbed
19 semitrailer with a depressed section that has the specific purpose
20 of being lowered and raised for loading and unloading.

21 (4) The following combinations and movements are prohibited:

22 (a) A truck shall not haul more than 1 trailer or semitrailer,
23 and a truck tractor shall not haul more than 2 semitrailers or 1
24 semitrailer and 1 trailer in combination at any 1 time, except that
25 a farm tractor may haul 2 wagons or trailers, or garbage and refuse
26 haulers may, during daylight hours, haul up to 4 trailers for
27 garbage and refuse collection purposes, not exceeding in any

1 combination a total length of 55 feet and at a speed limit not to
2 exceed 15 miles per hour.

3 (b) A combination of vehicles or a vehicle shall not have more
4 than 11 axles, except when operating under a valid permit issued by
5 the state transportation department or a local authority with
6 respect to a highway under its jurisdiction.

7 (c) Any combination of vehicles not specifically authorized
8 under this section is prohibited.

9 (d) Except as provided in subsection (3)(c), a combination of
10 2 semitrailers pulled by a truck tractor, unless each semitrailer
11 uses a fifth wheel connecting assembly that conforms to the
12 requirements of the motor carrier safety act of 1963, 1963 PA 181,
13 MCL 480.11 to 480.25.

14 (e) A vehicle or a combination of vehicles shall not carry a
15 load extending more than 3 feet beyond the front of the lead
16 vehicle.

17 (f) A vehicle described in subsections (2)(e) and (3)(e)
18 employing triple saddle mounts unless all wheels that are in
19 contact with the roadway have operating brakes.

20 (5) All combinations of vehicles under this section shall
21 employ connecting assemblies and lighting devices that are in
22 compliance with the motor carrier safety act of 1963, 1963 PA 181,
23 MCL 480.11 to 480.25.

24 (6) The total gross weight of a truck tractor, semitrailer,
25 and trailer combination or a truck tractor and 2 semitrailers
26 combination that exceeds 59 feet in length shall not exceed a ratio
27 of 400 pounds per engine net horsepower delivered to clutch or its

1 equivalent specified in the handbook published by the society of
2 automotive engineers, inc. (SAE), 1977 edition.

3 (7) A person who violates this section is responsible for a
4 civil infraction **AND SHALL PAY A CIVIL FINE OF NOT MORE THAN**
5 **\$500.00**. The owner of the vehicle may be charged with a violation
6 of this section.

7 (8) The provisions in subsections (2)(a) and (3)(b)
8 prescribing the length of a crib vehicle on which logs are loaded
9 lengthwise do not apply unless 23 USC 127(d) is amended to allow
10 crib vehicles carrying logs to be loaded as described in this
11 section.

12 (9) As used in this section:

13 (a) "Designated highway" means a highway approved by the state
14 transportation department or a local authority with respect to a
15 highway under its jurisdiction.

16 (b) "Length" means the total length of a vehicle, or
17 combination of vehicles, including any load the vehicle is
18 carrying. Length does not include devices described in 23 CFR
19 658.16 and 23 CFR part 658, appendix d, 23 CFR 658.16 and 23 CFR
20 part 658, appendix d, as on file with the secretary of state are
21 adopted by reference. A safety or energy conservation device shall
22 be excluded from a determination of length only if it is not
23 designed or used for the carrying of cargo, freight, or equipment.
24 Semitrailers and trailers shall be measured from the front vertical
25 plane of the foremost transverse load supporting structure to the
26 rearmost transverse load supporting structure. Vehicle components
27 not excluded by law shall be included in the measurement of the

1 length, height, and width of the vehicle.

2 (c) "Stinger-steered combinations" means a truck tractor and
3 semitrailer combination in which the fifth wheel is located on a
4 drop frame located behind and below the rearmost axle of the power
5 unit.

6 Sec. 724. (1) A police officer, a peace officer, or an
7 authorized agent of the state transportation department or a county
8 road commission having reason to believe that the weight of a
9 vehicle and load is unlawful may require the driver to stop and
10 submit to a weighing of the vehicle by either portable or
11 stationary scales approved and sealed as a legal weighing device by
12 a qualified person using testing equipment certified or approved by
13 the department of agriculture and rural development as a legal
14 weighing device and may require that the vehicle be driven to the
15 nearest weigh station of the state transportation department for
16 the purpose of allowing a police officer, peace officer, or agent
17 of the state transportation department or county road commission to
18 determine whether the vehicle is loaded in conformity with this
19 chapter.

20 (2) When the officer or agent, upon weighing a vehicle and
21 load, determines that the weight is unlawful, the officer or agent
22 may require the driver to stop the vehicle in a suitable place and
23 remain standing until that portion of the load is shifted or
24 removed as necessary to reduce the gross axle load weight of the
25 vehicle to the limit permitted under this chapter. All material
26 unloaded as provided under this subsection shall be cared for by
27 the owner or operator of the vehicle at the risk of the owner or

1 operator. A judge or magistrate imposing a civil fine and costs
2 under this section that are not paid in full immediately or for
3 which a bond is not immediately posted in the amount of the civil
4 fine and costs shall order the driver or owner to move the vehicle
5 at the driver's own risk to a place of safekeeping within the
6 jurisdiction of the judge or magistrate, inform the judge or
7 magistrate in writing of the place of safekeeping, and keep the
8 vehicle until the fine and costs are paid or sufficient bond is
9 furnished or until the judge or magistrate is satisfied that the
10 fine and costs will be paid. The officer or agent who has
11 determined, after weighing a vehicle and load, that the weight is
12 unlawful, may require the driver to proceed to a judge or
13 magistrate within the county. If the judge or magistrate is
14 satisfied that the probable civil fine and costs will be paid by
15 the owner or lessee, the judge or magistrate may allow the driver
16 to proceed, after the load is made legal. If the judge or
17 magistrate is not satisfied that the owner or lessee, after a
18 notice and a right to be heard on the merits is given, will pay the
19 amount of the probable civil fine and costs, the judge or
20 magistrate may order the vehicle to be impounded until trial on the
21 merits is completed under conditions set forth in this section for
22 the impounding of vehicles after the civil fine and costs have been
23 imposed. Removal of the vehicle, and forwarding, care, or
24 preservation of the load shall be under the control of and at the
25 risk of the owner or driver. Vehicles impounded shall be subject to
26 a lien, subject to a prior valid bona fide lien of prior record, in
27 the amount of the civil fine and costs and if the civil fine and

1 costs are not paid within 90 days after the seizure, the judge or
2 magistrate shall certify the unpaid judgment to the prosecuting
3 attorney of the county in which the violation occurred, who shall
4 proceed to enforce the lien by foreclosure sale in accordance with
5 procedure authorized in the case of chattel mortgage foreclosures.

6 When the duly authorized agent of the state transportation
7 department or county road commission is performing duties under
8 this chapter, the agent has all the powers conferred upon peace
9 officers by the general laws of this state.

10 (3) Subject to subsection (4), an owner of a vehicle or a
11 lessee of the vehicle of an owner-operator, or other person, who
12 causes or allows a vehicle to be loaded and driven or moved on a
13 highway when the weight of that vehicle violates section 722 is
14 responsible for a civil infraction and shall pay a civil fine in an
15 amount equal to ~~3-6~~ cents per pound for each pound of excess load
16 over 1,000 pounds when the excess is 2,000 pounds or less; ~~6-12~~
17 cents per pound of excess load when the excess is over 2,000 pounds
18 but not over 3,000 pounds; ~~9-18~~ cents per pound for each pound of
19 excess load when the excess is over 3,000 pounds but not over 4,000
20 pounds; ~~12-24~~ cents per pound for each pound of excess load when
21 the excess is over 4,000 pounds but not over 5,000 pounds; ~~15-30~~
22 cents per pound for each pound of excess load when the excess is
23 over 5,000 pounds but not over 10,000 pounds; and ~~20-40~~ cents per
24 pound for each pound of excess load when the excess is over 10,000
25 pounds. If a person operates a vehicle in violation of increased
26 axle loading maximums provided for under section 722(13), the owner
27 or lessee of the vehicle is responsible for a civil infraction and

1 shall pay the civil fine under this subsection that applies to the
2 amount of weight by which the vehicle exceeds the original loading
3 maximum.

4 (4) ~~Beginning January 1, 2006, if~~ **IF** the court determines that
5 the motor vehicle or the combination of vehicles was operated in
6 violation of this section, the court shall impose a fine as
7 follows:

8 (a) If the court determines that the motor vehicle or the
9 combination of vehicles was operated in such a manner that the
10 gross weight of the vehicle or the combination of vehicles would
11 not be lawful by a proper distribution of the load upon all the
12 axles of the vehicle or the combination of vehicles, the court
13 shall impose a fine for the violation according to the schedule
14 provided for in subsection (3).

15 (b) If the court determines that the motor vehicle or the
16 combination of vehicles would be lawful by a proper distribution of
17 the load upon all of the axles of the vehicle or the combination of
18 vehicles, but that 1 or more axles of the vehicle exceeded the
19 maximum allowable axle weight by more than 1,000 pounds but less
20 than 4,000 pounds, the court ~~may~~ **SHALL** impose a misload fine of
21 \$200.00 per axle. Not more than 3 axles shall be used in
22 calculating the fine to be imposed under this subdivision. This
23 subdivision does not apply to a vehicle subject to the maximum
24 loading provisions of section 722(12) or to a vehicle for which a
25 fine as calculated under the schedule in subsection (3) would be
26 less than the fine as calculated under this subsection.

27 (c) If the court determines that the motor vehicle or the

1 combination of vehicles would meet the loading conditions specified
2 in a special permit that was issued under section 725 by a proper
3 distribution of the load upon all of the axles of the vehicle or
4 the combination of vehicles, but that 1 or more axles of the
5 vehicle exceeded the permitted axle weight by 1,000 pounds or less,
6 the court shall impose a misload fine of \$200.00 per axle. **IF THE**
7 **COURT DETERMINES THAT THE MOTOR VEHICLE OR THE COMBINATION OF**
8 **VEHICLES WOULD MEET THE LOADING CONDITIONS SPECIFIED IN A SPECIAL**
9 **PERMIT THAT WAS ISSUED UNDER SECTION 725 BY A PROPER DISTRIBUTION**
10 **OF THE LOAD UPON ALL OF THE AXLES OF THE VEHICLE OR THE COMBINATION**
11 **OF VEHICLES, BUT THAT 1 OR MORE AXLES OF THE VEHICLE EXCEEDED THE**
12 **PERMITTED AXLE WEIGHT BY MORE THAN 1,000 POUNDS, THE COURT SHALL**
13 **IMPOSE A FINE FOR THE VIOLATION ACCORDING TO THE SCHEDULE PROVIDED**
14 **IN SUBSECTION (3) FOR THE AMOUNT OF POUNDS EXCEEDING THE PERMITTED**
15 **AXLE WEIGHT.** Not more than 3 axles shall be used in calculating the
16 fine to be imposed under this subdivision. If the court determines
17 that the load was misloaded, the conditions of the special permit
18 remain valid. The imposition of a fine does not void the special
19 permit.

20 (d) If the court determines that the motor vehicle or the
21 combination of vehicles would be lawful by a proper distribution of
22 the load upon all of the axles of the vehicle or the combination of
23 vehicles, but that 1 or more axles of the vehicle exceeded the
24 permitted axle weight by ~~more than~~ **AT LEAST** 4,000 pounds **BUT NO**
25 **MORE THAN 8,000 POUNDS,** the court shall impose a **MISLOAD** fine ~~for~~
26 ~~the violation according to the schedule provided in subsection~~
27 ~~(3).~~ **OF \$400.00 PER AXLE. NOT MORE THAN 3 AXLES SHALL BE USED IN**

1 CALCULATING THE FINE TO BE IMPOSED UNDER THIS SUBDIVISION.

2 (E) IF THE COURT DETERMINES THAT THE MOTOR VEHICLE OR THE
3 COMBINATION OF VEHICLES WOULD BE LAWFUL BY A PROPER DISTRIBUTION OF
4 THE LOAD UPON ALL OF THE AXLES OF THE VEHICLE OR THE COMBINATION OF
5 VEHICLES, BUT THAT 1 OR MORE AXLES OF THE VEHICLE EXCEEDED THE
6 PERMITTED AXLE WEIGHT BY MORE THAN 8,000 POUNDS, THE COURT SHALL
7 IMPOSE A FINE FOR THE VIOLATION ACCORDING TO THE SCHEDULE PROVIDED
8 IN SUBSECTION (3).

9 (5) A driver or owner of a commercial vehicle with other
10 vehicles or trailers in combination, a truck or truck tractor, a
11 truck or truck tractor with other vehicles in combination, or any
12 special mobile equipment who fails to stop at or bypasses any
13 scales or weighing station is guilty of a misdemeanor.

14 (6) An agent or authorized representative of the state
15 transportation department or a county road commission shall not
16 stop a truck or vehicle in movement upon a road or highway within
17 the state for any purpose, unless the agent or authorized
18 representative is driving a duly marked vehicle, clearly showing
19 and denoting the branch of government represented.

20 (7) A driver or owner of a vehicle who knowingly fails to stop
21 when requested or ordered to do so and submit to a weighing by a
22 police officer, a peace officer, or an authorized agent of the
23 state transportation department, or a representative or agent of a
24 county road commission, authorized to require the driver to stop
25 and submit to a weighing of the vehicle and load by means of a
26 portable scale, is guilty of a misdemeanor punishable by
27 imprisonment for not more than 90 days or a fine of not more than

1 \$100.00, or both. A driver or person who dumps his or her load when
2 ordered to submit to a weigh or who otherwise attempts to commit or
3 commits an act to avoid a vehicle weigh is in violation of this
4 section.

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