

# SENATE BILL No. 396

May 23, 2017, Introduced by Senator CASPERSON and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 722 and 725 (MCL 257.722 and 257.725), section 722 as amended by 2016 PA 72 and section 725 as amended by 2016 PA 454, and by adding section 719d.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 719D. A PERSON MAY OPERATE A FORESTRY OR FORESTRY HARVEST  
2 VEHICLE ON THE SHOULDER OF A HIGHWAY IF THAT VEHICLE IS EQUIPPED  
3 WITH A SLOW-MOVING VEHICLE EMBLEM AS DESCRIBED IN SECTION 688.

4        Sec. 722. (1) Except as otherwise provided in this section,  
5 the maximum axle load shall not exceed the number of pounds  
6 designated in the following provisions that prescribe the distance  
7 between axles:

8        (a) If the axle spacing is 9 feet or more between axles, the

1 maximum axle load shall not exceed 18,000 pounds for vehicles  
2 equipped with high pressure pneumatic or balloon tires.

3 (b) If the axle spacing is less than 9 feet between 2 axles  
4 but more than 3-1/2 feet, the maximum axle load shall not exceed  
5 13,000 pounds for high pressure pneumatic or balloon tires.

6 (c) If the axles are spaced less than 3-1/2 feet apart, the  
7 maximum axle load shall not exceed 9,000 pounds per axle.

8 (d) Subdivisions (a), (b), and (c) shall be known as the  
9 normal loading maximum.

10 (2) When normal loading is in effect, the state transportation  
11 department, or a local authority with respect to highways under its  
12 jurisdiction, may designate certain highways, or sections of those  
13 highways, where bridges and road surfaces are adequate for heavier  
14 loading, and revise a designation as needed, on which the maximum  
15 tandem axle assembly loading shall not exceed 16,000 pounds for any  
16 axle of the assembly, if there is no other axle within 9 feet of  
17 any axle of the assembly.

18 (3) On a legal combination of vehicles, only 1 tandem axle  
19 assembly is permitted on the designated highways at the gross  
20 permissible weight of 16,000 pounds per axle, if there is no other  
21 axle within 9 feet of any axle of the assembly, and if no other  
22 tandem axle assembly in the combination of vehicles exceeds a gross  
23 weight of 13,000 pounds per axle. On a combination of truck tractor  
24 and semitrailer having not more than 5 axles, 2 consecutive tandem  
25 axle assemblies are permitted on the designated highways at a gross  
26 permissible weight of 16,000 pounds per axle, if there is no other  
27 axle within 9 feet of any axle of the assembly.

1           (4) Notwithstanding subsection (3), on a combination of truck  
2 tractor and semitrailer having not more than 5 axles, 2 consecutive  
3 sets of tandem axles may carry a gross permissible weight of not to  
4 exceed 17,000 pounds on any axle of the tandem axles if there is no  
5 other axle within 9 feet of any axle of the tandem axles and if the  
6 first and last axles of the consecutive sets of tandem axles are  
7 not less than 36 feet apart and the gross vehicle weight does not  
8 exceed 80,000 pounds to pick up and deliver agricultural  
9 commodities between the national truck network or special  
10 designated highways and any other highway. This subsection is not  
11 subject to the maximum axle loads of subsections (1), (2), and (3).  
12 For purposes of this subsection, a "tandem axle" means 2 axles  
13 spaced more than 40 inches but not more than 96 inches apart or 2  
14 axles spaced more than 3-1/2 feet but less than 9 feet apart. This  
15 subsection does not apply during that period when reduced maximum  
16 loads are in effect under subsection (8).

17           (5) The seasonal reductions described under subsection (8) to  
18 the loading maximums and gross vehicle weight requirement of  
19 subsection (12) do not apply to a person hauling agricultural  
20 commodities if the person who picks up or delivers the agricultural  
21 commodity either from a farm or to a farm notifies the county road  
22 commission for roads under its authority not less than 48 hours  
23 before the pickup or delivery of the time and location of the  
24 pickup or delivery. The county road commission shall issue a permit  
25 to the person and charge a fee that does not exceed the  
26 administrative costs incurred. The permit shall contain all of the  
27 following:

1 (a) The designated route or routes of travel for the load.

2 (b) The date and time period requested by the person who picks  
3 up or delivers the agricultural commodities during which the load  
4 may be delivered or picked up.

5 (c) A maximum speed limit of travel, if necessary.

6 (d) Any other specific conditions agreed to between the  
7 parties.

8 (6) The seasonal reductions described under subsection (8) to  
9 the loading maximums and gross vehicle weight requirements of  
10 subsection (12) do not apply to public utility vehicles under the  
11 following circumstances:

12 (a) For emergency public utility work on restricted roads, as  
13 follows:

14 (i) If required by the county road commission, the public  
15 utility or its subcontractor shall notify the county road  
16 commission, as soon as practical, of the location of the emergency  
17 public utility work and provide a statement that the vehicles that  
18 were used to perform the emergency utility work may have exceeded  
19 the loading maximums and gross vehicle weight requirements of  
20 subsection (12) as reduced under subsection (8). The notification  
21 may be made via facsimile or electronically.

22 (ii) The public utility vehicle travels to and from the site  
23 of the emergency public utility work while on a restricted road at  
24 a speed not greater than 35 miles per hour.

25 (b) For nonemergency public utility work on restricted roads,  
26 as follows:

27 (i) If the county road commission requires, the public utility

1 or its subcontractor shall apply to the county road commission  
2 annually for a seasonal truck permit for roads under its authority  
3 before seasonal weight restrictions are effective. The county road  
4 commission shall issue a seasonal truck permit for each public  
5 utility vehicle or vehicle configuration the public utility or  
6 subcontractor anticipates will be utilized for nonemergency public  
7 utility work. The county road commission may charge a fee for a  
8 seasonal truck permit that does not exceed the administrative costs  
9 incurred for the permit. The seasonal truck permit shall contain  
10 all of the following:

11 (A) The seasonal period requested by the public utility or  
12 subcontractor during which the permit is valid.

13 (B) A unique identification number for the vehicle and any  
14 vehicle configuration to be covered on the seasonal truck permit  
15 requested by the public utility or subcontractor.

16 (C) A requirement that travel on restricted roads during  
17 weight restrictions will be minimized and only utilized when  
18 necessary to perform public utility work using the public utility  
19 vehicle or vehicle configuration and that nonrestricted roads shall  
20 be used for travel when available and for routine travel.

21 (D) A requirement that in the case of a subcontractor the  
22 permit is only valid while the subcontractor vehicle is being  
23 operated in the performance of public utility work.

24 (E) A requirement that a subcontractor vehicle or vehicle  
25 configuration shall display signage on the outside of the vehicle  
26 to identify the vehicle as operating on behalf of the public  
27 utility.

(ii) If the county road commission requires notification, the county road commission shall provide a notification application for the public utility or its subcontractor to use when requesting access to operate on restricted roads and the public utility or its subcontractor shall provide notification to the county road commission, via facsimile or electronically, not later than 24 hours before the time of the intended travel. A subcontractor using a vehicle on a restricted road shall have a copy of any notification provided to a county road commission in the subcontractor's possession while performing the relevant nonemergency work. Notwithstanding this subsection or an agreement under this subsection, if the county road commission determines that the condition of a particular road under its jurisdiction makes it unusable, the county road commission may deny access to all or any part of that road. The denial shall be made and communicated via facsimile or electronically to the public utility or its subcontractor within 24 hours after receiving notification that the public utility or subcontractors intends to perform nonemergency work that requires use of that road. Any notification that is not disapproved within 24 hours after the notice is received by the county road commission is considered approved. The notification application required under this subparagraph may include all of the following information:

(A) The address or location of the nonemergency work.

(B) The date or dates of the nonemergency work.

(C) The route to be taken to the nonemergency work site.

(D) The restricted road or roads intended to be traveled upon

1 to the nonemergency work site or sites.

2 (E) In the case of a subcontractor, the utility on whose  
3 behalf the subcontractor is performing services.

4 (7) The normal size of tires shall be the rated size as  
5 published by the manufacturers, and the maximum wheel load  
6 permissible for any wheel shall not exceed 700 pounds per inch of  
7 width of tire.

8 (8) Except as provided in this subsection and ~~subsection~~

9 **SUBSECTIONS (9) AND (14), FOR A TOTAL OF NO MORE THAN 35 DAYS**

10 during the months of **FEBRUARY**, March, April, and May in each year,

11 the maximum axle load allowable on concrete pavements or pavements

12 with a concrete base **THAT ARE LOCATED IN THE LOWER PENINSULA** is

13 reduced by 25% from the maximum axle load as specified in this

14 chapter, and the maximum axle loads allowable on all other types of

15 roads **LOCATED IN THE LOWER PENINSULA** during these months are

16 reduced by 35% from the maximum axle loads as specified, **AND FOR A**

17 **TOTAL OF NO MORE THAN 60 DAYS DURING THE MONTHS OF FEBRUARY, MARCH,**

18 **APRIL, AND MAY IN EACH YEAR, THE MAXIMUM AXLE LOAD ALLOWABLE ON**

19 **CONCRETE PAVEMENTS OR PAVEMENTS WITH A CONCRETE BASE THAT ARE**

20 **LOCATED IN THE UPPER PENINSULA IS REDUCED BY 25% FROM THE MAXIMUM**

21 **AXLE LOAD AS SPECIFIED IN THIS CHAPTER, AND THE MAXIMUM AXLE LOADS**

22 **ALLOWABLE ON ALL OTHER TYPES OF ROADS LOCATED IN THE UPPER**

23 **PENINSULA DURING THESE MONTHS ARE REDUCED BY 35% FROM THE MAXIMUM**

24 **AXLE LOADS AS SPECIFIED. THE 35- AND 60-DAY PERIODS DESCRIBED IN**

25 **THIS SUBSECTION ARE NOT REQUIRED TO BE CONSECUTIVE.** The maximum

26 wheel load shall not exceed 525 pounds per inch of tire width on

27 concrete and concrete base or 450 pounds per inch of tire width on

1 all other roads during the period the seasonal road restrictions  
2 are in effect. Subject to subsection (5), this subsection does not  
3 apply to vehicles transporting agricultural commodities or, subject  
4 to subsection (6), public utility vehicles on a highway, road, or  
5 street under the jurisdiction of a local road agency. In addition,  
6 this subsection does not apply to a vehicle delivering propane fuel  
7 to a residence if the vehicle's propane tank is filled to not more  
8 than 50% of its capacity and the vehicle is traveling at not more  
9 than 35 miles per hour. **NOTHING IN THIS SUBSECTION AFFECTS THE**  
10 **VALIDITY OF A PERMIT ISSUED UNDER SECTION 725.** The state  
11 transportation department and each local authority with highways  
12 and streets under its jurisdiction to which the seasonal  
13 restrictions prescribed under this subsection apply shall, **NO LATER**  
14 **THAN 48 HOURS BEFORE THE DATE THE SEASONAL RESTRICTIONS BEGIN,** post  
15 all of the following information on the homepage of its website or,  
16 if a local authority does not have a website, then on the website  
17 of a statewide road association of which it is a member:

18 (a) The dates when the seasonal restrictions are in effect.

19 (b) The names of the highways and streets and portions of  
20 highways and streets to which the seasonal restrictions apply.

21 (9) The state transportation department for roads under its  
22 jurisdiction and a county road commission for roads under its  
23 jurisdiction may grant exemptions from seasonal weight restrictions  
24 for milk on specified routes when requested in writing. Approval or  
25 denial of a request for an exemption shall be given by written  
26 notice to the applicant within 30 days after the date of submission  
27 of the application. If a request is denied, the written notice



1 shall state the reason for denial and alternate routes for which  
2 the permit may be issued. The applicant may appeal to the state  
3 transportation commission or the county road commission. These  
4 exemptions do not apply on county roads in counties that have  
5 negotiated agreements with milk haulers or haulers of other  
6 commodities during periods of seasonal load limits before April 14,  
7 1993. This subsection does not limit the ability of these counties  
8 to continue to negotiate such agreements.

9 (10) The state transportation department, or a local authority  
10 with respect to highways under its jurisdiction, may suspend the  
11 restrictions imposed by this section when and where conditions of  
12 the highways or the public health, safety, and welfare warrant  
13 suspension, and impose the restricted loading requirements of this  
14 section on designated highways at any other time that the  
15 conditions of the highway require.

16 (11) For the purpose of enforcing this act, the gross vehicle  
17 weight of a single vehicle and load or a combination of vehicles  
18 and loads shall be determined by weighing individual axles or  
19 groups of axles, and the total weight on all the axles shall be the  
20 gross vehicle weight. In addition, the gross axle weight shall be  
21 determined by weighing individual axles or by weighing a group of  
22 axles and dividing the gross weight of the group of axles by the  
23 number of axles in the group. For purposes of subsection (12), the  
24 overall gross weight on a group of 2 or more axles shall be  
25 determined by weighing individual axles or several axles, and the  
26 total weight of all the axles in the group shall be the overall  
27 gross weight of the group.

(12) The loading maximum in this subsection applies to interstate highways, and the state transportation department, or a local authority with respect to highways under its jurisdiction, may designate a highway, or a section of a highway, for the operation of vehicles having a gross vehicle weight of not more than 80,000 pounds that are subject to the following load maximums:

(a) Twenty thousand pounds on any 1 axle, including all enforcement tolerances.

(b) A tandem axle weight of 34,000 pounds, including all enforcement tolerances.

(c) An overall gross weight on a group of 2 or more consecutive axles equaling:

$$W=500[(LN)/(N-1)+12N+36]$$

where W = overall gross weight on a group of 2 or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of a group of 2 or more consecutive axles, and N = number of axles in the group under consideration; except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart. The gross vehicle weight shall not exceed 80,000 pounds including all enforcement tolerances. Except for 5 axle truck tractor, semitrailer combinations having 2 consecutive sets of tandem axles, vehicles having a gross weight in excess of 80,000 pounds or in excess of the vehicle gross weight determined by application of the formula in this subsection are subject to the maximum axle loads of

1 subsections (1), (2), and (3). As used in this subsection, "tandem  
2 axle weight" means the total weight transmitted to the road by 2 or  
3 more consecutive axles, the centers of which may be included  
4 between parallel transverse vertical planes spaced more than 40  
5 inches but not more than 96 inches apart, extending across the full  
6 width of the vehicle. Except as otherwise provided in this section,  
7 vehicles transporting agricultural commodities shall have weight  
8 load maximums as set forth in this subsection.

9 (13) The axle loading maximums under subsections (1), (2),  
10 (3), and (4) are increased by 10% for vehicles transporting  
11 agricultural commodities or raw timber, excluding farm equipment  
12 and fuel, from the place of harvest or farm storage to the first  
13 point of delivery on a road in this state. However, the axle  
14 loading maximums as increased under this subsection do not alter  
15 the gross vehicle weight restrictions set forth in this act. This  
16 subsection does not apply to either of the following:

17 (a) A vehicle utilizing an interstate highway.

18 (b) A vehicle utilizing a road that is subject to seasonal  
19 weight restrictions under subsection (8) during the time that the  
20 seasonal weight restrictions are in effect.

21 **(14) THE SEASONAL REDUCTIONS DESCRIBED IN SUBSECTION (8) DO**  
22 **NOT APPLY TO A VEHICLE TRANSPORTING FOREST PRODUCTS OR FOREST OR**  
23 **FOREST HARVESTRY EQUIPMENT ON A GRAVEL ROAD. WHEN THE SEASONAL**  
24 **REDUCTIONS DESCRIBED IN SUBSECTION (8) ARE IN EFFECT, A COUNTY ROAD**  
25 **COMMISSION MAY REQUIRE A VEHICLE TRANSPORTING FOREST PRODUCTS OR**  
26 **FOREST OR FOREST HARVESTRY EQUIPMENT TO OBTAIN A BOND IN AN AMOUNT**  
27 **NOT TO EXCEED \$2,000.00 PER MILE FOR EACH MILE OF GRAVEL ROAD UNDER**

1 THE JURISDICTION OF THAT COUNTY TRAVELED UPON BY THAT VEHICLE. A  
2 PERSON TRANSPORTING FOREST PRODUCTS OR FOREST OR FOREST HAVESTRY  
3 EQUIPMENT MAY USE A LOWBOY SEMITRAILER TO TRANSPORT EQUIPMENT WHEN  
4 THE SEASONAL REDUCTIONS DESCRIBED IN SUBSECTION (8) ARE IN EFFECT.

5 (15) ~~(14)~~—As used in this section:

6 (a) "Agricultural commodities" means those plants and animals  
7 useful to human beings produced by agriculture and includes, but is  
8 not limited to, forages and sod crops, grains and feed crops, field  
9 crops, dairy and dairy products, poultry and poultry products,  
10 cervidae, livestock, including breeding and grazing, equine, fish,  
11 and other aquacultural products, bees and bee products, berries,  
12 herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock,  
13 mushrooms, fertilizer, livestock bedding, farming equipment, fuel  
14 for agricultural use, and maple sap. Agricultural commodities do  
15 not include trees or lumber.

16 (b) "Emergency public utility work" means work performed to  
17 restore public utility service or to eliminate a danger to the  
18 public due to a natural disaster, an act of God, or an emergency  
19 situation, whether or not a public official has declared an  
20 emergency.

21 (c) "Farm storage" means any of the following:

22 (i) An edifice, silo, tank, bin, crib, interstice, or  
23 protected enclosed structure, or more than 1 edifice, silo, tank,  
24 bin, crib, interstice, or protected enclosed structure located  
25 contiguous to each other.

26 (ii) An open environment used for the purpose of temporarily  
27 storing a crop.

1 (d) "Public utility" means a public utility under the  
2 jurisdiction of the public service commission or a transmission  
3 company.

4 (e) "Public utility vehicle" means a vehicle owned or operated  
5 by a public utility or operated by a subcontractor on behalf of a  
6 public utility.

7 (f) "Transmission company" means either an affiliated  
8 transmission company or an independent transmission company as  
9 those terms are defined in section 2 of the electric transmission  
10 line certification act, 1995 PA 30, MCL 460.562.

11 Sec. 725. (1) Upon receipt of a written application and good  
12 cause being shown, a jurisdictional authority may issue a written  
13 special permit authorizing an applicant to operate upon or remove  
14 from a highway maintained by that jurisdictional authority a  
15 vehicle or combination of vehicles that are any of the following:

16 (a) Of a size, weight, or load exceeding the maximum specified  
17 in this chapter.

18 (b) Otherwise not in conformity with this chapter.

19 (2) The application for a special permit shall be on a form  
20 prescribed by the jurisdictional authority and shall specifically  
21 describe the vehicle or vehicles and load to be operated or moved  
22 and the particular highways upon which the special permit to  
23 operate is requested.

24 (3) A jurisdictional authority may issue a special permit and  
25 charge a fee that does not exceed the administrative costs incurred  
26 authorizing the operation of the following upon a highway:

27 (a) Traction engines or tractors having movable tracks with

1 transverse corrugations upon the periphery of those movable tracks  
2 on farm tractors.

3 (b) Other farm machinery otherwise prohibited under this  
4 chapter.

5 (c) A vehicle of a size or weight otherwise prohibited under  
6 this chapter that is hauling farm machinery to or from a farm.

7 **(D) A VEHICLE THAT IS DELIVERING NEW OR USED MACHINERY AS PART**  
8 **OF A SALE OF THAT MACHINERY. THIS SUBDIVISION APPLIES REGARDLESS OF**  
9 **WHETHER THE SEASONAL WEIGHT RESTRICTIONS DESCRIBED IN SECTION**  
10 **722(8) ARE APPLICABLE. NO MORE THAN 10 PERMITS PER YEAR MAY BE**  
11 **GRANTED TO A PERSON UNDER THIS SUBDIVISION.**

12 (4) A special permit shall specify the trip or trips and date  
13 or dates for which it is valid and the jurisdictional authority  
14 granting the special permit may restrict or prescribe conditions of  
15 operation of a vehicle or vehicles, if necessary, to protect the  
16 safety of the public or to ensure against undue damage to the road  
17 foundations, surfaces, structures, or installations, and may  
18 require a reasonable inspection fee and other security as that  
19 jurisdictional authority determines necessary to compensate for  
20 damages caused by the movement. A special permit may be issued on  
21 an annual basis. Except as otherwise provided in this section, the  
22 fee charged by the state transportation department for an  
23 intrastate or an out-of-state vehicle for a single trip shall be  
24 \$50.00 and for multiple trips or on an annual basis shall be  
25 \$100.00. Except as otherwise provided in this section, the fee  
26 charged by a jurisdictional authority other than the state  
27 transportation department for an intrastate or an out-of-state

1 vehicle for a single trip shall be not more than \$50.00 and for  
2 multiple trips or on an annual basis shall be not more than  
3 \$100.00. Effective October 1, 1998, the fee charged by a  
4 jurisdictional authority other than the state transportation  
5 department for a special permit under this subsection shall be the  
6 fee charged on September 30, 1997. The fee charged by a  
7 jurisdictional authority other than the state transportation  
8 department for a special permit under this subsection may be  
9 increased above the amount charged on September 30, 1997 subject to  
10 the maximums allowed by this subsection subject to a prior public  
11 hearing with reasonable notice. However, the fee charged by a  
12 jurisdictional authority other than the state transportation  
13 department for a special permit under this subsection that is more  
14 than \$50.00 for a single trip or that is more than \$100.00 for  
15 multiple trips or on an annual basis, or both, on September 30,  
16 1997 shall not be increased.

17 (5) The fee charged by the state transportation department for  
18 an intrastate or an out-of-state vehicle or combination of vehicles  
19 that exceed the maximum size specified in this chapter but do not  
20 exceed the maximum weight or load specified in this chapter or are  
21 otherwise not in conformity with this chapter shall be \$15.00 for a  
22 single trip and \$30.00 for multiple trips or on an annual basis.  
23 The fees charged under this subsection may be increased not more  
24 than once each year based on the percentage increase in the United  
25 States consumer price index for all urban consumers for the  
26 immediately preceding 12-month period rounded to the nearest whole  
27 dollar. This subsection takes effect October 1, 1998.

1           (6) The fee charged by a jurisdictional authority other than  
2 the state transportation department for an intrastate or an out-of-  
3 state vehicle or combination of vehicles of a size exceeding the  
4 maximum specified in this chapter but not exceeding the maximum  
5 weight or load specified in this chapter shall not exceed the  
6 administrative costs incurred by that jurisdictional authority in  
7 issuing the permit. This subsection takes effect October 1, 1998.

8           (7) A special permit issued under this section shall be  
9 carried in the vehicle or combination of vehicles to which it  
10 refers and shall be open to inspection by a police officer or  
11 authorized agent of a jurisdictional authority granting the special  
12 permit. A person shall not violate any of the terms or conditions  
13 of the special permit.

14           (8) A person who violates this section is responsible for a  
15 civil infraction.

16           (9) A jurisdictional authority issuing a special permit to  
17 move a mobile home under this section and a person who is issued a  
18 special permit to move a mobile home under this section are subject  
19 to section 719a.

20           (10) Nothing in this section shall be construed to allow a  
21 jurisdictional authority to impose fees upon or enact regulations  
22 regarding a vehicle or combination of vehicles engaged in  
23 silvicultural operations if the vehicle or combination of vehicles  
24 is not in excess of the size, weight, or load maximums specified in  
25 this chapter and is otherwise in conformity with this chapter. This  
26 subsection does not excuse a vehicle or combination of vehicles  
27 engaged in silvicultural operations from the seasonal weight



1 reductions described in section 722.

2 (11) As used in this section, "jurisdictional authority" means  
3 the state transportation department, a county road commission, or a  
4 local authority having jurisdiction over a highway upon which a  
5 vehicle is proposed to be moved pursuant to a permit required under  
6 this section.

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