

EMERGENCY SUSPENSION OF LOADING AND DELIVERY RESTRICTIONS

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House Bill 5726 as introduced
Sponsor: Rep. Brandt Iden
Committee: Government Operations
Complete to 4-29-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5726 would amend the Michigan Vehicle Code to suspend certain load and noise restrictions for certain deliveries made in response to the COVID-19 pandemic. The bill would codify into law the provisions of Executive Order 2020-44, described below.

On March 10, 2020, Michigan's first patient tested positive for COVID-19, at which time Governor Whitmer declared a statewide state of emergency.¹ On March 23, the governor signed a "Stay Home, Stay Safe" executive order directing all state businesses and operations to temporarily suspend in-person operations not necessary to sustain or protect life.²

Executive Order 2020-44,³ issued April 13, suspends certain load and noise restrictions for loading and deliveries that meet immediate needs for any of the following:

- Medical supplies and equipment related to the testing, diagnosis, or treatment of COVID-19.
- Supplies and equipment related to safety, sanitation, or prevention of COVID-19 transmission (such as masks, gloves, hand sanitizer, soap, and disinfectants).
- Food for emergency restocking of stores.
- Equipment, supplies, or personnel needed to establish or manage COVID-19-related temporary housing, quarantine, or isolation facilities.
- People designated by local, state, or federal authorities for medical, isolation, or quarantine purposes.
- People necessary to provide other medical or emergency services.

¹ Executive Order 2020-04, issued March 10, 2020 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-04.pdf>); rescinded and replaced on April 1 with Executive Order 2020-33 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-33.pdf>).

² Executive Order 2020-21, issued March 23, 2020 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-21.pdf>); extended through April 30, 2020 on April 9, 2020 by Executive Order 2020-42 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-42.pdf>).

³ Executive Order 2020-44 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-44.pdf>); rescinded and replaced Executive Order 2020-12, issued March 16 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-12.pdf>).

With regard to deliveries that meet the above criteria, the order does all of the following:

- Suspends all state and local seasonal load restrictions.
- Requires all state and local road agencies to exercise their authority on an expedited basis to issue permits that allow nonseasonal load restrictions to be exceeded. (The permits must reflect bridge weight tolerances.)
- Suspends all state and local restrictions on the noise and timing of loading and deliveries.

The order provides that a willful violation of its provisions is a misdemeanor. The order took effect immediately and continues through May 11, 2020.

House Bill 5726 would amend the Michigan Vehicle Code to incorporate the above provisions into law, except for the order's provision that a violation of the order is a misdemeanor. The bill's provisions would be in effect during the state of emergency declared under Executive Order 2020-33 or any extension of that order.

MCL 257.722a and proposed MCL 257.722b

FISCAL IMPACT:

House Bill 5726 would amend the Michigan Vehicle Code to provide exceptions, under specific conditions, to vehicle size, weight, and load restrictions. The bill's impact would be limited to relatively small set of motor vehicles—vehicles that are making deliveries that meet the immediate needs of the public and that would not otherwise meet Vehicle Code size, weight, and load restrictions. As a result, we conclude that the bill would have no material fiscal impact on the state or on local units of government.

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