

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.720 Construction or loading of vehicles to prevent contents from escaping; exception; closing tailgates, faucets, and taps; exemption; proof of violation; loading of vehicles not completely enclosed; prima facie liability; exceptions; front end loading device; violation; penalty; "logs" defined.

Sec. 720. (1) A person shall not drive or move a vehicle on a highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, blowing off, or otherwise escaping from the vehicle. This requirement does not apply to a vehicle transporting agricultural or horticultural products when hay, straw, silage, or residue from a product, but not including the product itself, or when materials such as water used to preserve and handle agricultural or horticultural products while in transportation, escape from the vehicle in an amount that does not interfere with other traffic on the highway. The tailgate, faucets, and taps on a vehicle shall be securely closed to prevent spillage during transportation whether the vehicle is loaded or empty, and the vehicle shall not have any holes or cracks through which material can escape. Any highway maintenance vehicle engaged in either ice or snow removal shall be exempt from this section.

(2) Actual spillage of material on the highway or proof of that spillage is not necessary to prove a violation of this section.

(3) Except as provided in this section, a vehicle carrying a load, other than logs or tubular products, which is not completely enclosed shall meet either of the following requirements:

(a) Have the load covered with firmly secured canvas or a similar type of covering. A device used to comply with the requirement of this subdivision shall not exceed a width of 108 inches nor by design or use have the capability to carry cargo by itself.

(b) Have the load securely fastened to the body or the frame of the vehicle with binders of adequate number and of adequate breaking strength to prevent the dropping off or shifting of the load.

(4) A company or individual who loads or unloads a vehicle or causes it to be loaded or unloaded, with knowledge that it is to be driven on a public highway, in a manner so as to cause a violation of subsection (1) shall be prima facie liable for a violation of this section.

(5) Subsection (3) does not apply to a person operating a vehicle to transport agricultural commodities or to a person operating a farm truck or implement of husbandry transporting sand, gravel, and dirt necessary in the normal operation of a farm. However, a person operating a vehicle to transport agricultural commodities or sand, gravel, and dirt in the normal operation of the farm who violates subsection (1) or (4) is guilty of a misdemeanor and is subject to the penalties prescribed in subsection (9).

(6) Subsection (3)(a) does not apply to a motor vehicle transporting items of a load that because of their weight will not fall off the moving vehicle and that have their centers of gravity located at least 6 inches below the top of the enclosure nor to a motor vehicle carrying metal that because of its weight and density is so loaded as to prevent it from dropping or falling off the moving vehicle.

(7) Subsection (3)(a) does not apply to motor vehicles and other equipment engaged in work upon the surface of a highway or street in a designated work area.

(8) A person shall not drive or move on a highway a vehicle equipped with a front end loading device with a tine protruding parallel to the highway beyond the front bumper of the vehicle unless the tine is carrying a load designed to be carried by the front end loading device. This subsection does not apply to a vehicle designed to be used or being used to transport agricultural commodities, to a vehicle en route to a repair facility, or to a vehicle engaged in construction activity. As used in this subsection, "agricultural commodities" means that term as defined in section 722.

(9) A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days, or both.

(10) As used in this section, "logs" means sawlogs, pulpwood, or tree length poles.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 215, Imd. Eff. July 30, 1959;—Am. 1976, Act 301, Eff. Mar. 31, 1977;—Am. 1977, Act 111, Imd. Eff. Oct. 6, 1977;—Am. 1987, Act 41, Eff. July 1, 1987;—Am. 1988, Act 354, Eff. Apr. 1, 1989;—Am. 1989, Act 37, Imd. Eff. June 5, 1989;—Am. 1990, Act 67, Imd. Eff. Apr. 27, 1990;—Am. 1994, Act 50, Imd. Eff. Mar. 25, 1994;—Am. 1996, Act 136, Imd. Eff. Mar. 21, 1996;—Am. 2002, Act 535, Imd. Eff. July 26, 2002;—Am. 2003, Act 142, Imd. Eff. Aug. 5, 2003;—Am. 2008, Act 131, Imd. Eff. May 21, 2008.