



**House
Legislative
Analysis
Section**

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FARM VEHICLE EXEMPTION

House Bill 4773 as introduced
First Analysis (5-10-95)

Sponsor: Rep. Kim Rhead
Committee: Transportation

THE APPARENT PROBLEM:

The Michigan Vehicle Code generally requires all motor vehicles to be equipped with brake systems on all wheels, and also requires most trailers and semi-trailers to have some sort of braking system. The act, however, historically has treated vehicles known as "implements of husbandry" (i.e., farm-related equipment or vehicles) differently regarding such requirements. The act currently provides that such vehicles or combinations of vehicles merely must be "capable of being decelerated at a sustained rate" of about 11 feet per second, which has enabled farmers to haul farm equipment or trailers filled with fertilizer, grain, or other farm-related goods without having to equip them with brake systems. Law enforcement officials generally have allowed such vehicles or vehicle combinations to be moved over state roadways as they usually have been transported relatively slowly and only in rural farming communities accustomed to slow-moving vehicles.

However, more and more farmers today reportedly are hauling farm equipment and trailers using standard pick-up trucks, which are faster and generally more reliable over longer distances than tractors or similar types of slow-moving vehicles which they had used previously. Even so, state law enforcement officials--prior to this year--apparently chose to allow farmers to haul heavy equipment or trailers loaded to capacity with pickups as long as the vehicle combinations were stable and did not present a danger to the farm operator or other drivers. This policy changed recently, though, after state motor carrier officials received a letter early this year from federal transportation officials stating that such common farm combinations, if they weigh over 10,000 pounds or meet other criteria established for a "commercial motor vehicle" under federal motor carrier safety regulations, must be equipped with brakes on all wheels. States that fail to enforce this interpretation of federal rules, according to the letter, are subject to federal

sanctions, including the possible withholding of federal transportation money.

Farming advocates complain that little evidence exists to suggest these types of vehicle combinations are inherently unsafe, and oppose the federal government's attempt to require them to be equipped with brake systems. Nonetheless, in an attempt to assuage fears that they may pose a threat to their operators and to other drivers if driven too fast, the Michigan Farm Bureau has requested legislation that specifically would exempt these types of vehicles from the current braking requirements that apply to them under state law as long as they did not exceed 25 miles per hour or the maximum speed for which they were designed.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code to exempt from the requirement that motor vehicles or a combination of motor-drawn vehicles be able to decelerate at a certain rate per second under normal road surface conditions under the following circumstances:

- * The drawn vehicle was a farm-related vehicle or piece of equipment;
- * The motor vehicle hauling the farm-related vehicle or equipment did not exceed 25 miles per hour if the vehicle/equipment were not equipped with brakes that met certain federal standards;
- * If the farm-related vehicle/equipment being drawn "does not exceed any other implement or component design maximum" speed limit, the combination of vehicles could not do so either.

MCL 257.705

House Bill 4773 (5-10-95)

FISCAL IMPLICATIONS:

The House Fiscal Agency says the bill would not affect state or local budget expenditures. (5-8-95)

ARGUMENTS:

For:

Farmers today regularly use high-powered pick-up trucks to haul farm wagons, trailers, and other farm-related vehicles--which often lack typical braking systems, as they were designed primarily for use on farms--and which may contain heavy amounts of farm-related substances over public roadways. However, a recent interpretation of federal motor carrier safety rules by federal transportation officials regarding common farm vehicle combinations requires the drawn vehicles, if the gross vehicle weight of the entire combination exceeds 10,000 pounds, to be equipped with brakes on all wheels. (Essentially, these vehicles have been defined as commercial motor vehicles regarding brake requirements.) Federal officials notified state motor carrier enforcement officials early this year that states must start enforcing this standard for these types of vehicles or they could face sanctions such as the withholding of federal transportation funds. Consequently, state law enforcement officials have been put in the uncomfortable position of ticketing farmers driving these vehicle combinations even though they've generally allowed them to be driven on roadways in the past, as long as they were driven responsibly. Farmers argue that these vehicle combinations, in fact, present little danger either to themselves or to other motorists as long as they're driven relatively slowly. The bill, then, was introduced as a compromise: These vehicles would be exempt from braking requirements under current state law as long as they're not driven in excess of 25 miles per hour or beyond a speed for which they were designed. (Some trailers and wagons are equipped with so-called "15 mile-per-hour axles.") Thus, the bill would allow these vehicle combinations to be driven on public roadways without the drawn vehicles being equipped with brakes, but also would authorize law enforcement officials to ticket persons who drive them beyond what is considered a reasonably safe speed.

Response:

The bill may offer a compromise between the state's law enforcement officials and its farmers regarding the use of such vehicle combinations on public roads, but would not prevent the federal government from penalizing the state for failing to

require vehicles being hauled in these situations to have brakes on all wheels. In fact, the bill may only complicate the task of resolving some broader issues raised by the recent federal ruling. For instance, some state law enforcement officials argue that federal officials were inconsistent in deciding that a farm vehicle combination weighing over 10,000 pounds constitutes a "commercial motor vehicle" (for purposes of braking requirements) under federal motor carrier safety regulations, even though these vehicles and their drivers are not otherwise subject to CMV licensing requirements. A ruling of this sort forces on all states a "solution" to a problem that may only work well for some. Ultimately, some argue, oversight of such matters should be left to individual states to decide.

Against:

The bill would encourage farmers to drive vehicle combinations which, due to the weight of the towed vehicle, may pose a serious risk to those who drive them and to other motorists. Most farm trailers or wagons of the type that would be allowed under the bill are not designed to haul heavy loads at speeds exceeding even 15 or 20 miles per hour. According to an official with the Motor Carrier Division of the State Police, accidents involving farm vehicle combinations, in which no one was seriously hurt, often have not been reported out of fear it would lead to their being more stringently regulated. By explicitly exempting these vehicles from even minimal braking requirements under state law, the legislature would be endorsing this sort of irresponsible attitude regarding the very real dangers these vehicles pose, primarily to those who operate them.

Response:

Most farmers who drive these vehicles understand that they must be driven slowly and with care, and the bill merely would allow them to continue to do so.

POSITIONS:

The Department of State supports the bill. (5-9-95)

Michigan Farm Bureau supports the bill. (5-8-95)

The Department of State Police is neutral on the bill. (5-5-95)