

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 961

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 252a and 719 (MCL 257.252a and 257.719),
section 252a as amended by 1981 PA 104 and section 719 as amended
by 1996 PA 136.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 252a. (1) As used in this section, "abandoned vehicle"
2 means a vehicle ~~which~~ THAT has remained on public property or
3 private property for a period of 48 hours OR FOR A PERIOD OF 24
4 HOURS ON A STATE TRUNK LINE HIGHWAY AS DESCRIBED IN SECTION 1 OF
5 1951 PA 51, MCL 247.651, after a police agency or other govern-
6 mental agency designated by the police agency has affixed a writ-
7 ten notice to the vehicle.

SB961, As Passed House, September 27, 2000

Senate Bill No. 961

2

1 (2) If a vehicle has remained on public or private property
2 for a period of time so that it appears to the police agency to
3 be abandoned, the police agency shall do all of the following:

4 (a) Determine if the vehicle has been reported stolen.

5 (b) Affix a written notice to the vehicle. The written
6 notice shall contain the following information:

7 (i) The date and time the notice was affixed.

8 (ii) The name and address of the police agency taking the
9 action.

10 (iii) The name and badge number of the police officer affix-
11 ing the notice.

12 (iv) The date and time the vehicle may be taken into custody
13 and stored at the owner's expense or scrapped if the vehicle is
14 not removed.

15 (v) The year, make, and vehicle identification number of the
16 vehicle, if available.

17 (3) If the vehicle is not removed within 48 hours after the
18 date the notice was affixed OR WITHIN 24 HOURS AFTER THE DATE THE
19 NOTICE WAS AFFIXED IN THE CASE OF A STATE TRUNK LINE HIGHWAY, the
20 vehicle is ~~deemed~~ CONSIDERED abandoned and the police agency
21 may have the vehicle taken into custody.

22 (4) A police agency ~~which~~ THAT has a vehicle taken into
23 custody shall do all of the following:

24 (a) Recheck to determine if the vehicle has been reported
25 stolen.

SB961, As Passed House, September 27, 2000

Senate Bill No. 961

3

1 (b) Within 24 hours after taking the vehicle into custody,
2 enter the vehicle as abandoned into the law enforcement
3 information network.

4 (c) Within 7 days after taking the vehicle into custody,
5 send to the registered owner and secured party, as shown by the
6 records of the secretary of state, by first-class mail or per-
7 sonal service, notice that the vehicle ~~has been deemed~~ IS
8 CONSIDERED abandoned. The form for the notice shall be furnished
9 by the secretary of state. Each notice form shall contain the
10 following information:

11 (i) The year, make, and vehicle identification number of the
12 vehicle if available.

13 (ii) The location from which the vehicle was taken into
14 custody.

15 (iii) The date on which the vehicle was taken into custody.

16 (iv) The name and address of the police agency ~~which~~ THAT
17 had the vehicle taken into custody.

18 (v) The business address of the custodian of the vehicle.

19 (vi) The procedure to redeem the vehicle.

20 (vii) The procedure to contest the fact that the vehicle
21 ~~has been deemed~~ IS CONSIDERED abandoned or the reasonableness
22 of the towing fees and daily storage fees.

23 (viii) A form petition ~~which~~ THAT the owner may file in
24 person or by mail with the specified court ~~which~~ THAT requests
25 a hearing on the police agency's action.

26 (ix) A warning that the failure to redeem the vehicle or to
27 request a hearing within 20 days after the date of the notice may

SB961, As Passed House, September 27, 2000

Senate Bill No. 961

4

1 result in the sale of the vehicle and the termination of all
2 rights of the owner and the secured party to the vehicle or the
3 proceeds of the sale.

4 (5) The registered owner may contest the fact that the vehi-
5 cle ~~has been deemed~~ IS CONSIDERED abandoned or the reasonable-
6 ness of the towing fees and daily storage fees by requesting a
7 hearing. A request for a hearing shall be made by filing a peti-
8 tion with the court specified in the notice within 20 days after
9 the date of the notice. If the owner requests a hearing, the
10 matter shall be resolved after a hearing conducted ~~pursuant to~~
11 UNDER sections 252e and 252f. An owner who requests a hearing
12 may obtain release of the vehicle by posting a towing and storage
13 bond in an amount equal to the accrued towing and storage fees
14 with the court. The owner of a vehicle who requests a hearing
15 may obtain release of the vehicle by paying the towing and stor-
16 age fees instead of posting the towing and storage bond. If the
17 court finds that the vehicle was not properly ~~deemed~~ CONSIDERED
18 abandoned, the police agency shall reimburse the owner of the
19 vehicle for the accrued towing and storage fees.

20 (6) If the owner does not request a hearing, he or she may
21 obtain the release of the vehicle by paying the accrued charges
22 to the custodian of the vehicle.

23 (7) If the owner does not redeem the vehicle or request a
24 hearing within 20 days after the date of the notice, the secured
25 party may obtain the release of the vehicle by paying the accrued
26 charges to the custodian of the vehicle and the police agency for
27 its accrued costs.

SB961, As Passed House, September 27, 2000

Senate Bill No. 961

5

1 (8) Not less than 20 days after the disposition of the
2 hearing described in subsection (5) or, if a hearing is not
3 requested, not less than 20 days after the date of the notice,
4 the police agency shall offer the vehicle for sale at a public
5 sale pursuant to section 252g.

6 (9) If the ownership of a vehicle ~~which has been deemed~~
7 THAT IS CONSIDERED abandoned under this section cannot be deter-
8 mined either because of the condition of the vehicle identifica-
9 tion numbers or because a check with the records of the secretary
10 of state does not reveal ownership, the police agency may sell
11 the vehicle at public sale pursuant to section 252g, not less
12 than 30 days after public notice of the sale has been published.

13 (10) THE SOUTHEAST MICHIGAN COUNCIL OF GOVERNMENTS SHALL
14 CONDUCT A STATEWIDE STUDY IN COOPERATION WITH THE STATE TRANSPOR-
15 TATION DEPARTMENT AND THE DEPARTMENT OF STATE POLICE TO EVALUATE
16 THE IMPACT OF THE CHANGE FROM 48 HOURS TO 24 HOURS IN
17 SUBSECTIONS (1) AND (4). THE STUDY SHALL BE COMPLETED AND
18 RETURNED TO THE CHAIRPERSONS OF THE SENATE AND HOUSE STANDING
19 COMMITTEES THAT CONSIDER TRANSPORTATION AND TRAFFIC RELATED
20 ISSUES WITHIN 12 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDA-
21 TORY ACT THAT ADDED THIS SUBSECTION. THE STUDY SHALL BE BASED ON
22 THE NUMBER OF VEHICLES BEING TOWED, THE VALUE OF THE VEHICLE, THE
23 NUMBER OF VEHICLES SOLD AT PUBLIC SALE, AND THE NUMBER OF OWNERS
24 WHO REQUEST A HEARING AND THE OUTCOME OF THAT HEARING. THE
25 SENATE AND HOUSE STANDING COMMITTEES, AND THE SOUTHEAST MICHIGAN
26 COUNCIL OF GOVERNMENTS, STATE TRANSPORTATION DEPARTMENT, AND THE
27 DEPARTMENT OF STATE POLICE SHALL REVIEW THE STUDY AND DETERMINE

SB961, As Passed House, September 27, 2000

Senate Bill No. 961

6

1 IF IT IS FEASIBLE FOR THE TIME A VEHICLE REMAINS ON A STATE TRUNK
2 LINE HIGHWAY BEFORE IT IS DETERMINED ABANDONED ON A STATE TRUNK
3 LINE HIGHWAY TO BE REDUCED FROM 24 HOURS TO 12 HOURS.

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

10 (2) ~~This~~ LENGTHS DESCRIBED IN THIS subsection shall be
11 known as the normal length maximum. Except as provided in
12 subsection (3), the following vehicles and combinations of vehi-
13 cles shall not be operated on a highway in this state in excess
14 of these lengths:

15 (a) Any single vehicle: 40 feet; ANY SINGLE BUS: 45 FEET.

16 (b) Articulated buses: 65 feet.

17 (c) Notwithstanding any other provision of this section, a
18 combination of a truck and semitrailer or trailer, or a truck
19 tractor, semitrailer, and trailer, or truck tractor and semi-
20 trailer or trailer, designed and used exclusively to transport
21 assembled motor vehicles or bodies, recreational vehicles, or
22 boats, ~~which~~ THAT does not exceed a length of 65 feet.

23 Stinger-steered combinations shall not exceed a length of 75
24 feet. The load on the combinations of vehicles described in this
25 subdivision may extend an additional 3 feet beyond the front and
26 4 feet beyond the rear of the combinations of vehicles.

27 Retractable extensions used to support and secure the load that

SB961, As Passed House, September 27, 2000

Senate Bill No. 961

7

1 do not extend beyond the allowable overhang for the front and
2 rear shall not be included in determining length of a loaded
3 vehicle or vehicle combination.

4 (d) Truck tractor and semitrailer combinations: no overall
5 length, ~~if~~ the semitrailer ~~does~~ not TO exceed 50 feet.

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

7 (f) Truck tractor, semitrailer, and trailer, or truck trac-
8 tor and 2 semitrailers: 59 feet.

9 (g) More than 1 motor vehicle, wholly or partially assem-
10 bled, in combination, utilizing 1 tow bar or 3 saddle mounts with
11 full mount mechanisms and utilizing the motive power of 1 of the
12 vehicles in combination, not to exceed 55 feet.

13 (3) Notwithstanding subsection (2), the following vehicles
14 and combinations of vehicles shall not be operated on a desig-
15 nated highway of this state in excess of these lengths:

16 (a) Truck tractor and semitrailer combinations: ~~No~~ NO
17 overall length limit, ~~if~~ the semitrailer ~~does~~ not TO exceed
18 53 feet. All semitrailers longer than 50 feet shall have a
19 wheelbase of 40.5 feet plus or minus 0.5 feet, measured from the
20 kingpin coupling to the center of the rear axle or the center of
21 the tandem axle assembly if equipped with 2 axles. A semitrailer
22 with a length longer than 50 feet shall not operate with more
23 than 2 axles on the semitrailer. City, village, or county
24 authorities may prohibit stops of vehicles with a semitrailer
25 longer than 50 feet within their jurisdiction unless the stop
26 occurs along appropriately designated routes, or is necessary for

SB961, As Passed House, September 27, 2000

Senate Bill No. 961

8

1 emergency purposes or to reach shippers, receivers, warehouses,
2 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
5 trailer designed and used to transport saw logs, pulpwood, and
6 tree length poles that does not exceed an overall length of 70
7 feet. A person may operate a truck tractor and semitrailer
8 designed and used to transport saw logs, pulpwood, and tree
9 length wooden poles with a load overhang to the rear of the semi-
10 trailer which does not exceed 6 feet if the semitrailer does not
11 exceed 50 feet in length.

12 (c) Truck tractor and 2 semitrailers, or truck tractor,
13 semitrailer, and trailer combinations: no overall length limit,
14 if the length of each semitrailer or trailer does not exceed
15 28-1/2 feet each, or the overall length of the semitrailer and
16 trailer, or 2 semitrailers as measured from the front of the
17 first towed unit to the rear of the second towed unit while the
18 units are coupled together does not exceed 58 feet.

19 (d) More than 1 motor vehicle, wholly or partially assem-
20 bled, in combination, utilizing 1 tow bar or 3 saddle mounts with
21 full mount mechanisms and utilizing the motive power of 1 of the
22 vehicles in combination, not to exceed ~~65~~ 75 feet.

23 (4) The following combinations and movements are
24 prohibited:

25 (a) A truck shall not haul more than 1 trailer or semitrail-
26 er, and a truck tractor shall not haul more than 2 semitrailers
27 or 1 semitrailer and 1 trailer in combination at any 1 time,

SB961, As Passed House, September 27, 2000

Senate Bill No. 961

9

1 except that a farm tractor may haul 2 wagons or trailers, or
2 garbage and refuse haulers may, during daylight hours, haul up to
3 4 trailers for garbage and refuse collection purposes, not
4 exceeding in any combination a total length of 55 feet and at a
5 speed limit not to exceed 15 miles per hour.

6 (b) A combination of vehicles or a vehicle shall not have
7 more than 11 axles, except when operating under a valid permit
8 issued by the state transportation department or a local author-
9 ity with respect to a highway under its jurisdiction.

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

12 (d) A combination of 2 semitrailers pulled by a truck trac-
13 tor, unless each semitrailer uses a fifth wheel connecting assem-
14 bly which conforms to the requirements of the motor carrier
15 safety act OF 1963, ~~Act No. 181 of the Public Acts of 1963,~~
16 ~~being sections 480.11 to 480.21 of the Michigan Compiled Laws~~
17 1963 PA 181, MCL 480.11 TO 480.22.

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

21 (f) A vehicle described in subsections (2)(e) and (3)(d)
22 employing triple saddle mounts unless all wheels ~~which~~ THAT are
23 in contact with the roadway have operating brakes.

24 (5) All combinations of vehicles under this section shall
25 employ connecting assemblies and lighting devices that are in
26 compliance with ~~Act No. 181 of the Public Acts of 1963 and this~~

SB961, As Passed House, September 27, 2000

Senate Bill No. 961

10

1 ~~act~~ THE MOTOR CARRIER SAFETY ACT OF 1963, 1963 PA 181, MCL
2 480.11 TO 480.22.

3 (6) The total gross weight of a truck tractor, semitrailer,
4 and trailer combination or a truck tractor and 2 semitrailers
5 combination ~~which~~ THAT exceeds 59 feet in length shall not
6 exceed a ratio of 400 pounds per engine net horsepower delivered
7 to clutch or its equivalent specified in the handbook published
8 by the society of automotive engineers, inc. (SAE), 1977
9 edition.

10 (7) A person who violates this section is responsible for a
11 civil infraction. The owner of the vehicle may be charged with a
12 violation of this section.

13 (8) As used in this section:

14 ~~(a) "Articulated buses" means articulated buses operated by~~
15 ~~a local public transit system funded by Act No. 51 of the Public~~
16 ~~Acts of 1951, being sections 247.651 to 247.675 of the Michigan~~
17 ~~Compiled Laws.~~

18 (A) ~~(b)~~ "Designated highway" means a highway approved by
19 the state transportation department or a local authority with
20 respect to a highway under its jurisdiction.

21 (B) ~~(c)~~ "Length" means the total length of a vehicle, or
22 combination of vehicles, including any load the vehicle is
23 carrying. Length ~~shall~~ DOES not include safety and energy con-
24 servation devices including, but not limited to, impact absorbing
25 bumpers, rear view mirrors, turn signal lamps, marker lamps,
26 steps and hand holds for entry and egress, flexible fender
27 extensions, mud flaps, or splash and spray suppressant devices;

SB961, As Passed House, September 27, 2000

Senate Bill No. 961

11

1 load induced tire bulge; refrigeration or heating units; or air
2 compressors attached to the vehicle. A safety or energy conser-
3 vation device shall be excluded from a determination of length
4 only if it is not designed or used for the carrying of cargo,
5 freight, or equipment. Semitrailers and trailers shall be mea-
6 sured from the front vertical plane of the foremost transverse
7 load supporting structure to the rearmost transverse load sup-
8 porting structure.

9 (C) ~~(d)~~ "Stinger-steered combinations" means a truck trac-
10 tor and semitrailer combination in which the fifth wheel is
11 located on a drop frame located behind and below the rearmost
12 axle of the power unit.