

SENATE BILL No. 961

February 3, 2000, Introduced by Senators BULLARD, YOUNG, NORTH and STEIL and referred to the Committee on Transportation and Tourism.

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 8
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.

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 8 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.

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

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.

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 STUDY IN COOPERATION WITH THE STATE TRANSPORTATION
15 DEPARTMENT AND THE DEPARTMENT OF STATE POLICE TO EVALUATE THE
16 IMPACT OF THE CHANGE FROM 48 HOURS TO 8 HOURS IN SUBSECTIONS (1)
17 AND (4) AND SHALL SUBMIT THE FINDINGS AND RECOMMENDATIONS TO THE
18 SECRETARY OF STATE WITHIN 12 MONTHS AFTER THE EFFECTIVE DATE OF
19 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

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

26 (2) This subsection shall be known as the normal length
27 maximum. Except as provided in subsection (3), the following

1 vehicles and combinations of vehicles shall not be operated on a
2 highway in this state in excess of these lengths:

3 (a) Any single vehicle: ~~40~~ 45 feet.

4 (b) Articulated buses: 65 feet.

5 (c) Notwithstanding any other provision of this section, a
6 combination of a truck and semitrailer or trailer, or a truck
7 tractor, semitrailer, and trailer, or truck tractor and semi-
8 trailer or trailer, designed and used exclusively to transport
9 assembled motor vehicles or bodies, recreational vehicles, or
10 boats, ~~which~~ THAT does not exceed a length of 65 feet.

11 Stinger-steered combinations shall not exceed a length of 75
12 feet. The load on the combinations of vehicles described in this
13 subdivision may extend an additional 3 feet beyond the front and
14 4 feet beyond the rear of the combinations of vehicles.

15 Retractable extensions used to support and secure the load that
16 do not extend beyond the allowable overhang for the front and
17 rear shall not be included in determining length of a loaded
18 vehicle or vehicle combination.

19 (d) Truck tractor and semitrailer combinations: no overall
20 length, if the semitrailer does not exceed 50 feet.

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

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

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

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

4 (a) Truck tractor and semitrailer combinations: No overall
5 length limit, if the semitrailer does not exceed 53 feet. All
6 semitrailers longer than 50 feet shall have a wheelbase of 40.5
7 feet plus or minus 0.5 feet, measured from the kingpin coupling
8 to the center of the rear axle or the center of the tandem axle
9 assembly if equipped with 2 axles. A semitrailer with a length
10 longer than 50 feet shall not operate with more than 2 axles on
11 the semitrailer. City, village, or county authorities may pro-
12 hibit stops of vehicles with a semitrailer longer than 50 feet
13 within their jurisdiction unless the stop occurs along appropri-
14 ately designated routes, or is necessary for emergency purposes
15 or to reach shippers, receivers, warehouses, and terminals along
16 designated routes.

17 (b) Truck and semitrailer or trailer combinations: 65 feet,
18 except that a person may operate a truck and semitrailer or
19 trailer designed and used to transport saw logs, pulpwood, and
20 tree length poles that does not exceed an overall length of 70
21 feet. A person may operate a truck tractor and semitrailer
22 designed and used to transport saw logs, pulpwood, and tree
23 length wooden poles with a load overhang to the rear of the semi-
24 trailer which does not exceed 6 feet if the semitrailer does not
25 exceed 50 feet in length.

26 (c) Truck tractor and 2 semitrailers, or truck tractor,
27 semitrailer, and trailer combinations: no overall length limit,

1 if the length of each semitrailer or trailer does not exceed
2 28-1/2 feet each, or the overall length of the semitrailer and
3 trailer, or 2 semitrailers as measured from the front of the
4 first towed unit to the rear of the second towed unit while the
5 units are coupled together does not exceed 58 feet.

6 (d) More than 1 motor vehicle, wholly or partially assem-
7 bled, in combination, utilizing 1 tow bar or 3 saddle mounts with
8 full mount mechanisms and utilizing the motive power of 1 of the
9 vehicles in combination, not to exceed 65 feet.

10 (4) The following combinations and movements are
11 prohibited:

12 (a) A truck shall not haul more than 1 trailer or semitrail-
13 er, and a truck tractor shall not haul more than 2 semitrailers
14 or 1 semitrailer and 1 trailer in combination at any 1 time,
15 except that a farm tractor may haul 2 wagons or trailers, or gar-
16 bage and refuse haulers may, during daylight hours, haul up to 4
17 trailers for garbage and refuse collection purposes, not exceed-
18 ing in any combination a total length of 55 feet and at a speed
19 limit not to exceed 15 miles per hour.

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

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

26 (d) A combination of 2 semitrailers pulled by a truck
27 tractor, unless each semitrailer uses a fifth wheel connecting

1 assembly which conforms to the requirements of the motor carrier
2 safety act, ~~Act No. 181 of the Public Acts of 1963, being~~
3 ~~sections 480.11 to 480.21 of the Michigan Compiled Laws~~ 1963 PA
4 181, MCL 480.11 TO 480.22.

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

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

11 (5) All combinations of vehicles under this section shall
12 employ connecting assemblies and lighting devices that are in
13 compliance with ~~Act No. 181 of the Public Acts of 1963 and this~~
14 ~~act~~ THE MOTOR CARRIER SAFETY ACT, 1963 PA 181, MCL 480.11 TO
15 480.22.

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

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

26 (8) As used in this section:

1 ~~-(a) "Articulated buses" means articulated buses operated by~~
2 ~~a local public transit system funded by Act No. 51 of the Public~~
3 ~~Acts of 1951, being sections 247.651 to 247.675 of the Michigan~~
4 ~~Compiled Laws.~~

5 (A) ~~-(b)~~ "Designated highway" means a highway approved by
6 the state transportation department or a local authority with
7 respect to a highway under its jurisdiction.

8 (B) ~~-(c)~~ "Length" means the total length of a vehicle, or
9 combination of vehicles, including any load the vehicle is
10 carrying. Length ~~shall~~ DOES not include safety and energy con-
11 servation devices including, but not limited to, impact absorbing
12 bumpers, rear view mirrors, turn signal lamps, marker lamps,
13 steps and hand holds for entry and egress, flexible fender exten-
14 sions, mud flaps, or splash and spray suppressant devices; load
15 induced tire bulge; refrigeration or heating units; or air com-
16 pressors attached to the vehicle. A safety or energy conserva-
17 tion device shall be excluded from a determination of length only
18 if it is not designed or used for the carrying of cargo, freight,
19 or equipment. Semitrailers and trailers shall be measured from
20 the front vertical plane of the foremost transverse load support-
21 ing structure to the rearmost transverse load supporting
22 structure. A DOLLY CONVERTER IS NOT INCLUDED IN THE DETERMINA-
23 TION OF LENGTH IF THERE IS NOT MORE THAN 18 INCHES FROM THE FRONT
24 VERTICAL PLANE OR THE FOREMOST SECTION OF THE DOLLY TO THE FRONT
25 OF THE SEMITRAILER.

26 (C) ~~-(d)~~ "Stinger-steered combinations" means a truck
27 tractor and semitrailer combination in which the fifth wheel is

1 located on a drop frame located behind and below the rearmost
2 axle of the power unit.