

HOUSE BILL No. 4974

June 21, 2007, Introduced by Reps. Sheltroun and Caswell and referred to the Committee on Agriculture.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 722 and 724 (MCL 257.722 and 257.724), section 722 as amended by 2006 PA 658 and section 724 as amended by 2005 PA 179.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 722. (1) The maximum axle load shall not exceed the
2 number of pounds designated in the following provisions that
3 prescribe the distance between axles:

4 (a) If the axle spacing is 9 feet or more between axles, the
5 maximum axle load shall not exceed 18,000 pounds for vehicles
6 equipped with high pressure pneumatic or balloon tires.

7 (b) If the axle spacing is less than 9 feet between 2 axles

1 but more than 3-1/2 feet, the maximum axle load shall not exceed
2 13,000 pounds for high pressure pneumatic or balloon tires.

3 (c) If the axles are spaced less than 3-1/2 feet apart, the
4 maximum axle load shall not exceed 9,000 pounds per axle.

5 (d) Subdivisions (a), (b), and (c) shall be known as the
6 normal loading maximum.

7 (2) When normal loading is in effect, the state
8 transportation department, or a local authority with respect to
9 highways under its jurisdiction, may designate certain highways,
10 or sections of those highways, where bridges and road surfaces
11 are adequate for heavier loading, and revise a designation as
12 needed, on which the maximum tandem axle assembly loading shall
13 not exceed 16,000 pounds for any axle of the assembly, if there
14 is no other axle within 9 feet of any axle of the assembly.

15 (3) On a legal combination of vehicles, only 1 tandem axle
16 assembly shall be permitted on the designated highways at the
17 gross permissible weight of 16,000 pounds per axle, if there is
18 no other axle within 9 feet of any axle of the assembly, and if
19 no other tandem axle assembly in the combination of vehicles
20 exceeds a gross weight of 13,000 pounds per axle. On a
21 combination of truck tractor and semitrailer having not more than
22 5 axles, 2 consecutive tandem axle assemblies ~~shall be~~ **ARE**
23 permitted on the designated highways at a gross permissible
24 weight of 16,000 pounds per axle, if there is no other axle
25 within 9 feet of any axle of the assembly.

26 (4) Notwithstanding subsection (3), on a combination of
27 truck tractor and semitrailer having not more than 5 axles, 2

1 consecutive sets of tandem axles may carry a gross permissible
2 weight of not to exceed 17,000 pounds on any axle of the tandem
3 axles if there is no other axle within 9 feet of any axle of the
4 tandem axles and if the first and last axles of the consecutive
5 sets of tandem axles are not less than 36 feet apart and the
6 gross vehicle weight does not exceed 80,000 pounds to pick up and
7 deliver agricultural commodities between the national truck
8 network or special designated highways and any other highway.
9 This subsection is not subject to the maximum axle loads of
10 subsections (1), (2), and (3). For purposes of this subsection, a
11 "tandem axle" means 2 axles spaced more than 40 inches but not
12 more than 96 inches apart or 2 axles spaced more than 3-1/2 feet
13 but less than 9 feet apart. This subsection does not apply during
14 that period when reduced maximum loads are in effect pursuant to
15 subsection (8).

16 (5) The exception to the loading maximums and gross vehicle
17 weight requirements of subsection (12) under subsection (8) for a
18 person hauling agricultural commodities applies only if the
19 person who picks up or delivers the agricultural commodity either
20 from a farm or to a farm notifies the county road commission for
21 roads under its authority not less than 48 hours before the
22 pickup or delivery of the time and location of the pickup or
23 delivery. The county road commission shall issue a permit to the
24 person and charge a fee that does not exceed the administrative
25 costs incurred. The permit shall contain all of the following:

- 26 (a) The designated route or routes of travel for the load.
27 (b) The date and time period requested by the person who

1 picks up or delivers the agricultural commodities during which
2 the load may be delivered or picked up.

3 (c) A maximum speed limit of travel, if necessary.

4 (d) Any other specific conditions agreed to between the
5 parties.

6 (6) The exception to the loading maximums and gross vehicle
7 weight requirements of subsection (12) under subsection (8)
8 applies to public utility vehicles that are owned or operated by
9 public utilities under the jurisdiction of the Michigan public
10 service commission, or are subcontracted by public utilities
11 under the jurisdiction of the Michigan public service commission
12 to perform electrical emergency public utility work, only under
13 the following circumstances:

14 (a) For emergency public utility work on restricted roads,
15 as follows:

16 (i) If required by the county road commission, the public
17 utility shall notify the county road commission, as soon as
18 practical, of the location of the emergency public utility work
19 and provide a statement that the vehicles that were used to
20 perform the emergency utility work may have exceeded the loading
21 maximums and gross vehicle weight requirements of subsection (12)
22 under subsection (8). The notification may be made via facsimile
23 or electronically.

24 (ii) The public utility vehicle travels to and from the site
25 of the emergency public utility work while on a restricted road
26 at a speed not greater than 35 miles per hour.

27 (b) For nonemergency public utility work on restricted

1 roads, as follows:

2 (i) If the county road commission requires, the public
3 utility shall apply to the county road commission annually for a
4 seasonal truck permit for roads under its authority before
5 seasonal weight restrictions are effective. The county road
6 commission shall issue a seasonal truck permit for each vehicle
7 or vehicle configuration the public utility anticipates will be
8 utilized for nonemergency public utility work. The county road
9 commission may charge a fee for a permit that does not exceed the
10 administrative costs incurred for the permit. The seasonal truck
11 permit shall contain all of the following:

12 (A) The seasonal period requested by the public utility
13 during which the permit is valid.

14 (B) A unique identification number for the vehicle and any
15 vehicle configuration to be covered on the seasonal truck permit
16 requested by the public utility.

17 (C) A requirement that travel on restricted roads during
18 weight restrictions will be minimized and only utilized when
19 necessary to perform work using the public utility vehicle or
20 vehicle configuration and that nonrestricted roads shall be used
21 for travel when available and for routine travel.

22 (ii) If the county road commission requires notification, the
23 county road commission shall provide a notification application
24 for the public utility to use when requesting access to operate
25 on restricted roads and the public utility shall provide
26 notification to the county road commission, via facsimile or
27 electronically, not later than 24 hours before the time of the

1 intended travel. Notwithstanding this subsection or an agreement
2 under this subsection, if the county road commission determines
3 that the condition of a particular road under its jurisdiction
4 makes it unusable, the county road commission may deny access to
5 all or any part of that road. The denial shall be made and
6 communicated via facsimile or electronically to the public
7 utility within 24 hours after receiving notification that the
8 public utility intends to perform nonemergency work that requires
9 use of that road. Any notification that is not disapproved within
10 24 hours after the notice is received by the county road
11 commission is considered approved. The notification application
12 required under this subparagraph may include all of the following
13 information:

14 (A) The address or location of the nonemergency work.

15 (B) The date or dates of the nonemergency work.

16 (C) The route to be taken to the nonemergency work site.

17 (D) The restricted road or roads intended to be traveled
18 upon to the nonemergency work site or sites.

19 (7) The normal size of tires shall be the rated size as
20 published by the manufacturers, and the maximum wheel load
21 permissible for any wheel shall not exceed 700 pounds per inch of
22 width of tire.

23 (8) Except as provided in this subsection and subsection
24 (9), during the months of March, April, and May in each year, the
25 maximum axle load allowable on concrete pavements or pavements
26 with a concrete base is reduced by 25% from the maximum axle load
27 as specified in this chapter, and the maximum axle loads

1 allowable on all other types of roads during these months are
2 reduced by 35% from the maximum axle loads as specified. The
3 maximum wheel load shall not exceed 525 pounds per inch of tire
4 width on concrete and concrete base or 450 pounds per inch of
5 tire width on all other roads during the period the seasonal road
6 restrictions are in effect. This subsection does not apply to
7 vehicles transporting agricultural commodities or public utility
8 vehicles on a highway, road, or street under the jurisdiction of
9 a local road agency.

10 (9) The state transportation department for roads under its
11 jurisdiction and a county road commission for roads under its
12 jurisdiction may grant exemptions from seasonal weight
13 restrictions for milk on specified routes when requested in
14 writing. Approval or denial of a request for an exemption shall
15 be given by written notice to the applicant within 30 days after
16 the date of submission of the application. If a request is
17 denied, the written notice shall state the reason for denial and
18 alternate routes for which the permit may be issued. The
19 applicant may appeal to the state transportation commission or
20 the county road commission. These exemptions do not apply on
21 county roads in counties that have negotiated agreements with
22 milk haulers or haulers of other commodities during periods of
23 seasonal load limits before April 14, 1993. This subsection does
24 not limit the ability of these counties to continue to negotiate
25 such agreements.

26 (10) The state transportation department, or a local
27 authority with respect to highways under its jurisdiction, may

1 suspend the restrictions imposed by this section when and where
2 conditions of the highways or the public health, safety, and
3 welfare warrant suspension, and impose the restricted loading
4 requirements of this section on designated highways at any other
5 time that the conditions of the highway require.

6 (11) For the purpose of enforcing this act, the gross
7 vehicle weight of a single vehicle and load or a combination of
8 vehicles and loads, shall be determined by weighing individual
9 axles or groups of axles, and the total weight on all the axles
10 shall be the gross vehicle weight. In addition, the gross axle
11 weight shall be determined by weighing individual axles or by
12 weighing a group of axles and dividing the gross weight of the
13 group of axles by the number of axles in the group. For purposes
14 of subsection (12), the overall gross weight on a group of 2 or
15 more axles shall be determined by weighing individual axles or
16 several axles, and the total weight of all the axles in the group
17 shall be the overall gross weight of the group.

18 (12) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (13),**
19 **THE** loading maximum in this subsection applies to interstate
20 highways, and the state transportation department, or a local
21 authority with respect to highways under its jurisdiction, may
22 designate a highway, or a section of a highway, for the operation
23 of vehicles having a gross vehicle weight of not more than 80,000
24 pounds that are subject to the following load maximums:

25 (a) Twenty thousand pounds on any 1 axle, including all
26 enforcement tolerances.

27 (b) A tandem axle weight of 34,000 pounds, including all

1 enforcement tolerances.

2 (c) An overall gross weight on a group of 2 or more
3 consecutive axles equaling:

$$4 \quad W = 500 \frac{\sqrt{LN} + 12N + 36}{\sqrt{N-1}} \quad /$$

6 where W = overall gross weight on a group of 2 or more
7 consecutive axles to the nearest 500 pounds, L = distance in feet
8 between the extreme of a group of 2 or more consecutive axles,
9 and N = number of axles in the group under consideration; except
10 that 2 consecutive sets of tandem axles may carry a gross load of
11 34,000 pounds each if the first and last axles of the consecutive
12 sets of tandem axles are not less than 36 feet apart. The gross
13 vehicle weight shall not exceed 80,000 pounds including all
14 enforcement tolerances. Except for 5 axle truck tractor,
15 semitrailer combinations having 2 consecutive sets of tandem
16 axles, vehicles having a gross weight in excess of 80,000 pounds
17 or in excess of the vehicle gross weight determined by
18 application of the formula in this subsection are subject to the
19 maximum axle loads of subsections (1), (2), and (3). As used in
20 this subsection, "tandem axle weight" means the total weight
21 transmitted to the road by 2 or more consecutive axles, the
22 centers of which may be included between parallel transverse
23 vertical planes spaced more than 40 inches but not more than 96
24 inches apart, extending across the full width of the vehicle.
25 Except as otherwise provided in this section, vehicles

1 transporting agricultural commodities ~~shall have~~ **ARE SUBJECT TO**
2 weight load maximums as set forth in this subsection.

3 **(13) THE LOADING MAXIMUM UNDER SUBSECTION (12) IS INCREASED**
4 **BY 10% FOR VEHICLES ENGAGED IN LOADING FIELD PRODUCE IN THE FIELD**
5 **AND DELIVERING THAT FIELD PRODUCE TO THE FIRST POINT OF DELIVERY**
6 **FOR WEIGHING. THE EXCEPTION IN THIS SUBSECTION DOES NOT APPLY TO**
7 **VEHICLES TRANSPORTING FIELD PRODUCE ON AN INTERSTATE HIGHWAY. AS**
8 **USED IN THIS SUBSECTION, "FIELD PRODUCE" MEANS PLANTS GROWN AND**
9 **FIRST LOADED IN THE FIELD, INCLUDING, BUT NOT LIMITED TO, FRUITS,**
10 **VEGETABLES, GRAIN, AND TREES. FIELD PRODUCE DOES NOT INCLUDE**
11 **ANIMALS OR ANIMAL BY-PRODUCTS.**

12 **(14) ~~(13)~~As used in this section:**

13 (a) "Agricultural commodities" means those plants and
14 animals useful to human beings produced by agriculture and
15 includes, but is not limited to, forages and sod crops, grains
16 and feed crops, field crops, dairy and dairy products, poultry
17 and poultry products, cervidae, livestock, including breeding and
18 grazing, equine, fish, and other aquacultural products, bees and
19 bee products, berries, herbs, fruits, vegetables, flowers, seeds,
20 grasses, nursery stock, mushrooms, fertilizer, livestock bedding,
21 farming equipment, and fuel for agricultural use. The term does
22 not include trees or lumber.

23 (b) "Emergency public utility work" means work performed to
24 restore public utility service or to eliminate a danger to the
25 public due to a natural disaster, an act of God, or an emergency
26 situation, whether or not a public official has declared an
27 emergency.

1 Sec. 724. (1) A police officer, a peace officer, or an
2 authorized agent of the state transportation department or a
3 county road commission having reason to believe that the weight
4 of a vehicle and load is unlawful may require the driver to stop
5 and submit to a weighing of the vehicle by either portable or
6 stationary scales approved and sealed by the department of
7 agriculture as a legal weighing device and may require that the
8 vehicle be driven to the nearest weigh station of the state
9 transportation department for the purpose of allowing a police
10 officer, peace officer, or agent of the state transportation
11 department or county road commission to determine whether the
12 vehicle is loaded in conformity with this chapter.

13 (2) When the officer or agent, upon weighing a vehicle and
14 load, determines that the weight is unlawful, the officer or
15 agent may require the driver to stop the vehicle in a suitable
16 place and remain standing until that portion of the load is
17 shifted or removed as necessary to reduce the gross axle load
18 weight of the vehicle to the limit permitted under this chapter.
19 All material unloaded as provided under this subsection shall be
20 cared for by the owner or operator of the vehicle at the risk of
21 the owner or operator. A judge or magistrate imposing a civil
22 fine and costs under this section that are not paid in full
23 immediately or for which a bond is not immediately posted in
24 double the amount of the civil fine and costs shall order the
25 driver or owner to move the vehicle at the driver's own risk to a
26 place of safekeeping within the jurisdiction of the judge or
27 magistrate, inform the judge or magistrate in writing of the

1 place of safekeeping, and keep the vehicle until the fine and
2 costs are paid or sufficient bond is furnished or until the judge
3 or magistrate is satisfied that the fine and costs will be paid.
4 The officer or agent who has determined, after weighing a vehicle
5 and load, that the weight is unlawful, may require the driver to
6 proceed to a judge or magistrate within the county. If the judge
7 or magistrate is satisfied that the probable civil fine and costs
8 will be paid by the owner or lessee, the judge or magistrate may
9 allow the driver to proceed, after the load is made legal. If the
10 judge or magistrate is not satisfied that the owner or lessee,
11 after a notice and a right to be heard on the merits is given,
12 will pay the amount of the probable civil fine and costs, the
13 judge or magistrate may order the vehicle to be impounded until
14 trial on the merits is completed under conditions set forth in
15 this section for the impounding of vehicles after the civil fine
16 and costs have been imposed. Removal of the vehicle, and
17 forwarding, care, or preservation of the load shall be under the
18 control of and at the risk of the owner or driver. Vehicles
19 impounded shall be subject to a lien, subject to a prior valid
20 bona fide lien of prior record, in the amount of the civil fine
21 and costs and if the civil fine and costs are not paid within 90
22 days after the seizure, the judge or magistrate shall certify the
23 unpaid judgment to the prosecuting attorney of the county in
24 which the violation occurred, who shall proceed to enforce the
25 lien by foreclosure sale in accordance with procedure authorized
26 in the case of chattel mortgage foreclosures. When the duly
27 authorized agent of the state transportation department or county

1 road commission is performing duties under this chapter, the
2 agent has all the powers conferred upon peace officers by the
3 general laws of this state.

4 (3) Subject to subsection (4), an owner of a vehicle or a
5 lessee of the vehicle of an owner-operator, or other person, who
6 causes or allows a vehicle to be loaded and driven or moved on a
7 highway, when the weight of that vehicle violates section 722 is
8 responsible for a civil infraction and shall pay a civil fine in
9 an amount equal to 3 cents per pound for each pound of excess
10 load over 1,000 pounds when the excess is 2,000 pounds or less; 6
11 cents per pound of excess load when the excess is over 2,000
12 pounds but not over 3,000 pounds; 9 cents per pound for each
13 pound of excess load when the excess is over 3,000 pounds but not
14 over 4,000 pounds; 12 cents per pound for each pound of excess
15 load when the excess is over 4,000 pounds but not over 5,000
16 pounds; 15 cents per pound for each pound of excess load when the
17 excess is over 5,000 pounds but not over 10,000 pounds; and 20
18 cents per pound for each pound of excess load when the excess is
19 over 10,000 pounds. **IF A PERSON OPERATES A VEHICLE IN VIOLATION
20 OF THE INCREASED LOADING MAXIMUM UNDER SECTION 722(13), THE OWNER
21 OR LESSEE OF THE VEHICLE IS RESPONSIBLE FOR A CIVIL INFRACTION
22 AND SHALL PAY THE CIVIL FINE UNDER THIS SUBSECTION THAT APPLIES
23 TO THE AMOUNT OF WEIGHT BY WHICH THE VEHICLE EXCEEDS THE ORIGINAL
24 LOADING MAXIMUM UNDER SECTION 722(12).**

25 (4) Beginning January 1, 2006, if the court determines that
26 the motor vehicle or the combination of vehicles was operated in
27 violation of this section, the court shall impose a fine as

1 follows:

2 (a) If the court determines that the motor vehicle or the
3 combination of vehicles was operated in such a manner that the
4 gross weight of the vehicle or the combination of vehicles would
5 not be lawful by a proper distribution of the load upon all the
6 axles of the vehicle or the combination of vehicles, the court
7 shall impose a fine for the violation according to the schedule
8 provided for in subsection (3).

9 (b) If the court determines that the motor vehicle or the
10 combination of vehicles would be lawful by a proper distribution
11 of the load upon all of the axles of the vehicle or the
12 combination of vehicles, but that 1 or more axles of the vehicle
13 exceeded the maximum allowable axle weight by 4,000 pounds or
14 less, the court shall impose a misload fine of \$200.00 per axle.
15 Not more than 3 axles shall be used in calculating the fine to be
16 imposed under this subdivision. This subdivision does not apply
17 to a vehicle subject to the maximum loading provisions of section
18 ~~722(11)~~**722(12)** or to a vehicle found to be in violation of a
19 special permit issued under section 725.

20 (c) If the court determines that the motor vehicle or the
21 combination of vehicles would be lawful by a proper distribution
22 of the load upon all of the axles of the vehicle or the
23 combination of vehicles, but that 1 or more axles of the vehicle
24 exceeded the maximum allowable axle weight by more than 4,000
25 pounds, the court shall impose a fine for the violation according
26 to the schedule provided in subsection (3).

27 (5) A driver or owner of a commercial vehicle with other

1 vehicles or trailers in combination, a truck or truck tractor, a
2 truck or truck tractor with other vehicles in combination, or any
3 special mobile equipment who fails to stop at or bypasses any
4 scales or weighing station is guilty of a misdemeanor.

5 (6) An agent or authorized representative of the state
6 transportation department or a county road commission shall not
7 stop a truck or vehicle in movement upon a road or highway within
8 the state for any purpose, unless the agent or authorized
9 representative is driving a duly marked vehicle, clearly showing
10 and denoting the branch of government represented.

11 (7) A driver or owner of a vehicle who knowingly fails to
12 stop when requested or ordered to do so and submit to a weighing
13 by a police officer, a peace officer, or an authorized agent of
14 the state transportation department, or a representative or agent
15 of a county road commission, authorized to require the driver to
16 stop and submit to a weighing of the vehicle and load by means of
17 a portable scale, is guilty of a misdemeanor punishable by
18 imprisonment for not more than 90 days or a fine of not more than
19 \$100.00, or both. A driver or person who dumps his or her load
20 when ordered to submit to a weigh or who otherwise attempts to
21 commit or commits an act to avoid a vehicle weigh is in violation
22 of this section.