

HOUSE BILL No. 5453

April 17, 2014, Introduced by Reps. Kosowski, McCready, Jacobsen and Schor and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 719 and 724 (MCL 257.719 and 257.724), section 719 as amended by 2012 PA 282 and section 724 as amended by 2012 PA 498.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

7 (2) Lengths described in this subsection shall be known as the
8 normal length maximum. Except as provided in subsection (3), the

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

3 (a) Subject to subsection (8), any single vehicle: 40 feet; a
4 crib vehicle on which logs are loaded lengthwise of the vehicle:
5 42.5 feet; any single bus or motor home: 45 feet.

6 (b) Articulated buses: 65 feet.

7 (c) Notwithstanding any other provision of this section, a
8 combination of a truck and semitrailer or trailer, or a truck
9 tractor, semitrailer, and trailer, or truck tractor and semitrailer
10 or trailer, designed and used exclusively to transport assembled
11 motor vehicles or bodies, recreational vehicles, or boats: 65 feet.
12 A combination of a truck and semitrailer or trailer, or a truck
13 tractor, semitrailer, and trailer, or a truck tractor and
14 semitrailer or trailer designed and used to transport boats from
15 the manufacturer, or a stinger-steered combination: 75 feet. The
16 load on the combinations of vehicles described in this subdivision
17 may extend an additional 3 feet beyond the front and 4 feet beyond
18 the rear of the combinations of vehicles. Retractable extensions
19 used to support and secure the load that do not extend beyond the
20 allowable overhang for the front and rear shall not be included in
21 determining length of a loaded vehicle or vehicle combination.

22 (d) Truck tractor and semitrailer combinations: no overall
23 length, the semitrailer: 50 feet.

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

25 (f) Except as provided in subdivision (g), truck tractor,
26 semitrailer, and trailer, or truck tractor and 2 semitrailers: 59
27 feet.

1 (g) A truck tractor, semitrailer, and trailer, or a truck
2 tractor and 2 semitrailers, in which no semitrailer or trailer is
3 more than 28-1/2 feet long: 65 feet. This subdivision only applies
4 while the vehicle is being used for a business purpose reasonably
5 related to picking up or delivering a load and only if each
6 semitrailer or trailer is equipped with a device or system capable
7 of mechanically dumping construction materials or dumping
8 construction materials by force of gravity.

9 (h) More than 1 motor vehicle, wholly or partially assembled,
10 in combination, utilizing 1 tow bar or 3 saddle mounts with full
11 mount mechanisms and utilizing the motive power of 1 of the
12 vehicles in combination: 55 feet.

13 (i) A recreational vehicle that has its own motive power, in
14 combination with a trailer: 65 feet or, if the operator of the
15 recreational vehicle has a group commercial motor vehicle
16 designation on his or her operator's or chauffeur's license, 75
17 feet.

18 (3) Notwithstanding subsection (2), the following vehicles and
19 combinations of vehicles shall not be operated on a designated
20 highway of this state in excess of these lengths:

21 (a) Truck tractor and semitrailer combinations: no overall
22 length limit, the semitrailer 53 feet. All semitrailers longer than
23 50 feet shall have a wheelbase of 37.5 to 40.5 feet plus or minus
24 0.5 feet, measured from the kingpin coupling to the center of the
25 rear axle or the center of the rear axle assembly. City, village,
26 or county authorities may prohibit stops of vehicles with a
27 semitrailer longer than 50 feet within their jurisdiction unless

1 the stop occurs along appropriately designated routes, or is
2 necessary for emergency purposes or to reach shippers, receivers,
3 warehouses, and terminals along designated routes.

4 (b) Truck and semitrailer or trailer combinations: 65 feet,
5 except that a person may operate a truck and semitrailer or trailer
6 designed and used to transport saw logs, pulpwood, and tree length
7 poles that does not exceed an overall length of 70 feet or a crib
8 vehicle and semitrailer or trailer designed and used to transport
9 saw logs that does not exceed an overall length of 75 feet. A crib
10 vehicle and semitrailer or trailer designed to and used to
11 transport saw logs shall not exceed a gross vehicle weight of
12 164,000 pounds. A person may operate a truck tractor and
13 semitrailer designed and used to transport saw logs, pulpwood, and
14 tree length wooden poles with a load overhang to the rear of the
15 semitrailer which does not exceed 6 feet if the semitrailer does
16 not exceed 50 feet in length.

17 (c) Notwithstanding subsection (4)(d), a truck tractor with a
18 log slasher unit and a log saw unit: no overall limit if the length
19 of each unit does not exceed 28-1/2 feet, or the overall length of
20 the log slasher unit and the log saw unit, as measured from the
21 front of the first towed unit to the rear of the second towed unit
22 while the units are coupled together, does not exceed 58 feet. The
23 coupling devices of the truck tractor and units set forth in this
24 subdivision shall meet the requirements established under the motor
25 carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

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

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

6 (e) More than 1 motor vehicle, wholly or partially assembled,
7 in combination, utilizing 1 tow bar or 3 saddle mounts with full
8 mount mechanisms and utilizing the motive power of 1 of the
9 vehicles in combination: 75 feet.

10 (f) Truck tractor and lowboy semitrailer combinations: no
11 maximum overall length, if the lowboy semitrailer does not exceed
12 59 feet, except as otherwise permitted under this subdivision. A
13 lowboy semitrailer wheelbase shall not exceed 55 feet as measured
14 from the kingpin coupling to the center of the rear axle. A lowboy
15 semitrailer more than 59 feet in length shall not operate with more
16 than any combination of 4 axles on the lowboy unless an oversized
17 load permit is issued by the state transportation department or a
18 local authority with respect to highways under its jurisdiction. As
19 used in this subdivision, "lowboy semitrailer" means a flatbed
20 semitrailer with a depressed section that has the specific purpose
21 of being lowered and raised for loading and unloading.

22 (4) The following combinations and movements are prohibited:

23 (a) A truck shall not haul more than 1 trailer or semitrailer,
24 and a truck tractor shall not haul more than 2 semitrailers or 1
25 semitrailer and 1 trailer in combination at any 1 time, except that
26 a farm tractor may haul 2 wagons or trailers, or garbage and refuse
27 haulers may, during daylight hours, haul up to 4 trailers for

1 garbage and refuse collection purposes, not exceeding in any
2 combination a total length of 55 feet and at a speed limit not to
3 exceed 15 miles per hour.

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

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

10 (d) Except as provided in subsection (3)(c), a combination of
11 2 semitrailers pulled by a truck tractor, unless each semitrailer
12 uses a fifth wheel connecting assembly that conforms to the
13 requirements of the motor carrier safety act of 1963, 1963 PA 181,
14 MCL 480.11 to 480.25.

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

18 (f) A vehicle described in subsections (2)(e) and (3)(e)
19 employing triple saddle mounts unless all wheels that are in
20 contact with the roadway have operating brakes.

21 (5) All combinations of vehicles under this section shall
22 employ connecting assemblies and lighting devices that are in
23 compliance with the motor carrier safety act of 1963, 1963 PA 181,
24 MCL 480.11 to 480.25.

25 (6) The total gross weight of a truck tractor, semitrailer,
26 and trailer combination or a truck tractor and 2 semitrailers
27 combination that exceeds 59 feet in length shall not exceed a ratio

1 of 400 pounds per engine net horsepower delivered to clutch or its
2 equivalent specified in the handbook published by the society of
3 automotive engineers, inc. (SAE), 1977 edition.

4 (7) A person who violates this section is responsible for a
5 civil infraction **AND SHALL PAY A CIVIL FINE OF NOT MORE THAN**
6 **\$500.00**. The owner of the vehicle may be charged with a violation
7 of this section.

8 (8) The provisions in subsections (2)(a) and (3)(b)
9 prescribing the length of a crib vehicle on which logs are loaded
10 lengthwise do not apply unless 23 USC 127(d) is amended to allow
11 crib vehicles carrying logs to be loaded as described in this
12 section.

13 (9) As used in this section:

14 (a) "Designated highway" means a highway approved by the state
15 transportation department or a local authority with respect to a
16 highway under its jurisdiction.

17 (b) "Length" means the total length of a vehicle, or
18 combination of vehicles, including any load the vehicle is
19 carrying. Length does not include devices described in 23 CFR
20 658.16 and 23 CFR part 658, appendix d, 23 CFR 658.16 and 23 CFR
21 part 658, appendix d, as on file with the secretary of state are
22 adopted by reference. A safety or energy conservation device shall
23 be excluded from a determination of length only if it is not
24 designed or used for the carrying of cargo, freight, or equipment.
25 Semitrailers and trailers shall be measured from the front vertical
26 plane of the foremost transverse load supporting structure to the
27 rearmost transverse load supporting structure. Vehicle components

1 not excluded by law shall be included in the measurement of the
2 length, height, and width of the vehicle.

3 (c) "Stinger-steered combinations" means a truck tractor and
4 semitrailer combination in which the fifth wheel is located on a
5 drop frame located behind and below the rearmost axle of the power
6 unit.

7 Sec. 724. (1) A police officer, a peace officer, or an
8 authorized agent of the state transportation department or a county
9 road commission having reason to believe that the weight of a
10 vehicle and load is unlawful may require the driver to stop and
11 submit to a weighing of the vehicle by either portable or
12 stationary scales approved and sealed as a legal weighing device by
13 a qualified person using testing equipment certified or approved by
14 the department of agriculture and rural development as a legal
15 weighing device and may require that the vehicle be driven to the
16 nearest weigh station of the state transportation department for
17 the purpose of allowing a police officer, peace officer, or agent
18 of the state transportation department or county road commission to
19 determine whether the vehicle is loaded in conformity with this
20 chapter.

21 (2) When the officer or agent, upon weighing a vehicle and
22 load, determines that the weight is unlawful, the officer or agent
23 may require the driver to stop the vehicle in a suitable place and
24 remain standing until that portion of the load is shifted or
25 removed as necessary to reduce the gross axle load weight of the
26 vehicle to the limit permitted under this chapter. All material
27 unloaded as provided under this subsection shall be cared for by

1 the owner or operator of the vehicle at the risk of the owner or
2 operator. A judge or magistrate imposing a civil fine and costs
3 under this section that are not paid in full immediately or for
4 which a bond is not immediately posted in the amount of the civil
5 fine and costs shall order the driver or owner to move the vehicle
6 at the driver's own risk to a place of safekeeping within the
7 jurisdiction of the judge or magistrate, inform the judge or
8 magistrate in writing of the place of safekeeping, and keep the
9 vehicle until the fine and costs are paid or sufficient bond is
10 furnished or until the judge or magistrate is satisfied that the
11 fine and costs will be paid. The officer or agent who has
12 determined, after weighing a vehicle and load, that the weight is
13 unlawful, may require the driver to proceed to a judge or
14 magistrate within the county. If the judge or magistrate is
15 satisfied that the probable civil fine and costs will be paid by
16 the owner or lessee, the judge or magistrate may allow the driver
17 to proceed, after the load is made legal. If the judge or
18 magistrate is not satisfied that the owner or lessee, after a
19 notice and a right to be heard on the merits is given, will pay the
20 amount of the probable civil fine and costs, the judge or
21 magistrate may order the vehicle to be impounded until trial on the
22 merits is completed under conditions set forth in this section for
23 the impounding of vehicles after the civil fine and costs have been
24 imposed. Removal of the vehicle, and forwarding, care, or
25 preservation of the load shall be under the control of and at the
26 risk of the owner or driver. Vehicles impounded shall be subject to
27 a lien, subject to a prior valid bona fide lien of prior record, in

1 the amount of the civil fine and costs and if the civil fine and
2 costs are not paid within 90 days after the seizure, the judge or
3 magistrate shall certify the unpaid judgment to the prosecuting
4 attorney of the county in which the violation occurred, who shall
5 proceed to enforce the lien by foreclosure sale in accordance with
6 procedure authorized in the case of chattel mortgage foreclosures.

7 When the duly authorized agent of the state transportation
8 department or county road commission is performing duties under
9 this chapter, the agent has all the powers conferred upon peace
10 officers by the general laws of this state.

11 (3) Subject to subsection (4), an owner of a vehicle or a
12 lessee of the vehicle of an owner-operator, or other person, who
13 causes or allows a vehicle to be loaded and driven or moved on a
14 highway when the weight of that vehicle violates section 722 is
15 responsible for a civil infraction and shall pay a civil fine in an
16 amount equal to ~~3~~6 cents per pound for each pound of excess load
17 over 1,000 pounds when the excess is 2,000 pounds or less; ~~6~~12
18 cents per pound of excess load when the excess is over 2,000 pounds
19 but not over 3,000 pounds; ~~9~~18 cents per pound for each pound of
20 excess load when the excess is over 3,000 pounds but not over 4,000
21 pounds; ~~12~~24 cents per pound for each pound of excess load when
22 the excess is over 4,000 pounds but not over 5,000 pounds; ~~15~~30
23 cents per pound for each pound of excess load when the excess is
24 over 5,000 pounds but not over 10,000 pounds; and ~~20~~40 cents per
25 pound for each pound of excess load when the excess is over 10,000
26 pounds. If a person operates a vehicle in violation of increased
27 axle loading maximums provided for under section 722(13), the owner

1 or lessee of the vehicle is responsible for a civil infraction and
2 shall pay the civil fine under this subsection that applies to the
3 amount of weight by which the vehicle exceeds the original loading
4 maximum.

5 (4) ~~Beginning January 1, 2006, if~~ **IF** the court determines that
6 the motor vehicle or the combination of vehicles was operated in
7 violation of this section, the court shall impose a fine as
8 follows:

9 (a) If the court determines that the motor vehicle or the
10 combination of vehicles was operated in such a manner that the
11 gross weight of the vehicle or the combination of vehicles would
12 not be lawful by a proper distribution of the load upon all the
13 axles of the vehicle or the combination of vehicles, the court
14 shall impose a fine for the violation according to the schedule
15 provided for in subsection (3).

16 (b) If the court determines that the motor vehicle or the
17 combination of vehicles would be lawful by a proper distribution of
18 the load upon all of the axles of the vehicle or the combination of
19 vehicles, but that 1 or more axles of the vehicle exceeded the
20 maximum allowable axle weight by more than 1,000 pounds but less
21 than 4,000 pounds, the court may impose a misload fine of \$200.00
22 per axle. Not more than 3 axles shall be used in calculating the
23 fine to be imposed under this subdivision. This subdivision does
24 not apply to a vehicle subject to the maximum loading provisions of
25 section 722(12) or to a vehicle for which a fine as calculated
26 under the schedule in subsection (3) would be less than the fine as
27 calculated under this subsection.

1 (c) If the court determines that the motor vehicle or the
2 combination of vehicles would meet the loading conditions specified
3 in a special permit that was issued under section 725 by a proper
4 distribution of the load upon all of the axles of the vehicle or
5 the combination of vehicles, but that 1 or more axles of the
6 vehicle exceeded the permitted axle weight by 1,000 pounds or less,
7 the court shall impose a misload fine of \$200.00 per axle. Not more
8 than 3 axles shall be used in calculating the fine to be imposed
9 under this subdivision. If the court determines that the load was
10 misloaded, the conditions of the special permit remain valid. The
11 imposition of a fine does not void the special permit.

12 (d) If the court determines that the motor vehicle or the
13 combination of vehicles would be lawful by a proper distribution of
14 the load upon all of the axles of the vehicle or the combination of
15 vehicles, but that 1 or more axles of the vehicle exceeded the
16 permitted axle weight by more than 4,000 pounds, the court shall
17 impose a fine for the violation according to the schedule provided
18 in subsection (3).

19 (5) A driver or owner of a commercial vehicle with other
20 vehicles or trailers in combination, a truck or truck tractor, a
21 truck or truck tractor with other vehicles in combination, or any
22 special mobile equipment who fails to stop at or bypasses any
23 scales or weighing station is guilty of a misdemeanor.

24 (6) An agent or authorized representative of the state
25 transportation department or a county road commission shall not
26 stop a truck or vehicle in movement upon a road or highway within
27 the state for any purpose, unless the agent or authorized

1 representative is driving a duly marked vehicle, clearly showing
2 and denoting the branch of government represented.

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