



# SENATE BILL No. 1187

September 25, 1996, Introduced by Senator STEIL and referred to the Committee on Local, Urban and State Affairs.

A bill to amend section 722 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended by Act No. 22 of the Public Acts of 1993, being section 257.722 of the Michigan Compiled Laws; and to add section 724a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 722 of Act No. 300 of the Public Acts of  
2 1949, as amended by Act No. 22 of the Public Acts of 1993, being  
3 section 257.722 of the Michigan Compiled Laws, is amended and  
4 section 724a is added to read as follows:

5 Sec. 722. (1) The maximum axle load shall not exceed the  
6 number of pounds designated in the following provisions which  
7 prescribe the distance between axles:

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

4 (b) When the axle spacing is less than 9 feet between 2  
5 axles but more than 3-1/2 feet, the maximum axle load shall not  
6 exceed 13,000 pounds for high pressure pneumatic or balloon  
7 tires.

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

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

12 (2) When normal loading is in effect, the state transporta-  
13 tion department and local authorities with respect to highways  
14 under their jurisdiction may designate certain highways, or sec-  
15 tions of those highways, where bridges and road surfaces are ade-  
16 quate for heavier loading, which designation may be revised as  
17 needed, on which the maximum tandem axle assembly loading shall  
18 not exceed 16,000 pounds for any axle of the assembly, if there  
19 is no other axle within 9 feet of any axle of the assembly.

20 (3) Except as provided in subsection (8), on a legal combi-  
21 nation of vehicles, only 1 tandem axle assembly shall be permit-  
22 ted on the designated highways at the gross permissible weight of  
23 16,000 pounds per axle, if there is no other axle within 9 feet  
24 of any axle of the assembly, and if no other tandem axle assembly  
25 in the combination of vehicles exceeds a gross weight of 13,000  
26 pounds per axle. When the maximum gross weight of a combination  
27 of vehicles with load does not exceed 73,280 pounds, 2 tandem

1 axle assemblies shall be permitted on the designated highways at  
2 a gross permissible weight of 16,000 pounds per axle, if there is  
3 no other axle within 9 feet of any axle of the assembly.

4 (4) The normal size of tires shall be the rated size as pub-  
5 lished by the manufacturers, and the maximum wheel load permissi-  
6 ble for any wheel shall not exceed 700 pounds per inch of width  
7 of tire.

8 (5) During the months of March, April, and May in each year,  
9 the maximum axle load allowable on concrete pavements, or pave-  
10 ments with a concrete base, shall be reduced by 25% from the max-  
11 imum axle load as specified in this chapter, and the maximum axle  
12 loads allowable on all other types of roads during these months  
13 shall be reduced by 35% from the maximum axle loads as  
14 specified. The maximum wheel load shall not exceed 525 pounds  
15 per inch of tire width on concrete and concrete base or 450  
16 pounds per inch of tire width on all other roads during the  
17 period the seasonal road restrictions are in effect. Upon  
18 receipt of a written application and good cause being shown, the  
19 state transportation department, for roads under their jurisdic-  
20 tion, and county road commissions, for roads under their juris-  
21 diction, may permit exemptions from seasonal weight restrictions  
22 for milk on specified routes when requested. Approval or denial  
23 of a request for an exemption shall be given by written notice to  
24 the applicant within 30 days after the date of submission of the  
25 application. If a request is denied, the written notice shall  
26 state the reason for denial and alternate routes for which the  
27 permit may be issued. The applicant shall have the right to

1 appeal to the state transportation commission or the county road  
2 commission. These exemptions shall not apply on county roads in  
3 counties which have negotiated agreements with milk haulers, or  
4 haulers of other commodities, during periods of seasonal load  
5 limits in years prior to the effective date of this 1993 amenda-  
6 tory act. This 1993 amendatory act shall not limit the ability  
7 of these counties to continue to negotiate such agreements.

8 (6) The state transportation department, or a local author-  
9 ity with respect to highways under its jurisdiction, may suspend  
10 the restrictions imposed by this section when and where, in its  
11 discretion, conditions of the highways or the public health,  
12 safety, and welfare so warrant, and may impose the restricted  
13 loading requirements of this section on designated highways at  
14 any other time that the conditions of the highway may require.

15 (7) For the purpose of enforcement of this act, the gross  
16 vehicle weight of a single vehicle and load or a combination of  
17 vehicles and loads, shall be determined by weighing individual  
18 axles or groups of axles, and the total weight on all the axles  
19 shall be the gross vehicle weight. In addition, the gross axle  
20 weight shall be determined by weighing individual axles or by  
21 weighing a group of axles and dividing the gross weight of the  
22 group of axles by the number of axles in the group. Pursuant to  
23 subsection (8), the overall gross weight on a group of 2 or more  
24 axles shall be determined by weighing individual axles or several  
25 axles, and the total weight of all the axles in the group shall  
26 be the overall gross weight of the group.

1 (8) The loading maximum in this subsection shall apply to  
 2 interstate highways, and the state transportation department, or  
 3 a local authority with respect to highways under its jurisdic-  
 4 tion, may designate a highway, or a section of a highway, for the  
 5 operation of vehicles having a gross vehicle weight of not more  
 6 than 80,000 pounds which are subject to the following load  
 7 maximums:

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

10 (b) A tandem axle weight of 34,000 pounds including all  
 11 enforcement tolerances.

12 (c) An overall gross weight on a group of 2 or more consecu-  
 13 tive axles equaling:

14

15 
$$W = 500 \sqrt{\frac{LN}{N-1} + 12N + 36}$$
  
 16  
 17 where W = overall gross weight on a group of 2 or more consecu-

18 tive axles to the nearest 500 pounds, L = distance in feet  
 19 between the extreme of a group of 2 or more consecutive axles,  
 20 and N = number of axles in the group under consideration; except  
 21 that 2 consecutive sets of tandem axles may carry a gross load of  
 22 34,000 pounds each if the first and last axles of the consecutive  
 23 sets of tandem axles are not less than 36 feet apart. The gross  
 24 vehicle weight shall not exceed 80,000 pounds including all  
 25 enforcement tolerances. Except for 5 axle truck tractor, semi-  
 26 trailer combinations having 2 consecutive sets of tandem axles,  
 27 vehicles having a gross weight in excess of 80,000 pounds or in  
 28 excess of the vehicle gross weight determined by application of

1 the formula in this subsection shall be subject to the maximum  
2 axle loads of subsections (1), (2), and (3). As used in this  
3 subsection, "tandem axle weight" means the total weight transmit-  
4 ted to the road by 2 or more consecutive axles, the centers of  
5 which may be included between parallel transverse vertical planes  
6 spaced more than 40 inches, but not more than 96 inches, apart,  
7 extending across the full width of the vehicle.

8 (9) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE  
9 MAXIMUM ALLOWABLE GROSS VEHICLE WEIGHT OF A SINGLE VEHICLE AND  
10 LOAD OR A COMBINATION OF VEHICLES AND LOADS SHALL NOT EXCEED  
11 80,000 POUNDS.

12 SEC. 724A. (1) FOR THE PURPOSE OF ENFORCING THE LOADING  
13 MAXIMUM REQUIREMENTS OF THIS CHAPTER, THE STATE TRANSPORTATION  
14 DEPARTMENT OR A COUNTY ROAD COMMISSION MAY AUTHORIZE THE INSTAL-  
15 LATION OF UNMANNED SENSORS ON STATE TRUNK LINE OR COUNTY HIGHWAYS  
16 WITHIN THIS STATE.

17 (2) A PERSON IS RESPONSIBLE FOR A CIVIL INFRACTION AND  
18 SUBJECT TO A CIVIL FINE AS PROVIDED IN SECTION 724 IF THE PERSON  
19 VIOLATES A SPEED RESTRICTION OR LIMITATION PROVIDED FOR IN THIS  
20 ACT ON THE BASIS OF EVIDENCE OBTAINED FROM AN UNMANNED TRAFFIC  
21 MONITORING DEVICE.

22 (3) A SWORN STATEMENT OF A POLICE OFFICER FROM THE STATE  
23 TRANSPORTATION DEPARTMENT OR COUNTY ROAD COMMISSION HAVING JURIS-  
24 DICTION OVER THE HIGHWAY OR STREET, BASED UPON INSPECTION OF PHO-  
25 TOGRAPHS OR OTHER RECORDED IMAGES PRODUCED BY AN UNMANNED TRAFFIC  
26 SENSOR, SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED  
27 THEREIN. ANY PHOTOGRAPHS OR OTHER RECORDED IMAGES EVIDENCING

1 SUCH A VIOLATION SHALL BE AVAILABLE FOR INSPECTION IN ANY  
2 PROCEEDING TO ADJUDICATE THE LIABILITY FOR A VIOLATION OF THIS  
3 ACT COVERED BY THIS SECTION.

4 (4) IN THE PROSECUTION OF AN OFFENSE ESTABLISHED UNDER THIS  
5 SECTION, PRIMA FACIE EVIDENCE THAT THE VEHICLE DESCRIBED IN THE  
6 CITATION ISSUED WAS OPERATED IN VIOLATION OF THIS SECTION,  
7 TOGETHER WITH PROOF THAT THE DEFENDANT WAS AT THE TIME OF THE  
8 VIOLATION THE REGISTERED OWNER OF THE VEHICLE, SHALL CONSTITUTE  
9 IN EVIDENCE A REBUTTABLE PRESUMPTION THAT THE REGISTERED OWNER OF  
10 THE VEHICLE WAS THE PERSON WHO COMMITTED THE VIOLATION. THE PRE-  
11 SUMPTION MAY BE REBUTTED IF THE REGISTERED OWNER OF THE VEHICLE  
12 FILES AN AFFIDAVIT BY REGULAR MAIL WITH THE CLERK OF THE COURT  
13 THAT HE OR SHE WAS NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF  
14 THE ALLEGED VIOLATION OR TESTIFIES IN OPEN COURT UNDER OATH THAT  
15 HE OR SHE WAS NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF THE  
16 ALLEGED VIOLATION. THE PRESUMPTION ALSO MAY BE REBUTTED IF A  
17 CERTIFIED COPY OF A POLICE REPORT, SHOWING THAT THE VEHICLE HAD  
18 BEEN REPORTED TO THE POLICE AS STOLEN BEFORE THE TIME OF THE  
19 ALLEGED VIOLATION OF THIS SECTION, IS PRESENTED BEFORE THE RETURN  
20 DATE ESTABLISHED ON THE CITATION ISSUED TO THE COURT.

21 (5) NOTWITHSTANDING SECTION 742, A CITATION FOR A VIOLATION  
22 OF THIS SECTION MAY BE EXECUTED BY MAILING BY FIRST-CLASS MAIL A  
23 COPY TO THE ADDRESS OF THE OWNER OF THE VEHICLE AS SHOWN ON THE  
24 RECORDS OF THE SECRETARY OF STATE. IF THE SUMMONED PERSON FAILS  
25 TO APPEAR ON THE DATE OF RETURN SET OUT IN THE CITATION MAILED  
26 PURSUANT TO THIS SECTION, THE CITATION SHALL BE EXECUTED IN THE  
27 MANNER PROVIDED BY LAW FOR PERSONAL SERVICE. PROCEEDINGS FOR

1 CONTEMPT OR ARREST OF A PERSON SUMMONED BY MAILING SHALL BE  
2 INSTITUTED FOR FAILURE TO APPEAR ON THE RETURN DATE OF THE  
3 CITATION.