

# Legislative Analysis



## MICHIGAN VEHICLE CODE: VEHICLE LENGTH/WEIGHT RESTRICTIONS

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**House Bill 4358 (Substitute H-2)**  
**Sponsor: Rep. Gene DeRossett**  
**Committee: Transportation**  
**First Analysis (5-11-04)**

**BRIEF SUMMARY:** House Bill 4358 (H-2) would amend Section 719 of the Michigan Vehicle Code (PA 300 of 1949), a section dealing with the maximum length of truck/trailer combinations on Michigan highways. The bill would permit 65 foot truck/trailer combinations on all Michigan highways. The bill would also amend sections 724 and 725 of the Code, and add a new Section 724a. These sections deal with vehicle weight limits and related penalties for overweight vehicles.

### ***THE CONTENT OF THE BILL:***

*Vehicle Length* – House Bill 4358 (H-2) would amend Section 719 of the Michigan Vehicle Code (PA 300 of 1949) to permit 65 foot truck/trailer combinations on all Michigan highways. Under current law, the normal length maximum is 59 feet for truck/trailer combinations; 65 foot truck/trailer combinations are currently permitted only on “designated highways.” See *Background Information* section for additional information on designated highways.

*Vehicle weight limit violations* – Section 724 of the Michigan Vehicle Code indicates that a person who violates the load limits established in Section 722 of the Code is responsible for a civil infraction, and provides a schedule of civil fines based the excess weight. However, Section 724 currently gives courts discretion in the imposition of those fines. Under current law, a court may, but is not required to, impose a civil fine of \$250 (under Section 907(3)) if the load distribution to various axles was in excess of the legal limits, but the total vehicle combination load was within the total legal weight limit. HB 4358 (H-2) would eliminate court discretion; the bill would require that a court assess the civil fines in Section 724(3) if it determined that the total combination weight was in excess of the legal limits, and would require that the court assess the \$250 civil fine under Section 907(3) if the combination total was within the limits but the load distribution was not. In many instances this provision would effectively lower the amount of the fine to \$250.

*Weighmaster training* – The bill would add new Section 724a which would allow only individuals trained by the Michigan State Police in the proper procedures for weighing vehicles, and who had received a certificate from the Michigan State Police for having successfully completed such training, to determine whether a vehicle was in compliance with the weight provisions of the Michigan Vehicle Code, or local ordinance. Section

724a would also require that the vehicle be weighed only after the vehicle's lift axles (if any) had been fully lowered and are under operational pressure.

*Overweight permits* – Section 725 of the Code provides for a process for issuing special permits for vehicles exceeding the size, weight, or load maximums specified in the Michigan Vehicle Code. Subsection 725 (8) currently indicates that a person who violates the provisions of Section 725 is responsible for a civil infraction, but does not specify a penalty. The bill would add the sentence: “*If the person violated this section by exceeding the maximum weight specified in this chapter, the person shall be fined as provided under Section 724(4).*”

### ***FISCAL IMPACT:***

*State/Local impact* – By allowing 65 foot truck/trailer combinations on all Michigan highways, the bill could reduce local revenue to the extent that it reduced the number of civil infractions currently levied for vehicles in excess of the current normal length of 59 feet. The distribution of civil infraction fines varies depending on whether the violation was of the Michigan Vehicle Code or a local ordinance. We do not have an estimate of the number or amount of fines currently levied for this violation.

In addition, the bill could increase state and/or local costs to the extent that the bill mandates certain weighmaster training activities for the Michigan State Police. It is not clear from the bill how that training would be funded.

*Impact on Federal Highway Funds* – The Michigan Department of Transportation has expressed concern that the provisions of the bill regarding vehicle weight limits (Sections 724, 724a, and 725) could affect the Governor's ability to certify to the Federal Highway Administrator, that the state is in compliance with federal vehicle size and weight regulations. Annual certifications of compliance are required by 23 CFR Section 657, and states may be subject to federal sanctions (withholding of federal highway funds) for non-compliance.

A representative of the Federal Highway Administration (FHWA) indicated a concern that the proposed changes could diminish deterrence and thus increase instances of overweight vehicles. However, at the time the bill was reported from committee the FHWA had not completed its review of the bill and had not released a formal position on the bill.

The proposed amendments to Section 719 regarding vehicle length would not appear to violate federal standards regarding vehicle size/weight, although, as noted above, it is our understanding that the Federal Highway Administration (FHWA) is reviewing the bill.

## ***BACKGROUND INFORMATION:***

### **Truck Length**

Section 719(3)(b) of the Michigan Vehicle Code permits tractor-trailer-semitrailer combinations up to 65 feet on “designated highways.” However, Section 719(2)(e) currently limits tractor-trailer-semitrailer combinations to 59 feet on highways other than designated highways. Section 719(9) of the Michigan Vehicle Code defines “designated highway” as a highway approved by the state transportation department or a local authority with respect to a highway under its jurisdiction.

The Michigan Department of Transportation has “designated” 8,753 miles of state trunkline highways. These highways are identified as such on a Michigan Truck Operator’s map issued by the department. Local road agencies (county road commissions, and cities and villages) may also designate routes. However, it is not clear how many roads under local jurisdiction have been designated for the higher vehicle length standards. A vehicle combination 65 feet in length would be legal when traveling on a designated highway, but could be subject to civil penalty if it turned onto a local road that had not been designated by the local unit of government.

Note that the 65 foot standard for truck/trailer combinations is permitted on the federal National Network of highways. The National Network is a system of designated highways for vehicles authorized under provisions of the Surface Transportation Assistance Act (STAA) of 1982. This system was established by 23 CFR 658 (under the authority of 23 USC 127). 23 CFR Part 658 also prescribes national policies governing truck and bus size and weight.

23 CFR 658 established national vehicle size/weight standards. Vehicles in conformance with these standards are referred to as STAA-authorized vehicles. Under provisions of 23 CFR 658.13 states may not prohibit tractor-semitrailer-trailer combinations on the designated National Network, if the overall length of such combinations does not exceed 65 feet.

The National Network represents interstate highways plus certain other federal-aid-eligible highways. 23 CFR 658.19 also requires reasonable access to the National Network. Of the 8,753 miles of designated state trunklines, 5,628 miles are also on the National Network.

## ***POSITIONS:***

The following groups indicated support for the bill to the House Committee on Transportation:

James Burg Trucking Company (4/29/04)  
Whittaker & Gooding Trucking Company (4/29/04)  
Aggregate Carriers of Michigan (4/29/04)

Great American Lines (4/29/04)  
Edw. C. Levy Co. (4/29/04)  
Michigan Pavement Association (4/29/04)  
Klett Construction (4/29/04)  
Michigan Concrete Paving Association (4/29/04)  
Michigan Aggregates Association (4/29/04)  
Falcon Transport Co. (4/29/04)  
Associated Underground Contractors (4/29/04)  
PGT Trucking (4/29/04)  
O&I Trucking (4/29/04)  
Michigan Road Builders Association (4/29/04)  
Metro Transport (4/29/04)  
P I & I Motor Express (4/29/04)  
Michigan Trucking Association (4/29/04)

The following groups indicated opposition to the bill to the committee:

The Michigan Department of Transportation (4/29/04)  
The Michigan State Police (4/29/04)  
The County Road Association of Michigan (4/29/04)  
The Michigan Railroad Association (4/29/04)  
The Michigan Municipal League (4/29/04)

Fiscal Analyst: William E. Hamilton

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.