

# Legislative Analysis



## MICHIGAN VEHICLE CODE: VEHICLE LENGTH/WEIGHT RESTRICTIONS

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House Bill 4358, as passed the House (Substitute H-3, as amended)

Sponsor: Rep. Gene DeRossett

Committee: Transportation

Analysis 10-12-2004

### BRIEF SUMMARY:

House Bill 4358 (H-3, as amended), as passed the House, 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 Section 724 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-3, as amended) 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.

The bill would also amend the definition of "length" in Section 719(9)(b) to refer to certain exclusions from vehicle length and width determinations provided in 23 CFR 658.16. The bill also states that "Vehicle components not excluded by law shall be included in the measurement of the length, height, and width of the vehicle."

*Note: The bill does not amend Section 726 of the Michigan Vehicle Code which permits local road authorities (county road commissions, cities, and villages), with respect to roads under their jurisdiction, to prohibit the operation of trucks and commercial vehicles on certain highways or streets, or to restrict the operation of trucks and commercial vehicles to certain highways or streets. In effect, local road authorities may prohibit trucks and commercial vehicles from certain roads and streets under their jurisdiction but may not generally restrict truck/trailer combination length below the length standard set in the Michigan Vehicle Code. This is true both under current law and under provisions of the bill.*

*Vehicle weight limit violations* – Section 724(3) 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. The section provides a schedule of civil fines based on the number or pounds the vehicle or axels were in excess of the legal limit. However, Section 724(3) currently gives courts discretion in cases where the load distribution to one or more axels exceeds the legal limit, but the total vehicle combination load is within the legal limit. In those circumstances, a court may now impose either the fines from the schedule in Section 724(3), or a civil fine of \$250 provided under Section 907(3).

HB 4358 (H-3, as amended) would eliminate court discretion in the imposition of overweight fines. For a vehicle exceeding the total vehicle weight limits, the court would impose the civil fines under Section 724(3), just as under current law. However, for a vehicle which exceeded the weight limits for any axel or axels, but was within the total weight limits, the court would impose the \$250 civil fine under Section 907(3), except where the axel or axels exceeded the maximum allowable axel weight by more than 4,000 lbs, in which case the court would assess both the fines under Section 724(3) and the \$250 fine under Section 907(3).

The differences between current law and the provisions of HB 4358 (H-3, as amended) are summarized below:

#### **Current Law**

Violation: Total vehicle weight in excess of legal limits.

Penalty: Civil fine from schedule under Section 724(3).

Violation: Total vehicle weight within legal limits but axel(s) in excess of legal limits.

Penalty: Court may impose either fines from schedule under Section 724(3), or \$250 civil fine under Section 907(3).

#### **House Bill 458 (H-3, as amended)**

Violation: Total vehicle weight in excess of legal limits.

Penalty: Civil fine from schedule under Section 724(3). (*No change from current law.*)

Violation: Total vehicle weight within legal limits but axel(s) in excess of legal limits by 4,000 lbs or less.

Penalty: \$250 civil fine under Section 907(3). (*This could be the same as current law, or less than current law; fines under current law are subject to court discretion.*)

Violation: Total vehicle weight within legal limits but axel(s) in excess of legal limits by more than 4,000 lbs:

Penalty: Civil fine from schedule under Section 724(3), plus \$250 civil fine under Section 907(3). (*Increase from current law.*)

In summary: Under provisions of the H-3 substitute, as amended, some fines for vehicle weight violations would stay the same, some could decrease, and some would increase from the fines assessed under current law.

The H-3 substitute, as amended, also indicates that the subdivision which provides for the potentially lower civil fine of \$250, Section 724(4)(b), would not apply to a vehicle subject to the maximum loading provisions of Section 722(11) or to a vehicle found to be in violation of a special permit issued under section 725.

*Weighing procedure* – The bill would add new Section 724a which provides that if a vehicle is to be weighed to determine whether the vehicle is in violation of the Michigan Vehicle Code, or rules promulgated under the Code, or local ordinance substantially corresponding to the Code, and the vehicle is equipped with lift axels that have been temporarily raised to allow the vehicle to negotiate an intersection, driveway, or other turn, the vehicle shall be weighed only after the vehicle's lift axles are fully lowered and are under operational pressure.

The H-3 substitute, as amended, includes a definition of "lift axel" to mean "an axel on a vehicle that can be raised or lowered by mechanical means."

The H-3 substitute, as amended, does not include language which had been in the H-2 substitute which would have allowed only individuals trained and certified by the Michigan State Police in the proper procedures for weighing vehicles to determine whether a vehicle was in compliance with the weight provisions of the Michigan Vehicle Code, or local ordinance.

*Other changes*

The H-3 substitute does not include amendments to Section 725 of the Michigan Vehicle Code which had been in the H-2 substitute.

**FISCAL IMPACT:**

*State/Local impact of changes to Section 719* – 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 permits issued by local road agencies for non-conforming vehicles, and thus related permit fee revenue. We do not have an estimate of the fees currently collected by local road authorities for truck/trailer length permits.

The bill could also reduce civil infraction penalties currently assessed for vehicles in excess of the current normal length maximum for truck/trailer combinations 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 civil fines currently assessed for this violation.

*State/Local impact of changes to Section 724* – Under provisions of the H-3 substitute, as amended, some fines for vehicle weight violations would stay the same, some could decrease, and some would increase from the fines assessed under current law. We can not estimate the net effect on state or local revenue.

*Impact on Federal Highway Funds* – During House committee consideration of this bill, the Michigan Department of Transportation expressed concern that the provisions of the bill regarding vehicle weight limits 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 the state could be subject to federal sanctions (withholding of federal highway funds) for non-compliance.

In a letter dated October 4, 2004, a representative of the Federal Highway Administration (FHWA) indicated that the language of the H-3 substitute, as amended, did comply with federal law and that the FHWA's concern regarding the bill had been removed.

## **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 a 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/from 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 County Road Association of Michigan (4/29/04)  
The Michigan Railroad Association (4/29/04)  
The Michigan Municipal League (4/29/04)

The following groups had opposed the bill as reported from committee, but are now neutral with regard to the H-3 substitute, as amended:

The Michigan Department of Transportation (10/12/04)  
The Michigan State Police (10/12/04)

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.