

Legislative Analysis



MICHIGAN VEHICLE CODE: VEHICLE LENGTH/WEIGHT RESTRICTIONS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

**House Bill 4358 as Enrolled
Public Act 420 of 2004
Sponsor: Rep. Gene DeRossett
House Committee: Transportation
Senate Committee: Transportation**

Analysis 11-30-04

BRIEF SUMMARY: House Bill 4358, enacted as Public Act 420 of 2004, amends 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 permits certain 65 foot truck/trailer combinations on all Michigan highways. The bill also amends Section 724 of the Code, and adds a new Section 724a. These sections deal with vehicle weight limits and related penalties for overweight vehicles.

THE CONTENT OF THE BILL:

Vehicle Length – Under Section 719 of the Michigan Vehicle Code, the "normal length maximum" for truck/trailer combinations is 59 feet. However there are certain exceptions to this standard, including articulated buses which may be up to 65 feet in length. In addition, certain truck/trailer/semitrailer combinations designed to transport motor vehicles, recreational vehicles, and boats may be up to 65 feet in length.

House Bill 4358, as enacted, adds a new exception to the normal length maximum to permit 65 foot truck/trailer/semitrailer combinations if no trailer or semitrailer is more than 28 1/2 feet long, and the vehicle is being used for a business purpose reasonably related to picking up or delivering a load, and only if each semitrailer or trailer is equipped with a device or system for mechanically dumping construction materials, or dumping construction materials by force of gravity.

Note that under current law, the "normal length maximum" is not the length standard for all highways. The law currently permits 65 foot truck/trailer/semitrailer combinations on "designated highways."¹

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."

¹ See *Background Information* section for additional information on designated highways.

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/axles 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 axles 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 the civil fine of \$250 provided under Section 907(3).

HB 4358, as enacted, eliminates 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. For a vehicle which exceeded the weight limits for any axle or axles, but was within the total weight limits, the court would impose a "misload fine" of \$200 per axle up to three axles, except where the axle or axles exceeded the maximum allowable axle weight by more than 4,000 lbs, in which case the court would assess the fines under Section 724(3).

Effective date – The bill's effective date is January 1, 2006.

The difference between current law and the provisions of HB 4358 (S-1) is summarized below:

Current Law (Prior to January 1, 2006, effective date of House Bill 4358)

Total vehicle weight in excess of legal limits – Fine from schedule under Section 724(3).

Total vehicle weight within legal limits but axle(s) in excess of legal limits - Court may impose either fines from schedule under Section 724(3) or \$250 fine under Section 907(3).

House Bill 4358 (as enacted)

Total vehicle weight in excess of legal limits – Fine from schedule under Section 724(3).
(No change from current law.)

Total vehicle weight within legal limits but axle(s) in excess of legal limits by 4,000 lbs or less – \$200 "misload fine" up to three axles. (May be more or less than current law; fines under current law subject to court discretion.)

Total vehicle weight within legal limits but axle(s) in excess of legal limits by more than 4,000 lbs – Fine from schedule under Section 724(3). (May be the same or more than current law; fines under current law subject to court discretion.)

The bill also indicates that the subdivision which provides for the potentially lower misload fine of \$200 (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 adds 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 axles 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 have been fully lowered and are under operational pressure.

The bill includes a definition of "lift axle" to mean "an axle on a vehicle that can be raised or lowered by mechanical means."

FISCAL IMPACT:

State/Local impact of changes to Section 719 – By allowing a new exception to the 59 foot "normal length maximum," i.e. by allowing certain 65 foot truck/trailer/semitrailer 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 amount of permit fees currently collected by local road agencies.

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

State/Local impact of changes to Section 724 – Under provisions of the House Bill 4358 as enacted, fines for vehicles in excess of gross vehicle weight limits would stay the same as under prior statutory provisions. For vehicles which were within the gross weight limits but which had an axle or axles in excess of the legal limits (characterized by the industry as a "misload)," the fines could increase, decrease, or be the same as the fines assessed under current law. The net effect can not readily be determined because under current law courts have discretion in applying these fines.

Impact on Federal Highway Funds – During the 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 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 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.

Fiscal Analyst: William E. Hamilton

■ 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.