

**SUBSTITUTE FOR
HOUSE BILL NO. 4358**

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 2003 PA 142 and section 724 as amended
by 1988 PA 346, and by adding section 724a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

7 (2) Lengths described in this subsection shall be known as
8 the normal length maximum. Except as provided in subsection (3),
9 the following vehicles and combinations of vehicles shall not be

1 operated on a highway in this state in excess of these lengths:

2 (a) Subject to subsection ~~-(9)-~~ **(8)**, any single vehicle: 40
3 feet; a crib vehicle on which logs are loaded lengthwise of the
4 vehicle: 42.5 feet; any single bus or motor home: 45 feet.

5 (b) Articulated buses: 65 feet.

6 (c) Notwithstanding any other provision of this section, a
7 combination of a truck and semitrailer or trailer, or a truck
8 tractor, semitrailer, and trailer, or truck tractor and
9 semitrailer or trailer, designed and used exclusively to
10 transport assembled motor vehicles or bodies, recreational
11 vehicles, or boats, that does not exceed a length of 65 feet.
12 Stinger-steered combinations shall not exceed a length of 75
13 feet. The load on the combinations of vehicles described in this
14 subdivision may extend an additional 3 feet beyond the front and
15 4 feet beyond the rear of the combinations of vehicles.

16 Retractable extensions used to support and secure the load that
17 do not extend beyond the allowable overhang for the front and
18 rear shall not be included in determining length of a loaded
19 vehicle or vehicle combination.

20 (d) Truck tractor and semitrailer combinations: no overall
21 length, the semitrailer not to exceed 50 feet.

22 (e) Truck and semitrailer or trailer: ~~-59-~~ **65** feet.

23 (f) Truck tractor, semitrailer, and trailer, or truck tractor
24 and 2 semitrailers: ~~-59-~~ **65** feet.

25 (g) More than 1 motor vehicle, wholly or partially assembled,
26 in combination, utilizing 1 tow bar or 3 saddle mounts with full
27 mount mechanisms and utilizing the motive power of 1 of the

1 vehicles in combination, not to exceed 55 feet.

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

5 (a) Truck tractor and semitrailer combinations: no overall
6 length limit, the semitrailer not to exceed 53 feet. All
7 semitrailers longer than 50 feet shall have a wheelbase of 37.5
8 to 40.5 feet plus or minus 0.5 feet, measured from the kingpin
9 coupling to the center of the rear axle or the center of the rear
10 axle assembly. ~~Before April 1, 2003, a semitrailer with a~~
11 ~~length longer than 50 feet shall not operate with more than 2~~
12 ~~axles on the semitrailer. After March 31, 2003, a~~ A semitrailer
13 with a length longer than 50 feet shall not operate with more
14 than 3 axles on the semitrailer. City, village, or county
15 authorities may prohibit stops of vehicles with a semitrailer
16 longer than 50 feet within their jurisdiction unless the stop
17 occurs along appropriately designated routes, or is necessary for
18 emergency purposes or to reach shippers, receivers, warehouses,
19 and terminals along designated routes.

20 (b) Truck and semitrailer or trailer combinations: 65 feet,
21 except that a person may operate a truck and semitrailer or
22 trailer designed and used to transport saw logs, pulpwood, and
23 tree length poles that does not exceed an overall length of 70
24 feet or a crib vehicle and semitrailer or trailer designed and
25 used to transport saw logs that does not exceed an overall length
26 of 75 feet. A crib vehicle and semitrailer or trailer designed
27 to and used to transport saw logs shall not exceed a gross

1 vehicle weight of 164,000 pounds. A person may operate a truck
2 tractor and semitrailer designed and used to transport saw logs,
3 pulpwood, and tree length wooden poles with a load overhang to
4 the rear of the semitrailer which does not exceed 6 feet if the
5 semitrailer does not exceed 50 feet in length.

6 (c) Truck tractor and 2 semitrailers, or truck tractor,
7 semitrailer, and trailer combinations: no overall length limit,
8 if the length of each semitrailer or trailer does not exceed
9 28-1/2 feet each, or the overall length of the semitrailer and
10 trailer, or 2 semitrailers as measured from the front of the
11 first towed unit to the rear of the second towed unit while the
12 units are coupled together does not exceed 58 feet.

13 (d) More than 1 motor vehicle, wholly or partially assembled,
14 in combination, utilizing 1 tow bar or 3 saddle mounts with full
15 mount mechanisms and utilizing the motive power of 1 of the
16 vehicles in combination, not to exceed 75 feet.

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

18 (a) A truck shall not haul more than 1 trailer or
19 semitrailer, and a truck tractor shall not haul more than 2
20 semitrailers or 1 semitrailer and 1 trailer in combination at any
21 1 time, except that a farm tractor may haul 2 wagons or trailers,
22 or garbage and refuse haulers may, during daylight hours, haul up
23 to 4 trailers for garbage and refuse collection purposes, not
24 exceeding in any combination a total length of 55 feet and at a
25 speed limit not to exceed 15 miles per hour.

26 (b) A combination of vehicles or a vehicle shall not have
27 more than 11 axles, except when operating under a valid permit

1 issued by the state transportation department or a local
2 authority with respect to a highway under its jurisdiction.

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

5 (d) A combination of 2 semitrailers pulled by a truck
6 tractor, unless each semitrailer uses a fifth wheel connecting
7 assembly which conforms to the requirements of the motor carrier
8 safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22.

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

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

15 (5) All combinations of vehicles under this section shall
16 employ connecting assemblies and lighting devices that are in
17 compliance with the motor carrier safety act of 1963, 1963 PA
18 181, MCL 480.11 to 480.22.

19 (6) The total gross weight of a truck tractor, semitrailer,
20 and trailer combination or a truck tractor and 2 semitrailers
21 combination that exceeds 59 feet in length shall not exceed a
22 ratio of 400 pounds per engine net horsepower delivered to clutch
23 or its equivalent specified in the handbook published by the
24 society of automotive engineers, inc. (SAE), 1977 edition.

25 (7) A person who violates this section is responsible for a
26 civil infraction. The owner of the vehicle may be charged with a
27 violation of this section.

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1 (8) The provisions in subsections (2)(a) and (3)(b)
 2 prescribing the length of a crib vehicle on which logs are loaded
 3 lengthwise does not apply unless section 127(d) of title 23 of
 4 the United States Code, 23 ~~U.S.C.~~ **USC** 127, is amended to allow
 5 crib vehicles carrying logs to be loaded as described in this
 6 section.

7 (9) As used in this section:

8 (a) "Designated highway" means a highway approved by the
 9 state transportation department or a local authority with respect
 10 to a highway under its jurisdiction.

11 (b) "Length" means the total length of a vehicle, or
 12 combination of vehicles, including any load the vehicle is
 13 carrying. Length does not include ~~[safety and energy conservation~~
 14 ~~devices including, but not limited to, impact absorbing bumpers,~~
 15 ~~rear view mirrors, turn signal lamps, marker lamps, steps and~~
 16 ~~hand holds for entry and egress, flexible fender extensions, mud~~
 17 ~~flaps, or splash and spray suppressant devices; load induced tire~~
 18 ~~bulge; refrigeration or heating units; or air compressors~~
 19 ~~attached to the vehicle. devices described in 26 CFR 658.16 and 23 CFR~~
 20 ~~part 658, appendix d. 26 CFR 658.16 and 23 CFR part 658, appendix d, as~~
 21 ~~on file with the secretary of state are adopted by reference.]~~ A safety
 22 or energy conservation device

23 shall be excluded from a determination of length only if it is
 24 not designed or used for the carrying of cargo, freight, or
 25 equipment. Semitrailers and trailers shall be measured from the
 26 front vertical plane of the foremost transverse load supporting
 27 structure to the rearmost transverse load supporting structure. **[Vehicle components not excluded by law shall be included in the measurement of the length, height, and width of the vehicle.]**

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

1 power unit.

2 Sec. 724. (1) A police officer or a duly authorized agent
3 of the state transportation department or a county road
4 commission having reason to believe that the weight of a vehicle
5 and load is unlawful may require the driver to stop and submit to
6 a weighing of the vehicle by either portable or stationary scales
7 approved and sealed by the department of agriculture as a legal
8 weighing device, and may require that the vehicle be driven to
9 the nearest weighing station of the state transportation
10 department for the purpose of allowing an officer or agent of the
11 state transportation department or county road commission to
12 determine whether the conveyance is loaded in conformity with
13 this chapter.

14 (2) When the officer or agent, upon weighing a vehicle and
15 load, determines that the weight is unlawful, the officer or
16 agent may require the driver to stop the vehicle in a suitable
17 place and remain standing until that portion of the load is
18 shifted or removed as necessary to reduce the gross axle load
19 weight of the vehicle to the limit permitted under this chapter.
20 All material unloaded as provided under this subsection shall be
21 cared for by the owner or operator of the vehicle at the risk of
22 the owner or operator. A judge or magistrate imposing a civil
23 fine and costs under this section which are not paid in full
24 immediately or for which a bond is not immediately posted in
25 double the amount of the civil fine and costs shall order the
26 driver or owner to move the vehicle at the driver's own risk to a
27 place of safekeeping within the jurisdiction of the judge or

1 magistrate, inform the judge or magistrate in writing of the
2 place of safekeeping, and keep the vehicle until the fine and
3 costs are paid or sufficient bond is furnished or until the judge
4 or magistrate is satisfied that the fine and costs will be paid.
5 The officer or agent who has determined, after weighing a vehicle
6 and load, that the weight is unlawful, may require the driver to
7 proceed to a judge or magistrate within the county. If the judge
8 or magistrate is satisfied that the probable civil fine and costs
9 will be paid by the owner or lessee, the judge or magistrate may
10 allow the driver to proceed, after the load is made legal. If
11 the judge or magistrate is not satisfied that the owner or
12 lessee, after a notice and a right to be heard on the merits is
13 given, will pay the amount of the probable civil fine and costs,
14 the judge or magistrate may order the vehicle to be impounded
15 until trial on the merits is completed under conditions set forth
16 in this section for the impounding of vehicles after the civil
17 fine and costs have been imposed. Removal of the vehicle, and
18 forwarding, care, or preservation of the load shall be under the
19 control of and at the risk of the owner or driver. Vehicles
20 impounded shall be subject to a lien, subject to a prior valid
21 bona fide lien of prior record, in the amount of the civil fine
22 and costs and if the civil fine and costs are not paid within 90
23 days after the seizure, the judge or magistrate shall certify the
24 unpaid judgment to the prosecuting attorney of the county in
25 which the violation occurred, who shall proceed to enforce the
26 lien by foreclosure sale in accordance with procedure authorized
27 in the case of chattel mortgage foreclosures. When the duly

1 authorized agent of the state transportation department or county
2 road commission is performing duties under this chapter, the
3 agent shall have all the powers conferred upon peace officers by
4 the general laws of this state.

5 (3) ~~An~~ **Subject to subsection (4), an** owner of a vehicle or
6 a lessee of the vehicle of an owner-operator, or other person,
7 who causes or allows a vehicle to be loaded and driven or moved
8 on a highway, when the weight of that vehicle violates section
9 722 is responsible for a civil infraction and shall pay a civil
10 fine in an amount equal to 3 cents per pound for each pound of
11 excess load over 1,000 pounds when the excess is 2,000 pounds or
12 less; 6 cents per pound of excess load when the excess is over
13 2,000 pounds but not over 3,000 pounds; 9 cents per pound for
14 each pound of excess load when the excess is over 3,000 pounds
15 but not over 4,000 pounds; 12 cents per pound for each pound of
16 excess load when the excess is over 4,000 pounds but not over
17 5,000 pounds; 15 cents per pound for each pound of excess load
18 when the excess is over 5,000 pounds but not over 10,000 pounds;
19 and 20 cents per pound for each pound of excess load when the
20 excess is over 10,000 pounds. ~~However, the court shall have~~
21 ~~discretionary power as to the amount of the civil fine within the~~
22 ~~schedule provided by this subsection and may impose the civil~~
23 ~~fine provided in section 907(3) for a civil infraction where, at~~
24 ~~the time of the violation, either the motor vehicle, motor~~
25 ~~vehicle and semitrailer, or trailer did not exceed the total~~
26 ~~weight which would be lawful for each unit by a proper~~
27 ~~distribution of the load upon the various axles supporting each~~

1 ~~unit.~~

2 [(4) If the court determines that the motor vehicle or the
3 combination of vehicles was operated in violation of this section, the
4 court shall impose a fine as follows:

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

11 (b) If the court determines that the motor vehicle or the
12 combination of vehicles was operated in such a manner that the gross
13 weight of the vehicle or the combination of vehicles would be lawful by a
14 proper distribution of the load upon all the axles of the vehicle or the
15 combination of vehicles, the court shall impose a fine as provided for in
16 section 907(3). In addition to the fine specified in section 907(3), if
17 any axle or axles of the vehicle exceed the maximum allowable axle weight
18 by more than 4,000 pounds, the fine for that axle or axles shall be
19 determined by the schedule provided for in subsection (3). This
20 subdivision does not apply to a vehicle subject to the maximum loading
21 provisions of section 722(11) or to a vehicle found to be in violation of
22 a special permit issued under section 725.

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7 (5) ~~-(4)-~~ A driver or owner of a vehicle, truck or truck
8 tractor, truck or truck tractor with other vehicles in
9 combination, or special mobile equipment who knowingly fails to
10 stop at or who knowingly bypasses any scales or weighing station
11 is guilty of a misdemeanor.

12 (6) ~~-(5)-~~ An agent or authorized representative of the state
13 transportation department or a county road commission shall not
14 stop a truck or vehicle in movement upon a road or highway within
15 the state for any purpose, unless the agent or authorized
16 representative is driving a duly marked vehicle, clearly showing
17 and denoting the branch of government represented.

18 (7) ~~-(6)-~~ A driver or owner of a vehicle who knowingly fails
19 to stop when requested or ordered to do so by a police officer,
20 or a duly authorized agent of the state transportation
21 department, or a representative or agent of a county road
22 commission, authorized to require the driver to stop and submit
23 to a weighing of the vehicle and load by means of a portable
24 scale, is guilty of a misdemeanor.

25 **Sec. 724a. [(1)] If a vehicle is to be weighed to determine**
26 **whether the vehicle is being operated in violation of this act or**
27 **a rule promulgated under this act or of a local ordinance**

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1 substantially corresponding to this act or a rule promulgated
2 under this act and the vehicle is equipped with lift axles that
3 have been temporarily raised to allow the vehicle to negotiate an
4 intersection, driveway, or other turn, the vehicle shall be
5 weighed only after the lift axles have been fully lowered and are
6 under operational pressure.

[(2) As used in this section, "lift axle" means an axle on a vehicle
that can be raised or lowered by mechanical means.]

7 Enacting section 1. This amendatory act takes effect
8 January 1, 2006.