

**SENATE 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 feet.

23 (f) ~~Truck~~ **Except as provided in subdivision (g), truck**
24 tractor, semitrailer, and trailer, or truck tractor and 2
25 semitrailers: 59 feet.

26 (g) **A truck tractor, semitrailer, and trailer, or a truck**
27 **tractor and 2 semitrailers, in which no semitrailer or trailer is**

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1 more than 28-1/2 feet long: 65 feet. This subdivision only
2 applies while the vehicle is being used for a business purpose
3 reasonably related to picking up or delivering a load and only if
4 each semitrailer or trailer is equipped with a device or system
5 capable of mechanically dumping <<construction>> materials or dumping
<<construction>>
6 materials by force of gravity.

7 (h) ~~-(g)-~~ More than 1 motor vehicle, wholly or partially
8 assembled, in combination, utilizing 1 tow bar or 3 saddle mounts
9 with full mount mechanisms and utilizing the motive power of 1 of
10 the vehicles in combination, not to exceed 55 feet.

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

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

1 and terminals along designated routes.

2 (b) Truck and semitrailer or trailer combinations: 65 feet,
3 except that a person may operate a truck and semitrailer or
4 trailer designed and used to transport saw logs, pulpwood, and
5 tree length poles that does not exceed an overall length of 70
6 feet or a crib vehicle and semitrailer or trailer designed and
7 used to transport saw logs that does not exceed an overall length
8 of 75 feet. A crib vehicle and semitrailer or trailer designed
9 to and used to transport saw logs shall not exceed a gross
10 vehicle weight of 164,000 pounds. A person may operate a truck
11 tractor and semitrailer designed and used to transport saw logs,
12 pulpwood, and tree length wooden poles with a load overhang to
13 the rear of the semitrailer which does not exceed 6 feet if the
14 semitrailer does not exceed 50 feet in length.

15 (c) Truck tractor and 2 semitrailers, or truck tractor,
16 semitrailer, and trailer combinations: no overall length limit,
17 if the length of each semitrailer or trailer does not exceed
18 28-1/2 feet each, or the overall length of the semitrailer and
19 trailer, or 2 semitrailers as measured from the front of the
20 first towed unit to the rear of the second towed unit while the
21 units are coupled together does not exceed 58 feet.

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

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

27 (a) A truck shall not haul more than 1 trailer or

1 semitrailer, and a truck tractor shall not haul more than 2
2 semitrailers or 1 semitrailer and 1 trailer in combination at any
3 1 time, except that a farm tractor may haul 2 wagons or trailers,
4 or garbage and refuse haulers may, during daylight hours, haul up
5 to 4 trailers for garbage and refuse collection purposes, not
6 exceeding in any combination a total length of 55 feet and at a
7 speed limit not to exceed 15 miles per hour.

8 (b) A combination of vehicles or a vehicle shall not have
9 more than 11 axles, except when operating under a valid permit
10 issued by the state transportation department or a local
11 authority with respect to a highway under its jurisdiction.

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

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

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

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

24 (5) All combinations of vehicles under this section shall
25 employ connecting assemblies and lighting devices that are in
26 compliance with the motor carrier safety act of 1963, 1963 PA
27 181, MCL 480.11 to 480.22.

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

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

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

16 (9) As used in this section:

17 (a) "Designated highway" means a highway approved by the
18 state transportation department or a local authority with respect
19 to a highway under its jurisdiction.

20 (b) "Length" means the total length of a vehicle, or
21 combination of vehicles, including any load the vehicle is
22 carrying. Length does not include ~~safety and energy~~
23 ~~conservation devices including, but not limited to, impact~~
24 ~~absorbing bumpers, rear view mirrors, turn signal lamps, marker~~
25 ~~lamps, steps and hand holds for entry and egress, flexible fender~~
26 ~~extensions, mud flaps, or splash and spray suppressant devices,~~
27 ~~load induced tire bulge, refrigeration or heating units, or air~~

1 ~~compressors attached to the vehicle.~~ **devices described in 23 CFR**
2 **658.16 and 23 CFR part 658, appendix d. 23 CFR 658.16 and 23 CFR**
3 **part 658, appendix d, as on file with the secretary of state are**
4 **adopted by reference.** A safety or energy conservation device
5 shall be excluded from a determination of length only if it is
6 not designed or used for the carrying of cargo, freight, or
7 equipment. Semitrailers and trailers shall be measured from the
8 front vertical plane of the foremost transverse load supporting
9 structure to the rearmost transverse load supporting structure.
10 **Vehicle components not excluded by law shall be included in the**
11 **measurement of the length, height, and width of the vehicle.**

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

16 Sec. 724. (1) A police officer or a duly authorized agent
17 of the state transportation department or a county road
18 commission having reason to believe that the weight of a vehicle
19 and load is unlawful may require the driver to stop and submit to
20 a weighing of the vehicle by either portable or stationary scales
21 approved and sealed by the department of agriculture as a legal
22 weighing device, and may require that the vehicle be driven to
23 the nearest weighing station of the state transportation
24 department for the purpose of allowing an officer or agent of the
25 state transportation department or county road commission to
26 determine whether the conveyance is loaded in conformity with
27 this chapter.

1 (2) When the officer or agent, upon weighing a vehicle and
2 load, determines that the weight is unlawful, the officer or
3 agent may require the driver to stop the vehicle in a suitable
4 place and remain standing until that portion of the load is
5 shifted or removed as necessary to reduce the gross axle load
6 weight of the vehicle to the limit permitted under this chapter.
7 All material unloaded as provided under this subsection shall be
8 cared for by the owner or operator of the vehicle at the risk of
9 the owner or operator. A judge or magistrate imposing a civil
10 fine and costs under this section which are not paid in full
11 immediately or for which a bond is not immediately posted in
12 double the amount of the civil fine and costs shall order the
13 driver or owner to move the vehicle at the driver's own risk to a
14 place of safekeeping within the jurisdiction of the judge or
15 magistrate, inform the judge or magistrate in writing of the
16 place of safekeeping, and keep the vehicle until the fine and
17 costs are paid or sufficient bond is furnished or until the judge
18 or magistrate is satisfied that the fine and costs will be paid.
19 The officer or agent who has determined, after weighing a vehicle
20 and load, that the weight is unlawful, may require the driver to
21 proceed to a judge or magistrate within the county. If the judge
22 or magistrate is satisfied that the probable civil fine and costs
23 will be paid by the owner or lessee, the judge or magistrate may
24 allow the driver to proceed, after the load is made legal. If
25 the judge or magistrate is not satisfied that the owner or
26 lessee, after a notice and a right to be heard on the merits is
27 given, will pay the amount of the probable civil fine and costs,

1 the judge or magistrate may order the vehicle to be impounded
2 until trial on the merits is completed under conditions set forth
3 in this section for the impounding of vehicles after the civil
4 fine and costs have been imposed. Removal of the vehicle, and
5 forwarding, care, or preservation of the load shall be under the
6 control of and at the risk of the owner or driver. Vehicles
7 impounded shall be subject to a lien, subject to a prior valid
8 bona fide lien of prior record, in the amount of the civil fine
9 and costs and if the civil fine and costs are not paid within 90
10 days after the seizure, the judge or magistrate shall certify the
11 unpaid judgment to the prosecuting attorney of the county in
12 which the violation occurred, who shall proceed to enforce the
13 lien by foreclosure sale in accordance with procedure authorized
14 in the case of chattel mortgage foreclosures. When the duly
15 authorized agent of the state transportation department or county
16 road commission is performing duties under this chapter, the
17 agent shall have all the powers conferred upon peace officers by
18 the general laws of this state.

19 (3) ~~An~~ **Subject to subsection (4),** an owner of a vehicle or
20 a lessee of the vehicle of an owner-operator, or other person,
21 who causes or allows a vehicle to be loaded and driven or moved
22 on a highway, when the weight of that vehicle violates section
23 722 is responsible for a civil infraction and shall pay a civil
24 fine in an amount equal to 3 cents per pound for each pound of
25 excess load over 1,000 pounds when the excess is 2,000 pounds or
26 less; 6 cents per pound of excess load when the excess is over
27 2,000 pounds but not over 3,000 pounds; 9 cents per pound for

1 each pound of excess load when the excess is over 3,000 pounds
2 but not over 4,000 pounds; 12 cents per pound for each pound of
3 excess load when the excess is over 4,000 pounds but not over
4 5,000 pounds; 15 cents per pound for each pound of excess load
5 when the excess is over 5,000 pounds but not over 10,000 pounds;
6 and 20 cents per pound for each pound of excess load when the
7 excess is over 10,000 pounds. ~~However, the court shall have~~
8 ~~discretionary power as to the amount of the civil fine within the~~
9 ~~schedule provided by this subsection and may impose the civil~~
10 ~~fine provided in section 907(3) for a civil infraction where, at~~
11 ~~the time of the violation, either the motor vehicle, motor~~
12 ~~vehicle and semitrailer, or trailer did not exceed the total~~
13 ~~weight which would be lawful for each unit by a proper~~
14 ~~distribution of the load upon the various axles supporting each~~
15 ~~unit.~~

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

19 (a) If the court determines that the motor vehicle or the
20 combination of vehicles was operated in such a manner that the
21 gross weight of the vehicle or the combination of vehicles would
22 not be lawful by a proper distribution of the load upon all the
23 axles of the vehicle or the combination of vehicles, the court
24 shall impose a fine for the violation according to the schedule
25 provided for in subsection (3).

26 (b) If the court determines that the motor vehicle or the
27 combination of vehicles would be lawful by a proper distribution

1 of the load upon all of the axles of the vehicle or the
2 combination of vehicles, but that 1 or more axles of the vehicle
3 exceeded the maximum allowable axle weight by 4,000 pounds or
4 less, the court shall impose a misload fine of \$200.00 per axle.
5 Not more than 3 axles shall be used in calculating the fine to be
6 imposed under this subdivision. This subdivision does not apply
7 to a vehicle subject to the maximum loading provisions of section
8 722(11) or to a vehicle found to be in violation of a special
9 permit issued under section 725.

10 (c) If the court determines that the motor vehicle or the
11 combination of vehicles would be lawful by a proper distribution
12 of the load upon all of the axles of the vehicle or the
13 combination of vehicles, but that 1 or more axles of the vehicle
14 exceeded the maximum allowable axle weight by more than 4,000
15 pounds, the court shall impose a fine for the violation according
16 to the schedule provided for in subsection (3).

17 (5) ~~(4)~~ A driver or owner of a vehicle, truck or truck
18 tractor, truck or truck tractor with other vehicles in
19 combination, or special mobile equipment who knowingly fails to
20 stop at or who knowingly bypasses any scales or weighing station
21 is guilty of a misdemeanor.

22 (6) ~~(5)~~ An agent or authorized representative of the state
23 transportation department or a county road commission shall not
24 stop a truck or vehicle in movement upon a road or highway within
25 the state for any purpose, unless the agent or authorized
26 representative is driving a duly marked vehicle, clearly showing
27 and denoting the branch of government represented.

1 (7) ~~(6)~~ A driver or owner of a vehicle who knowingly fails
2 to stop when requested or ordered to do so by a police officer,
3 or a duly authorized agent of the state transportation
4 department, or a representative or agent of a county road
5 commission, authorized to require the driver to stop and submit
6 to a weighing of the vehicle and load by means of a portable
7 scale, is guilty of a misdemeanor.

8 Sec. 724a. (1) The axle weight requirements of this chapter
9 do not apply to a vehicle equipped with lift axles during the
10 period in which axles are raised to negotiate an intersection,
11 driveway, or other turn and until the lift axles are fully
12 engaged after the period of time or the distance necessary to
13 negotiate that intersection, driveway, or other turn.

14 (2) If a vehicle is to be weighed to determine whether the
15 vehicle is being operated in violation of this act or a rule
16 promulgated under this act or of a local ordinance substantially
17 corresponding to this act or a rule promulgated under this act
18 and the vehicle is equipped with lift axles that have been raised
19 to allow the vehicle to negotiate an intersection, driveway, or
20 other turn, the vehicle shall be weighed only after the lift
21 axles have been fully lowered and are under operational pressure
22 as provided in subsection (1).

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

25 Enacting section 1. This amendatory act takes effect
26 January 1, 2006.