



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 702 (as reported without amendment)
Sponsor: Senator Tom Casperson
Committee: Transportation

Date Completed: 4-4-16

RATIONALE

The Michigan Vehicle Code prescribes the maximum allowed weight of vehicles operating on a highway, but specifies exceptions to those restrictions. Under one exception, a wrecker may tow a disabled vehicle or a combination of disabled vehicles that exceed size and weight restrictions under certain conditions. These conditions include certain distance constraints if the wrecker is towing a combination of vehicles. Apparently, those constraints have created challenges for the towing industry because of the difficulty in finding adequate repair stations or safe places to tow the vehicles. To address this problem, it has been suggested that the distance limitations be eliminated.

CONTENT

The bill would amend the Michigan Vehicle Code to delete provisions that set maximum towing distances allowed under a special permit issued for a wrecker towing a combination of disabled vehicles.

The Code provides that it is a misdemeanor for an individual to drive, move, cause to move, or permit the operation of a vehicle or vehicles of a size or weight exceeding the limitations stated in the Code on a highway, unless a violation is specified to be a civil infraction.

The Code exempts certain vehicles and vehicle combinations from the highway size and weight restrictions. A wrecker and a disabled vehicle, or a wrecker and a combination of a disabled vehicle and one trailer, that exceed the size and weight limits may operate on a highway under the following conditions:

- The wrecker is specifically designed for such towing operations; is equipped with flashing, oscillating, or rotating amber or red lights; and is capable of using the lighting and braking systems of the disabled vehicle or combination of disabled vehicles if those systems are operational.
- For a combination of disabled vehicles, the wrecker is issued a special permit under Section 725 by the Michigan Department of Transportation (MDOT) if each trip beginning from the place of original disablement of the combination of disabled vehicles is 25 miles or less except that, for each trip that begins and ends north of a line between Ludington and Pinconning, the trip beginning from the place of original disablement of the combination of vehicles may be 50 miles or less.
- For a single disabled vehicle, the wrecker is issued a special permit under Section 725 by MDOT for the transportation of a single vehicle.
- The wrecker does not operate on any highway, road, street, or structure included on a list provided by MDOT unless the disabled vehicle or combination of vehicles is located on one of those roads or structures.

For a combination of disabled vehicles, the special permit is valid for the entire towing distance as described above, and the operator of the wrecker may remove the disabled vehicles from the roadway at any lawful point of his or her choosing within that distance.

The bill would delete the 25-mile and 50-mile distance limitations for a wrecker towing a combination of disabled vehicles.

The bill would take effect 90 days after its enactment.

(The Code defines "wrecker" as a truck with a hoist, towing apparatus, or self-loading flatbed, or any combination of these items, permanently affixed to the truck, used to transport not more than two vehicles, except for a motor vehicle equipped with a fifth wheel or a motor vehicle that tows the second vehicle on a trailer.)

Section 725 allows a jurisdictional authority, upon receiving an application and for good cause, to issue a special permit authorizing an applicant to operate upon or remove from a highway maintained by that authority a vehicle or combination of vehicles that exceeds the size, weight, or load maximum specified in the Code, or otherwise does not conform to the Code. A special permit must specify the trip or trips and the date or dates for which it is valid. The jurisdictional authority may restrict or prescribe the conditions of operation of a vehicle or vehicles, and may charge a fee as specified in Section 725. "Jurisdictional authority" means MDOT, a county road commission, or a local authority having jurisdiction over a highway.)

MCL 257.716

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

When vehicles are disabled on a highway, the objective of the wrecker operator is to move the vehicles off of the highway quickly and to a safe location. According to Committee testimony, the repair industry has consolidated and facilities that repair heavy vehicles are scarce. A private repair lot is not able to properly repair or service combinations of vehicles and is not considered a sufficient alternative to a dedicated heavy vehicle repair facility. By eliminating the current distance limits for towing a combination of disabled vehicles, the bill would enable wrecker operators to tow those vehicles to safe locations or adequate facilities that may properly service or repair the vehicles.

Opposing Argument

The current provisions of the Code are designed to achieve the removal of a disabled vehicle from a highway. Towing a combination of disabled vehicles to a location away from a highway, however, could require traveling across roadways that might not support the weight of such heavy vehicles, causing damage to those roads.

Response: The combination of vehicles that would be towed would be within the legal axle weight limit outlined in the Code, whether towed in combination or not. Although the gross weight could exceed the limit, the weight would be spread out over a distance and across many axles.

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

The bill could have a positive fiscal impact on State and local government if fewer wrecker operators were charged with violations of the Code due to the removal of the distance restrictions. A violation is a misdemeanor punishable by a fine of up to \$100 and imprisonment for up to 90 days. A decrease in misdemeanor arrests and convictions could lower resource demands on local court systems, law enforcement, and jails. Any associated decrease in fine revenue would reduce revenue to public libraries.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.