

SUBSTITUTE FOR
HOUSE BILL NO. 4028

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 722 (MCL 257.722), as amended by 2018 PA 274.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 722. (1) Except as otherwise provided in this section,
2 the maximum axle load ~~shall~~**must** not exceed the number of pounds
3 designated in the following provisions that prescribe the distance
4 between axles:

5 (a) If the axle spacing is 9 feet or more between axles, the
6 maximum axle load ~~shall~~**must** not exceed 18,000 pounds for vehicles
7 equipped with high pressure pneumatic or balloon tires.

8 (b) If the axle spacing is less than 9 feet between 2 axles
9 but more than 3-1/2 feet, the maximum axle load ~~shall~~**must** not

1 exceed 13,000 pounds for high pressure pneumatic or balloon tires.

2 (c) If the axles are spaced less than 3-1/2 feet apart, the
3 maximum axle load ~~shall~~**must** not exceed 9,000 pounds per axle.

4 (d) Subdivisions (a), (b), and (c) shall be known as the
5 normal loading maximum.

6 (2) When normal loading is in effect, the state transportation
7 department, or a local authority with respect to highways under its
8 jurisdiction, may designate certain highways, or sections of those
9 highways, where bridges and road surfaces are adequate for heavier
10 loading, and revise a designation as needed, on which the maximum
11 tandem axle assembly loading ~~shall~~**must** not exceed 16,000 pounds
12 for any axle of the assembly, if there is no other axle within 9
13 feet of any axle of the assembly.

14 (3) A combination of vehicles may operate on designated
15 highways with not more than 1 tandem axle assembly having a gross
16 weight of 16,000 pounds per axle, if there is no other axle within
17 9 feet of the assembly. On a combination of truck tractor and
18 semitrailer having not more than 5 axles, 2 consecutive tandem axle
19 assemblies may operate on designated highways at a gross
20 permissible weight of 16,000 pounds per axle, if there is no other
21 axle within 9 feet of any axle of either assembly.

22 (4) Notwithstanding subsection (3), on a combination of truck
23 tractor and semitrailer having not more than 5 axles, 2 consecutive
24 sets of tandem axles may carry a gross permissible weight of not to
25 exceed 17,000 pounds on any axle of the tandem axles if there is no
26 other axle within 9 feet of any axle of the tandem axles and if the
27 first and last axles of the consecutive sets of tandem axles are
28 not less than 36 feet apart and the gross vehicle weight does not
29 exceed 80,000 pounds to pick up and deliver agricultural

1 commodities between the national truck network or special
2 designated highways and any other highway. This subsection is not
3 subject to the maximum axle loads of subsections (1), (2), and (3).
4 For purposes of this subsection, a "tandem axle" means 2 axles
5 spaced more than 40 inches but not more than 96 inches apart or 2
6 axles spaced more than 3-1/2 feet but less than 9 feet apart. This
7 subsection does not apply during that period when reduced maximum
8 loads are in effect under subsection (8).

9 (5) The seasonal reductions described under subsection (8) to
10 the loading maximums and gross vehicle weight requirement of
11 subsection (12) do not apply to a person hauling agricultural
12 commodities if the person who picks up or delivers the agricultural
13 commodity either from a farm or to a farm notifies the county road
14 commission for roads under its authority not less than 48 hours
15 before the pickup or delivery of the time and location of the
16 pickup or delivery. The county road commission shall issue a permit
17 to the person and charge a fee that does not exceed the
18 administrative costs incurred. The permit ~~shall~~**must** contain all of
19 the following:

20 (a) The designated route or routes of travel for the load.

21 (b) The date and time period requested by the person who picks
22 up or delivers the agricultural commodities during which the load
23 may be delivered or picked up.

24 (c) A maximum speed limit of travel, if necessary.

25 (d) Any other specific conditions agreed to between the
26 parties.

27 (6) The seasonal reductions described under subsection (8) to
28 the loading maximums and gross vehicle weight requirements of
29 subsection (12) do not apply to public utility vehicles **or wreckers**

1 under the following circumstances:

2 (a) For emergency public utility work **or to remove an accident**
3 **or a disabled or impounded vehicle** on restricted roads, as follows:

4 (i) If required by the county road commission, the public
5 utility, or its subcontractor, **or a wrecker company** shall notify
6 the county road commission, as soon as practical, of the location
7 of the emergency public utility work **or the accident or disabled or**
8 **impounded vehicle** and provide a statement that the vehicles that
9 were used to perform the emergency utility work **or wreckers used to**
10 **remove the accident or the disabled or impounded vehicle** may have
11 exceeded the loading maximums and gross vehicle weight requirements
12 of subsection (12) as reduced under subsection (8). The
13 notification may be made via facsimile or electronically.

14 (ii) The public utility vehicle **or wrecker** travels to and from
15 the site of the emergency public utility work **or to remove an**
16 **accident or a disabled or impounded vehicle** while on a restricted
17 road at a speed not greater than 35 miles per hour.

18 (b) For nonemergency public utility work on restricted roads,
19 as follows:

20 (i) If the county road commission requires, the public utility
21 or its subcontractor shall apply to the county road commission
22 annually for a seasonal truck permit for roads under its authority
23 before seasonal weight restrictions are effective. The county road
24 commission shall issue a seasonal truck permit for each public
25 utility vehicle or vehicle configuration the public utility or
26 subcontractor anticipates will be utilized for nonemergency public
27 utility work. The county road commission may charge a fee for a
28 seasonal truck permit that does not exceed the administrative costs
29 incurred for the permit. The seasonal truck permit ~~shall~~**must**

1 contain all of the following:

2 (A) The seasonal period requested by the public utility or
3 subcontractor during which the permit is valid.

4 (B) A unique identification number for the vehicle and any
5 vehicle configuration to be covered on the seasonal truck permit
6 requested by the public utility or subcontractor.

7 (C) A requirement that travel on restricted roads during
8 weight restrictions will be minimized and only utilized when
9 necessary to perform public utility work using the public utility
10 vehicle or vehicle configuration and that nonrestricted roads ~~shall~~
11 **must** be used for travel when available and for routine travel.

12 (D) A requirement that in the case of a subcontractor the
13 permit is only valid while the subcontractor vehicle is being
14 operated in the performance of public utility work.

15 (E) A requirement that a subcontractor vehicle or vehicle
16 configuration ~~shall~~**must** display signage on the outside of the
17 vehicle to identify the vehicle as operating on behalf of the
18 public utility.

19 (ii) If the county road commission requires notification, the
20 county road commission shall provide a notification application for
21 the public utility or its subcontractor to use when requesting
22 access to operate on restricted roads and the public utility or its
23 subcontractor shall provide notification to the county road
24 commission, via facsimile or electronically, not later than 24
25 hours before the time of the intended travel. A subcontractor using
26 a vehicle on a restricted road shall have a copy of any
27 notification provided to a county road commission in the
28 subcontractor's possession while performing the relevant
29 nonemergency work. Notwithstanding this subsection or an agreement

1 under this subsection, if the county road commission determines
2 that the condition of a particular road under its jurisdiction
3 makes it unusable, the county road commission may deny access to
4 all or any part of that road. The denial ~~shall~~**must** be made and
5 communicated via facsimile or electronically to the public utility
6 or its subcontractor within 24 hours after receiving notification
7 that the public utility or subcontractors intends to perform
8 nonemergency work that requires use of that road. Any notification
9 that is not disapproved within 24 hours after the notice is
10 received by the county road commission is considered approved. The
11 notification application required under this subparagraph may
12 include all of the following information:

13 (A) The address or location of the nonemergency work.

14 (B) The date or dates of the nonemergency work.

15 (C) The route to be taken to the nonemergency work site.

16 (D) The restricted road or roads intended to be traveled upon
17 to the nonemergency work site or sites.

18 (E) In the case of a subcontractor, the utility on whose
19 behalf the subcontractor is performing services.

20 (7) The normal size of tires ~~shall~~**must** be the rated size as
21 published by the manufacturers, and the maximum wheel load
22 permissible for any wheel ~~shall~~**must** not exceed 700 pounds per inch
23 of width of tire.

24 (8) Except as provided in this subsection and subsection (9),
25 during the months of March, April, and May in each year, the
26 maximum axle load allowable on concrete pavements or pavements with
27 a concrete base is reduced by 25% from the maximum axle load as
28 specified in this chapter, and the maximum axle loads allowable on
29 all other types of roads during these months are reduced by 35%

1 from the maximum axle loads as specified. The maximum wheel load
2 ~~shall~~**must** not exceed 525 pounds per inch of tire width on concrete
3 and concrete base or 450 pounds per inch of tire width on all other
4 roads during the period the seasonal road restrictions are in
5 effect. Subject to subsection (5), this subsection does not apply
6 to vehicles transporting agricultural commodities or, subject to
7 subsection (6), public utility vehicles **or wreckers** on a highway,
8 road, or street under the jurisdiction of a local road agency, or a
9 school bus. In addition, this subsection does not apply to a
10 vehicle delivering propane fuel to a residence if the vehicle's
11 propane tank is filled to not more than 50% of its capacity and the
12 vehicle is traveling at not more than 35 miles per hour. The state
13 transportation department and each local authority with highways
14 and streets under its jurisdiction to which the seasonal
15 restrictions prescribed under this subsection apply shall post all
16 of the following information on the homepage of its website or, if
17 a local authority does not have a website, then on the website of a
18 statewide road association of which it is a member:

19 (a) The dates when the seasonal restrictions are in effect.

20 (b) The names of the highways and streets and portions of
21 highways and streets to which the seasonal restrictions apply.

22 (9) The state transportation department for roads under its
23 jurisdiction and a county road commission for roads under its
24 jurisdiction may grant exemptions from seasonal weight restrictions
25 for milk on specified routes when requested in writing. Approval or
26 denial of a request for an exemption ~~shall~~**must** be given by written
27 notice to the applicant within 30 days after the date of submission
28 of the application. If a request is denied, the written notice
29 ~~shall~~**must** state the reason for denial and alternate routes for

1 which the permit may be issued. The applicant may appeal to the
2 state transportation commission or the county road commission.
3 These exemptions do not apply on county roads in counties that have
4 negotiated agreements with milk haulers or haulers of other
5 commodities during periods of seasonal load limits before April 14,
6 1993. This subsection does not limit the ability of these counties
7 to continue to negotiate such agreements.

8 (10) The state transportation department, or a local authority
9 with respect to highways under its jurisdiction, may suspend the
10 restrictions imposed by this section when and where conditions of
11 the highways or the public health, safety, and welfare warrant
12 suspension, and impose the restricted loading requirements of this
13 section on designated highways at any other time that the
14 conditions of the highway require.

15 (11) For the purpose of enforcing this act, the gross vehicle
16 weight of a single vehicle and load or a combination of vehicles
17 and loads ~~shall~~**must** be determined by weighing individual axles or
18 groups of axles, and the total weight on all the axles ~~shall be~~**is**
19 the gross vehicle weight. In addition, the gross axle weight ~~shall~~
20 **must** be determined by weighing individual axles or by weighing a
21 group of axles and dividing the gross weight of the group of axles
22 by the number of axles in the group. For purposes of subsection

23 (12), the overall gross weight on a group of 2 or more axles ~~shall~~
24 **must** be determined by weighing individual axles or several axles,
25 and the total weight of all the axles in the group ~~shall be~~**is** the
26 overall gross weight of the group.

27 (12) The loading maximum in this subsection applies to
28 interstate highways, and the state transportation department, or a
29 local authority with respect to highways under its jurisdiction,

1 may designate a highway, or a section of a highway, for the
2 operation of vehicles having a gross vehicle weight of not more
3 than 80,000 pounds that are subject to the following load maximums:

4 (a) Twenty thousand pounds on any 1 axle, including all
5 enforcement tolerances.

6 (b) A tandem axle weight of 34,000 pounds, including all
7 enforcement tolerances.

8 (c) An overall gross weight on a group of 2 or more
9 consecutive axles equaling:

10
$$W=500[(LN)/(N-1)+12N+36]$$

11 where W = overall gross weight on a group of 2 or more
12 consecutive axles to the nearest 500 pounds, L = distance in feet
13 between the extreme of a group of 2 or more consecutive axles, and
14 N = number of axles in the group under consideration; except that 2
15 consecutive sets of tandem axles may carry a gross load of 34,000
16 pounds each if the first and last axles of the consecutive sets of
17 tandem axles are not less than 36 feet apart. The gross vehicle
18 weight ~~shall~~**must** not exceed 80,000 pounds including all
19 enforcement tolerances. Except for 5 axle truck tractor,
20 semitrailer combinations having 2 consecutive sets of tandem axles,
21 vehicles having a gross weight in excess of 80,000 pounds or in
22 excess of the vehicle gross weight determined by application of the
23 formula in this subsection are subject to the maximum axle loads of
24 subsections (1), (2), and (3). As used in this subsection, "tandem
25 axle weight" means the total weight transmitted to the road by 2 or
26 more consecutive axles, the centers of which may be included
27 between parallel transverse vertical planes spaced more than 40
28 inches but not more than 96 inches apart, extending across the full
29 width of the vehicle. Except as otherwise provided in this section,

1 vehicles transporting agricultural commodities ~~shall~~**must** have
2 weight load maximums as set forth in this subsection.

3 (13) The axle loading maximums under subsections (1), (2),
4 (3), and (4) are increased by 10% for vehicles transporting
5 agricultural commodities or raw timber, excluding farm equipment
6 and fuel, from the place of harvest or farm storage to the first
7 point of delivery on a road in this state. However, the axle
8 loading maximums as increased under this subsection do not alter
9 the gross vehicle weight restrictions ~~set forth in~~**under** this act.
10 This subsection does not apply to either of the following:

11 (a) A vehicle utilizing an interstate highway.

12 (b) A vehicle utilizing a road that is subject to seasonal
13 weight restrictions under subsection (8) during the time that the
14 seasonal weight restrictions are in effect.

15 (14) Notwithstanding any other provision of this section, a
16 vehicle that has a gross weight of 80,000 pounds or less and that
17 is operated by an engine that is fueled wholly or partially by
18 compressed or liquefied natural gas may exceed the axle loading
19 maximums under subsections (1), (2), (3), and (4) and the weight
20 load maximums under subsection (12) by an amount equal to the
21 difference between the weight of the vehicle attributable to the
22 natural gas tank and fueling system carried by that vehicle and the
23 weight of a comparable diesel tank and fueling system. The amount
24 by which a vehicle described in this subsection may exceed the axle
25 loading maximums under subsections (1), (2), (3), and (4) and the
26 weight load maximums under subsection (12) ~~shall~~**must** not exceed
27 2,000 pounds.

28 (15) As used in this section:

29 (a) "Agricultural commodities" means those plants and animals

1 useful to human beings produced by agriculture and includes, but is
2 not limited to, forages and sod crops, grains and feed crops, field
3 crops, dairy and dairy products, poultry and poultry products,
4 cervidae, livestock, including breeding and grazing, equine, fish,
5 and other aquacultural products, bees and bee products, berries,
6 herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock,
7 mushrooms, fertilizer, livestock bedding, farming equipment, fuel
8 for agricultural use, and maple sap. Agricultural commodities do
9 not include trees or lumber.

10 (b) "Emergency public utility work" means work performed to
11 restore public utility service or to eliminate a danger to the
12 public due to a natural disaster, an act of God, or an emergency
13 situation, whether or not a public official has declared an
14 emergency.

15 (c) "Farm storage" means any of the following:

16 (i) An edifice, silo, tank, bin, crib, interstice, or protected
17 enclosed structure, or more than 1 edifice, silo, tank, bin, crib,
18 interstice, or protected enclosed structure located contiguous to
19 each other.

20 (ii) An open environment used for the purpose of temporarily
21 storing a crop.

22 (d) "Public utility" means a public utility under the
23 jurisdiction of the public service commission or a transmission
24 company.

25 (e) "Public utility vehicle" means a vehicle owned or operated
26 by a public utility or operated by a subcontractor on behalf of a
27 public utility.

28 (f) "Transmission company" means either an affiliated
29 transmission company or an independent transmission company as

1 those terms are defined in section 2 of the electric transmission
2 line certification act, 1995 PA 30, MCL 460.562.