



# HOUSE BILL No. 4931

September 30, 1999, Introduced by Reps. Kelly, Allen, Jelinek, Middaugh, Julian, Garcia, Kukuk, Garza and Bovin and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 605 and 716 (MCL 257.605 and 257.716), section 605 as amended by 1999 PA 73 and section 716 as amended by 1998 PA 427.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 605. (1) This chapter and chapter VIII ~~shall~~ apply  
2 uniformly throughout this state and in all political subdivisions  
3 and municipalities in the state. A local authority shall not  
4 adopt, enact, or enforce a local law ~~, charter provision, ordi-~~  
5 ~~nance, rule, or regulation~~ THAT IS in conflict with this chapter  
6 or chapter VIII.

7       (2) A local law ~~, charter provision, ordinance, rule, or~~  
8 ~~regulation~~ or portion of a local law ~~, charter provision,~~  
9 ~~ordinance, rule, or regulation imposing~~ THAT IMPOSES a criminal

1 penalty for an act or omission that is a civil infraction under  
2 this act, or ~~imposing~~ THAT IMPOSES a criminal penalty or civil  
3 sanction in excess of that prescribed in this act, is in conflict  
4 with this act and is void to the extent of the conflict.

5 (3) PROCEEDS OF A CIVIL FINE IMPOSED BY A LOCAL AUTHORITY  
6 FOR VIOLATION OF A LOCAL LAW REGULATING COMMERCIAL MOTOR VEHICLE  
7 EQUIPMENT AND SUBSTANTIALLY CORRESPONDING TO SECTIONS 683 TO 725A  
8 SHALL BE PAID TO THE COUNTY TREASURER AND APPLIED EXCLUSIVELY FOR  
9 PUBLIC LIBRARIES AND COUNTY LAW LIBRARIES IN THE SAME MANNER AS  
10 IS PROVIDED BY LAW FOR PENAL FINES ASSESSED AND COLLECTED FOR  
11 VIOLATION OF A PENAL LAW OF THIS STATE.

12 (4) AS USED IN THIS SECTION, "LOCAL LAW" INCLUDES A LOCAL  
13 CHARTER PROVISION, ORDINANCE, RULE, OR REGULATION.

14 Sec. 716. (1) Unless specifically declared to be a civil  
15 infraction, it is a misdemeanor for a person to drive or move or  
16 for the owner to cause or permit to be driven or moved on a high-  
17 way a vehicle or vehicles of a size or weight exceeding the limi-  
18 tations stated in this chapter or otherwise in violation of this  
19 chapter. ~~, and the~~ THE maximum size and weight specified in  
20 this chapter shall be lawful throughout this state. ~~, and local~~  
21 ~~authorities~~ A LOCAL AUTHORITY shall not alter those size and  
22 weight limitations except as express authority is granted in this  
23 chapter.

24 (2) The provisions of this chapter governing size, weight,  
25 and load ~~shall~~ DO not apply to a fire apparatus, to an imple-  
26 ment of husbandry incidentally moved upon a highway, a  
27 combination of vehicles described in, and under the conditions

1 provided by, subsection (4), or to a vehicle operated under the  
2 terms of a special permit issued as provided in this chapter.

3       (3) The state transportation department, pursuant to the  
4 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
5 24.328, may promulgate rules permitting and regulating the opera-  
6 tion of a vehicle or vehicles of a size or weight ~~which exceeds~~  
7 THAT EXCEED the size or weight limitations in this chapter. The  
8 rules may restrict or proscribe the conditions of operation of a  
9 vehicle or vehicles of a size or weight ~~which exceeds~~ THAT  
10 EXCEED the size or weight limitations in this chapter, if the  
11 restriction or proscription is necessary to protect the public  
12 safety or to prevent undue damage to a road foundation or sur-  
13 face, a structure, or an installation. The rules may provide for  
14 a reasonable inspection fee for an inspection of a vehicle or  
15 vehicles to determine whether their sizes and weights are in con-  
16 formance with this act, and may require other security necessary  
17 to compensate for damage caused by the vehicle or vehicles  
18 described in this subsection.

19       (4) A wrecker and a disabled vehicle, or a wrecker and a  
20 combination of a disabled vehicle and 1 trailer, that exceeds the  
21 size and weight limitations in this chapter may be operated upon  
22 the highways of this state under the following conditions:

23       (a) The wrecker is specifically designed for such towing  
24 operations, is equipped with flashing, oscillating, or rotating  
25 amber or red lights as permitted under section 698, and is  
26 capable of utilizing the lighting and braking systems of the

1 disabled vehicle or combination of disabled vehicles if those  
2 systems are operational.

3 (b) The wrecker is issued an extended restricted permit  
4 under section 725 by the state transportation department if each  
5 trip beginning from the place of original disablement of the dis-  
6 abled vehicle or combination of vehicles is 25 miles or less  
7 except that, for each trip that begins and ends north of a line  
8 between Ludington and Pinconning, the trip beginning from the  
9 place of original disablement of the disabled vehicle or combina-  
10 tion of vehicles may be 50 miles or less.

11 (c) The wrecker does not operate on any highway, road,  
12 street, or structure included on a list provided by the state  
13 transportation department unless the disabled vehicle or combina-  
14 tion of vehicles is located on 1 of those roads or structures.

15 (5) The owner or operator of a wrecker that does not comply  
16 with subsection (4)(c) is responsible for a civil infraction and  
17 shall pay a civil fine of not less than \$250.00 but not more than  
18 \$500.00. The civil fine imposed by this subsection is in addi-  
19 tion to any fine that may be imposed under section 724 or 725.

20 (6) A GARBAGE OR REFUSE HAULER THAT EXCEEDS THE WEIGHT LIM-  
21 TATIONS IN THIS CHAPTER MAY BE OPERATED UPON A HIGHWAY OVER WHICH  
22 A LOCAL AUTHORITY HAS JURISDICTION IF THE LOCAL AUTHORITY ADOPTS  
23 AN ORDINANCE OR RESOLUTION ALLOWING SUCH MOVEMENT AND ISSUES A  
24 PERMIT ALLOWING SUCH MOVEMENT AS PROVIDED BY SECTION 725.

25 Enacting section 1. This amendatory act does not take  
26 effect unless all of the following bills of the 90th Legislature  
27 are enacted into law:

1 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4932 (request  
2 no. 03641'99\*).

3 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4928 (request  
4 no. 03652'99\*).

5 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 4929 (request  
6 no. 03653'99\*).

7 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 4930 (request  
8 no. 04528'99\*).

9 (e) Senate Bill No. \_\_\_\_\_ or House Bill No. 4927 (request  
10 no. 04529'99\*).