

SENATE BILL No. 948

January 27, 2000, Introduced by Senators JOHNSON, HAMMERSTROM and MC COTTER
and referred to the Committee on Transportation and Tourism.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 720 (MCL 257.720), as amended by 1996 PA
136.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 720. (1) A person shall not drive or move a vehicle on
2 a highway unless the vehicle is so constructed or loaded as to
3 prevent its contents from dropping, sifting, leaking, blowing
4 off, or otherwise escaping from the vehicle. This requirement
5 does not apply to a vehicle transporting agricultural or horti-
6 cultural products when hay, straw, silage, or residue from a pro-
7 duct, but not including the product itself, or when materials
8 such as water used to preserve and handle agricultural or
9 horticultural products while in transportation, escape from the
10 vehicle in an amount that does not interfere with other traffic

1 on the highway. The tailgate, faucets, and taps on a vehicle
2 shall be securely closed to prevent spillage during transporta-
3 tion whether the vehicle is loaded or empty, and the vehicle
4 shall not have any holes or cracks through which material can
5 escape. Any highway maintenance vehicle engaged in either ice or
6 snow removal ~~shall be~~ IS exempt from this section.

7 (2) Actual spillage of material on the highway or proof of
8 that spillage is not necessary to prove a violation of this
9 section.

10 (3) A vehicle carrying a load, other than logs or tubular
11 products, ~~which~~ THAT is not completely enclosed shall meet
12 either of the following requirements:

13 (a) Have the load covered with firmly secured canvas or a
14 similar type of covering THAT OVERLAPS AND THAT IS SECURELY
15 FASTENED TO EACH SIDE OF THE VEHICLE. A device used to comply
16 with the the requirement of this subdivision shall not exceed a
17 width of 108 inches UNLESS NECESSARY TO COMPLY WITH THIS
18 SUBDIVISION nor by design or use have the capability to carry
19 cargo by itself.

20 (b) Have the load securely fastened to the body or the frame
21 of the vehicle with binders of adequate number and of adequate
22 breaking strength to prevent the dropping off or shifting of the
23 load.

24 (4) A company or individual who loads or unloads a vehicle
25 or causes it to be loaded or unloaded, with knowledge that it is
26 to be driven on a public highway, in a manner so as to cause a

1 violation of subsection (1) ~~shall be~~ IS prima facie liable for
2 a violation of this section.

3 (5) A person shall not operate a motor vehicle carrying logs
4 or tubular products on a highway unless the following conditions
5 are met:

6 (a) If the logs or tubular products are loaded crosswise or
7 at right angles to the side of the vehicle, the load of logs or
8 tubular products shall be securely fastened to the body or frame
9 of the vehicle with not less than 2 binders ~~which~~ THAT are
10 secured to the frame at each end of the load and pass over the
11 load so that the frame and binders completely encircle the load.

12 (b) If the vehicle is a truck or trailer carrying logs which
13 has a loading surface more than 33 feet in length and the logs
14 are loaded crosswise or at right angles to the side of the vehi-
15 cle, the vehicle shall be equipped with a center partition
16 located approximately 1/2 the distance from the front to the rear
17 of the loading surface of the truck or trailer. The center par-
18 tition shall be either a center mounted hydraulic loader or a
19 center set of stakes and shall be pinned, bolted, or otherwise
20 securely fastened to the frame. The load shall be secured as
21 required by subdivision (a) and, in addition, the 2 lengthwise
22 tie downs shall be attached or threaded through the center parti-
23 tion at a level not less than 1 foot below the load height.

24 (c) If the logs or tubular products are loaded lengthwise of
25 the vehicle, obliquely or parallel to the sides, with metal
26 stakes and pockets, the load of logs or tubular products shall be
27 secured as follows:

1 (i) With 2 tie downs from frame to frame for every tier.

2 (ii) So that not more than 1/2 the diameter of the top log
3 or tubular product extends higher than the stake tops.

4 (iii) With 2 cross chains per tier if the load extends more
5 than 5 feet above the loading surface.

6 (iv) So that every 10 linear feet has not less than 1 tie
7 down from frame to frame.

8 (d) If the logs or tubular products are loaded lengthwise of
9 the vehicle, obliquely or parallel to the sides, with permanent
10 metal gusseted bunks, the load of logs or tubular products shall
11 be secured as follows:

12 (i) With 2 tie downs from frame to frame for every tier.

13 (ii) So that not more than 1/2 the diameter of the top log
14 extends higher than the stake tops.

15 (iii) So that every 10 linear feet has not less than 1 tie
16 down from frame to frame.

17 (e) The tie downs, cross chains, stakes, and other materials
18 used to secure loads of logs or tubular products as required
19 under subdivisions (a) to (d) shall meet the following minimum
20 requirements:

21 (i) Chain shall be of steel and shall be of a strength not
22 less than 5/16 inch in diameter "transport", which is embossed
23 with a grade stamp representative of grade 70, or not less than
24 3/8 inch in diameter "high test", which is embossed with a grade
25 stamp representative of grade 40. Chain shall not be repaired by
26 welding, wire, or cold shuts.

1 (ii) Wire rope shall be of improved plow steel and not less
2 than 3/8 inch in diameter.

3 (iii) Webbing strap shall be not less than 3 inches in width
4 and shall have a minimum breaking strength of 14,000 pounds.

5 (iv) Metal stakes shall be of sufficient strength to hold
6 and contain the load.

7 (v) Connecting links and hooks shall be at least as strong
8 as the tie down material used.

9 (6) Subsection (3) shall not apply to a person operating a
10 vehicle to transport agricultural commodities or to a person
11 operating a farm truck or implement of husbandry transporting
12 sand, gravel, and dirt necessary in the normal operation of a
13 farm. However, a person operating a vehicle to transport agri-
14 cultural commodities or sand, gravel, and dirt in the normal
15 operation of the farm who violates subsection (1) or (4) is
16 guilty of a misdemeanor and ~~shall be~~ IS subject to the penal-
17 ties prescribed in subsection (9).

18 (7) Subsection (3)(a) shall not apply to a motor vehicle
19 transporting items of a load which because of their weight will
20 not fall off the moving vehicle and which have their centers of
21 gravity located at least 6 inches below the top of the enclosure
22 nor to a motor vehicle carrying metal which because of its weight
23 and density is so loaded as to prevent it from dropping or fall-
24 ing off the moving vehicle.

25 (8) Subsection (3)(a) shall not apply to motor vehicles and
26 other equipment engaged in work upon the surface of a highway or
27 street in a designated work area.

1 (9) A person who violates this section is guilty of a
2 misdemeanor punishable by a fine of not more than \$500.00 or
3 imprisonment for not more than 90 days, or both.

4 (10) As used in this section:

5 (a) "Cross chain" means a chain ~~which~~ THAT extends through
6 the load of logs or tubular products and is connected at each end
7 to a side stake.

8 (b) "Logs" means sawlogs, pulpwood, or tree length poles.

9 (c) "Tie down" means a high strength material ~~which~~ THAT
10 is used to secure the load of logs or tubular products to the
11 frame or the bed of the vehicle.

12 (d) "Tier" means a vertical pile or stack of logs or tubular
13 products.