

SENATE BILL No. 362

March 11, 2009, Introduced by Senators BARCIA, ALLEN and PAPPAGEORGE and referred to the Committee on Commerce and Tourism.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 216 and 719a (MCL 257.216 and 257.719a), section 216 as amended by 2008 PA 539 and section 719a as amended by 1996 PA 136, and by adding sections 38a, 49a, and 74a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 38A. "PARK MODEL TRAILER" MEANS A VEHICLE THAT MEETS ALL**
2 **OF THE FOLLOWING:**

3 **(A) IS BUILT ON A SINGLE CHASSIS, MOUNTED ON WHEELS, AND**
4 **DESIGNED TO BE TOWED BY A MOTOR VEHICLE FROM TIME TO TIME.**

5 **(B) REQUIRES A PERMIT UNDER SECTION 719A TO BE TOWED ON A**
6 **STREET OR HIGHWAY.**

7 **(C) IS DESIGNED TO PROVIDE RECREATIONAL SEASONAL OR TEMPORARY**
8 **LIVING QUARTERS.**

1 (D) WHEN USED AS RECREATIONAL SEASONAL OR TEMPORARY LIVING
2 QUARTERS, MAY BE CONNECTED TO UTILITIES NECESSARY FOR THE OPERATION
3 OF INSTALLED FIXTURES AND APPLIANCES.

4 (E) IS NOT A MOBILE HOME AS THAT TERM IS DEFINED IN SECTION 2
5 OF THE MOBILE HOME COMMISSION ACT, 1987 PA 96, MCL 125.2302.

6 SEC. 49A. "RECREATIONAL VEHICLE" MEANS A NEW OR USED VEHICLE
7 THAT HAS ITS OWN MOTIVE POWER OR IS TOWED BY A MOTOR VEHICLE; IS
8 PRIMARILY DESIGNED TO PROVIDE TEMPORARY LIVING QUARTERS FOR
9 RECREATIONAL, CAMPING, TRAVEL, OR SEASONAL USE; COMPLIES WITH ALL
10 APPLICABLE FEDERAL VEHICLE REGULATIONS; AND DOES NOT REQUIRE A
11 PERMIT UNDER SECTION 719A TO BE OPERATED OR TOWED ON A STREET OR
12 HIGHWAY. THE TERM INCLUDES, BUT IS NOT LIMITED TO, A MOTOR HOME,
13 TRAVEL TRAILER, PARK MODEL TRAILER, OR PICKUP CAMPER.

14 SEC. 74A. (1) "TRAVEL TRAILER" MEANS A TRAILER COACH, FIFTH
15 WHEEL TRAILER, CAMPING TRAILER, OR OTHER VEHICLE THAT IS DESIGNED
16 TO BE TOWED BY A MOTOR VEHICLE; IS DESIGNED TO PROVIDE TEMPORARY
17 LIVING QUARTERS FOR RECREATIONAL, CAMPING, OR TRAVEL USE; AND DOES
18 NOT REQUIRE A SPECIAL HIGHWAY MOVEMENT PERMIT UNDER SECTION 719A
19 BECAUSE OF ITS SIZE AND WEIGHT WHEN TOWED ON A STREET OR HIGHWAY.

20 (2) AS USED IN THIS SECTION:

21 (A) "CAMPING TRAILER" MEANS A TRAILER COACH CONSTRUCTED WITH
22 COLLAPSIBLE SIDE WALLS THAT FOLD FOR TOWING AND UNFOLD TO PROVIDE
23 TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, OR TRAVEL USE.

24 (B) "FIFTH WHEEL TRAILER" MEANS A TRAILER COACH DESIGNED TO BE
25 TOWED BY A MOTOR VEHICLE USING A TOWING MECHANISM THAT IS MOUNTED
26 ABOVE OR FORWARD OF THE TOW VEHICLE'S REAR AXLE.

27 Sec. 216. Every motor vehicle, ~~pickup camper, trailer coach~~

1 **RECREATIONAL VEHICLE**, trailer, semitrailer, and pole trailer, when
2 driven or moved ~~upon~~**ON** a **STREET OR** highway, is subject to the
3 registration and certificate of title provisions of this act except
4 the following:

5 (a) A vehicle driven or moved ~~upon~~**ON** a **STREET OR** highway in
6 conformance with the provisions of this act relating to
7 manufacturers, transporters, dealers, or nonresidents.

8 (b) A vehicle that is driven or moved ~~upon~~**ON** a **STREET OR**
9 highway only for the purpose of crossing that **STREET OR** highway
10 from 1 property to another.

11 (c) An implement of husbandry.

12 (d) Special mobile equipment. ~~for which the~~**THE** secretary of
13 state may issue a special registration to an individual,
14 partnership, corporation, or association not licensed as a dealer
15 **THAT PAYS THE REQUIRED FEE**, to identify ~~the~~**SPECIAL MOBILE**
16 equipment ~~when being moved over the streets and highways upon~~
17 ~~payment of the required fee~~**THAT IS DRIVEN OR MOVED ON A STREET OR**
18 **HIGHWAY**.

19 (e) A vehicle that is propelled exclusively by electric power
20 obtained from overhead trolley wires though not operated ~~upon~~**ON**
21 rails.

22 (f) Any vehicle subject to registration, but owned by the
23 government of the United States.

24 (g) A certificate of title ~~need not be obtained~~**IS NOT**
25 **REQUIRED** for a trailer, semitrailer, or pole trailer ~~weighing~~**THAT**
26 **WEIGHS** less than 2,500 pounds.

27 (h) A vehicle driven or moved ~~upon the~~**ON A STREET OR** highway,

1 **BY THE MOST DIRECT ROUTE**, only for the purpose of securing a **SCALE**
2 weight receipt from a weighmaster ~~as is required in~~ **FOR PURPOSES OF**
3 section 801 ~~, or for~~ obtaining a vehicle inspection by a law
4 enforcement agency before titling or registration ~~, and then only~~
5 ~~by the most direct route~~ **OF THAT VEHICLE.**

6 (i) A certificate of title ~~need not be obtained~~ **IS NOT**
7 **REQUIRED** for a vehicle owned by a manufacturer or dealer and held
8 for sale or lease, even though incidentally moved on ~~the~~ **A STREET**
9 **OR** highway or used for purposes of testing or demonstration.

10 (j) A bus or **A** school bus ~~, as defined in section 4b or 57,~~
11 that is not self-propelled and **IS** used exclusively as a
12 construction shanty.

13 (k) A certificate of title ~~need not be obtained~~ **IS NOT**
14 **REQUIRED** for a moped.

15 (l) For 3 days immediately following the date of a properly
16 assigned title or signed lease agreement from any person other than
17 a ~~vehicle~~ dealer, a registration ~~need not be obtained~~ **IS NOT**
18 **REQUIRED** for a vehicle driven or moved ~~upon the~~ **ON A STREET OR**
19 highway for the sole purpose of transporting the vehicle ~~in~~ **BY** the
20 most direct route from the place of purchase or lease to a place of
21 storage if the driver has in his or her possession the assigned
22 title showing the date of sale or **A** lease agreement showing the
23 date of the lease.

24 (m) A certificate of registration ~~need not be obtained~~ **IS NOT**
25 **REQUIRED** for a pickup camper, but a certificate of title ~~shall be~~
26 ~~obtained~~ **IS REQUIRED.**

27 (n) A new motor vehicle driven or moved ~~upon the~~ **ON A STREET**

1 OR highway only for the purpose of moving the vehicle from an
2 accident site to a storage location if the vehicle was being
3 transported on a railroad car or semitrailer that was involved in a
4 disabling accident.

5 (o) A boat lift used for transporting vessels between a marina
6 or a body of water and a place of inland storage.

7 Sec. 719a. (1) Notwithstanding any other provisions of this
8 act, a person shall not operate ~~on the highways of this state~~ a
9 towing vehicle to which a mobile home **OR PARK MODEL TRAILER** is
10 attached ~~on a street or highway~~ if that mobile home **OR PARK MODEL**
11 **TRAILER** is more than 45 feet in length or more than 60 feet in
12 length when combined with the towing vehicle, is more than 12-1/2
13 feet in height, and has an actual body width of more than 102
14 inches at base rail, unless that person possesses either of the
15 following:

16 (a) A permit issued by the jurisdictional authority ~~pursuant~~
17 ~~to~~ **UNDER** this section.

18 (b) A special permit issued by the jurisdictional authority
19 ~~pursuant to~~ **UNDER** section 725.

20 (2) ~~The~~ **A** jurisdictional authority may issue to a mobile home
21 **OR PARK MODEL TRAILER** transport company, a mobile home **OR PARK**
22 **MODEL TRAILER** manufacturer, or a mobile home **OR PARK MODEL TRAILER**
23 dealer an annual permit to move ~~over a~~ **ON A STREET OR** highway, in
24 the ordinary course of that company's, manufacturer's, or dealer's
25 business, a mobile home **OR PARK MODEL TRAILER** that conforms to each
26 of the following:

27 (a) The mobile home **OR PARK MODEL TRAILER** is not more than 12

1 feet wide.

2 (b) The actual body length of the mobile home **OR PARK MODEL**
3 **TRAILER** is not more than 80 feet and the combined length of the
4 mobile home **OR PARK MODEL TRAILER** and towing vehicle is not more
5 than 105 feet or the total length of a combination of mobile homes
6 **OR PARK MODEL TRAILERS** is not more than 80 feet and the total
7 length of a combination of mobile homes **OR PARK MODEL TRAILERS** and
8 towing vehicle is not more than 105 feet.

9 (3) A jurisdictional authority ~~may, in accordance with~~ **UNDER**
10 section 725 ~~, MAY~~ issue a special permit for the movement of a
11 mobile home ~~over~~ **OR PARK MODEL TRAILER ON** a **STREET OR** highway
12 within its jurisdiction if the width of that mobile home **OR PARK**
13 **MODEL TRAILER** conforms to both of the following:

14 (a) The mobile home **OR PARK MODEL TRAILER** is not more than 16
15 feet wide plus normal appurtenances or eaves that extend not more
16 than 6 inches from any side of the mobile home **OR PARK MODEL**
17 **TRAILER.**

18 (b) The length of the mobile home **OR PARK MODEL TRAILER**
19 complies with subsection (2)(b).

20 (4) A person operating a towing vehicle under subsection (3)
21 shall transport a mobile home **OR PARK MODEL TRAILER** only on the
22 lane farthest to the right of that person. A person shall not move
23 a mobile home **OR PARK MODEL TRAILER** that is 14 or more feet in
24 width including an eave of 2 feet when the wind velocity exceeds 25
25 miles per hour.

26 (5) A jurisdictional authority shall not issue a permit
27 described in subsection (2) or (3) for the transport of a mobile

1 home **OR PARK MODEL TRAILER** on a Saturday, Sunday, legal holiday,
2 from the noon before until the noon after a holiday, or during the
3 hours between sunset and sunrise.

4 (6) A jurisdictional authority shall provide and a person
5 operating a towing vehicle shall comply with all of the following
6 in a permit issued under this section:

7 (a) The date, day, and time period during which a mobile home
8 **OR PARK MODEL TRAILER** subject to the permit may be moved on a
9 highway.

10 (b) Notice that the permit is conditioned upon its holder's
11 compliance with the permit's terms and with the law.

12 (c) Notice that the operator of a towing vehicle transporting
13 the mobile home **OR PARK MODEL TRAILER** shall operate the towing
14 vehicle on a highway as follows:

15 (i) At a safe speed and in a safe manner that will not impede
16 motor traffic.

17 (ii) Only when the surface condition of the highway is not
18 slippery.

19 (iii) In ~~accordance~~ **COMPLIANCE** with seasonal load restrictions.

20 (d) For a mobile home **OR PARK MODEL TRAILER** and towing vehicle
21 that, when combined, are more than 80 feet in length or more than
22 12 feet wide, all of the following:

23 (i) Notice that the mobile home **OR PARK MODEL TRAILER** shall be
24 equipped with 2 flashing amber lights on the rear of the mobile
25 home **OR PARK MODEL TRAILER** and 1 flashing amber light on the top of
26 the towing vehicle.

27 (ii) Notice that the mobile home **OR PARK MODEL TRAILER** shall be

1 equipped with stop lights and directional lights on the rear of the
2 mobile home **OR PARK MODEL TRAILER**.

3 (iii) Notice that signs with the words "oversize load" shall be
4 displayed on the front bumper of the towing vehicle and the back of
5 the mobile home **OR PARK MODEL TRAILER** or, in the case of mobile
6 homes **OR PARK MODEL TRAILERS** that are 16 feet wide, notice that
7 signs with the words "16-ft wide load" shall be displayed on the
8 front bumper of the towing vehicle and the back of the mobile home
9 **OR PARK MODEL TRAILER**.

10 (iv) Notice that the signs identified in subparagraph (iii) shall
11 be of durable material, in good condition, with black lettering on
12 interstate yellow background, and that each letter shall be of
13 block lettering not less than 12 inches high at the front and not
14 less than 16 inches high at the rear of the unit.

15 (v) Notice that a vehicle escort is required on those roads
16 where the state police consider escort vehicles necessary for
17 highway safety.

18 (7) Signs and other special identification for escort vehicles
19 shall conform to state transportation department requirements for
20 all escort vehicles for oversized loads.

21 (8) For a mobile home **OR PARK MODEL TRAILER** being moved
22 pursuant to this section or section 725, the distance between
23 mobile home **OR PARK MODEL TRAILER** axle centers shall not be less
24 than 34 inches. The axles and tires shall meet standards
25 established by the state transportation department.

26 (9) This section does not grant or give authority to the state
27 transportation department that did not exist on May 1, 1982, in

1 accordance with ~~section 127 of title 23 of the United States Code,~~
2 ~~23 U.S.C. 127~~ **23 USC 127.**

3 (10) A person ~~who~~ **THAT** violates this section is responsible
4 for a civil infraction and may be assessed a civil fine of not more
5 than \$500.00. The owner of the towing vehicle may be charged with a
6 violation of this section.

7 (11) The state transportation commission may order the state
8 transportation department to immediately cease issuing all special
9 permits to move on the highways of the lower peninsula of this
10 state a mobile home **OR PARK MODEL TRAILER** that is more than 14-1/3
11 feet wide plus normal appurtenances that extend no more than 6
12 inches, and an eave that extends no more than 2 feet from the width
13 of that mobile home ~~upon a~~ **OR PARK MODEL TRAILER IF THE** state
14 transportation commission **MAKES A** determination that those permits
15 create an unreasonable safety hazard or hazards. The state
16 transportation commission shall notify all other jurisdictional
17 authorities of ~~the~~ **A** determination made under this subsection. The
18 order shall not prohibit the issuance of a special permit for the
19 movement of a mobile home **OR PARK MODEL TRAILER** if a binding
20 contract for the movement of that mobile home **OR PARK MODEL TRAILER**
21 was executed before the commission determination of an unreasonable
22 safety hazard or hazards.

23 (12) As used in this section:

24 (a) "Jurisdictional authority" means the state transportation
25 department, a county road commission, or a local authority ~~having~~
26 **THAT HAS** jurisdiction over a **STREET OR** highway ~~upon~~ **ON** which a
27 mobile home is proposed to be moved.

1 (b) "Mobile home" means any of the following:

2 (i) A prebuilt housing module.

3 (ii) That term as defined in section 2 of the mobile home
4 commission act, ~~Act No. 96 of the Public Acts of 1987, being~~
5 ~~section 125.2302 of the Michigan Compiled Laws 1987 PA 96, MCL~~
6 ~~125.2302.~~

7 (iii) A section of a mobile home as that term is defined in
8 subparagraph (ii).

9 Enacting section 1. This amendatory act takes effect July 1,
10 2010.

11 Enacting section 2. This amendatory act does not take effect
12 unless Senate Bill No. 363

13 of the 95th Legislature is enacted into law.