

HOUSE BILL No. 5424

February 21, 2012, Introduced by Reps. Lyons, Daley, Pscholka, McBroom, Kurtz, Goike, Muxlow, Outman, Denby, Johnson, LaFontaine, MacGregor, Zorn and Rendon and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 722 and 724 (MCL 257.722 and 257.724), section 722 as amended by 2009 PA 146 and section 724 as amended by 2009 PA 169.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 722. (1) The maximum axle load shall not exceed the
2 number of pounds designated in the following provisions that
3 prescribe the distance between axles:

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

7 (b) If the axle spacing is less than 9 feet between 2 axles

1 but more than 3-1/2 feet, the maximum axle load shall not exceed
2 13,000 pounds for high pressure pneumatic or balloon tires.

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

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

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

15 (3) On a legal combination of vehicles, only 1 tandem axle
16 assembly ~~shall be~~ **IS** permitted on the designated highways at the
17 gross permissible weight of 16,000 pounds per axle, if there is
18 no other axle within 9 feet of any axle of the assembly, and if
19 no other tandem axle assembly in the combination of vehicles
20 exceeds a gross weight of 13,000 pounds per axle. On a
21 combination of truck tractor and semitrailer having not more than
22 5 axles, 2 consecutive tandem axle assemblies ~~shall be~~ **ARE**
23 permitted on the designated highways at a gross permissible
24 weight of 16,000 pounds per axle, if there is no other axle
25 within 9 feet of any axle of the assembly.

26 (4) Notwithstanding subsection (3), on a combination of
27 truck tractor and semitrailer having not more than 5 axles, 2

1 consecutive sets of tandem axles may carry a gross permissible
2 weight of not to exceed 17,000 pounds on any axle of the tandem
3 axles if there is no other axle within 9 feet of any axle of the
4 tandem axles and if the first and last axles of the consecutive
5 sets of tandem axles are not less than 36 feet apart and the
6 gross vehicle weight does not exceed 80,000 pounds to pick up and
7 deliver agricultural commodities between the national truck
8 network or special designated highways and any other highway.
9 This subsection is not subject to the maximum axle loads of
10 subsections (1), (2), and (3). For purposes of this subsection, a
11 "tandem axle" means 2 axles spaced more than 40 inches but not
12 more than 96 inches apart or 2 axles spaced more than 3-1/2 feet
13 but less than 9 feet apart. This subsection does not apply during
14 that period when reduced maximum loads are in effect under
15 subsection (8).

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

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

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

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

5 (d) Any other specific conditions agreed to between the
6 parties.

7 (6) The seasonal reductions described under subsection (8)
8 to the loading maximums and gross vehicle weight requirements of
9 subsection (12) do not apply to public utility vehicles under the
10 following circumstances:

11 (a) For emergency public utility work on restricted roads,
12 as follows:

13 (i) If required by the county road commission, the public
14 utility or its subcontractor shall notify the county road
15 commission, as soon as practical, of the location of the
16 emergency public utility work and provide a statement that the
17 vehicles that were used to perform the emergency utility work may
18 have exceeded the loading maximums and gross vehicle weight
19 requirements of subsection (12) as reduced under subsection (8).
20 The notification may be made via facsimile or electronically.

21 (ii) The public utility vehicle travels to and from the site
22 of the emergency public utility work while on a restricted road
23 at a speed not greater than 35 miles per hour.

24 (b) For nonemergency public utility work on restricted
25 roads, as follows:

26 (i) If the county road commission requires, the public
27 utility or its subcontractor shall apply to the county road

1 commission annually for a seasonal truck permit for roads under
2 its authority before seasonal weight restrictions are effective.
3 The county road commission shall issue a seasonal truck permit
4 for each public utility vehicle or vehicle configuration the
5 public utility or subcontractor anticipates will be utilized for
6 nonemergency public utility work. The county road commission may
7 charge a fee for a seasonal truck permit that does not exceed the
8 administrative costs incurred for the permit. The seasonal truck
9 permit shall contain all of the following:

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

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

15 (C) A requirement that travel on restricted roads during
16 weight restrictions will be minimized and only utilized when
17 necessary to perform public utility work using the public utility
18 vehicle or vehicle configuration and that nonrestricted roads
19 shall be used for travel when available and for routine travel.

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

23 (E) A requirement that a subcontractor vehicle or vehicle
24 configuration shall display signage on the outside of the vehicle
25 to identify the vehicle as operating on behalf of the public
26 utility.

27 (ii) If the county road commission requires notification, the

1 county road commission shall provide a notification application
2 for the public utility or its subcontractor to use when
3 requesting access to operate on restricted roads and the public
4 utility or its subcontractor shall provide notification to the
5 county road commission, via facsimile or electronically, not
6 later than 24 hours before the time of the intended travel. A
7 subcontractor using a vehicle on a restricted road shall have a
8 copy of any notification provided to a county road commission in
9 the subcontractor's possession while performing the relevant
10 nonemergency work. Notwithstanding this subsection or an
11 agreement under this subsection, if the county road commission
12 determines that the condition of a particular road under its
13 jurisdiction makes it unusable, the county road commission may
14 deny access to all or any part of that road. The denial shall be
15 made and communicated via facsimile or electronically to the
16 public utility or its subcontractor within 24 hours after
17 receiving notification that the public utility or subcontractors
18 intends to perform nonemergency work that requires use of that
19 road. Any notification that is not disapproved within 24 hours
20 after the notice is received by the county road commission is
21 considered approved. The notification application required under
22 this subparagraph may include all of the following information:

- 23 (A) The address or location of the nonemergency work.
- 24 (B) The date or dates of the nonemergency work.
- 25 (C) The route to be taken to the nonemergency work site.
- 26 (D) The restricted road or roads intended to be traveled
27 upon to the nonemergency work site or sites.

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

3 (7) The normal size of tires shall be the rated size as
4 published by the manufacturers, and the maximum wheel load
5 permissible for any wheel shall not exceed 700 pounds per inch of
6 width of tire.

7 (8) Except as provided in this subsection and subsection
8 (9), during the months of March, April, and May in each year, the
9 maximum axle load allowable on concrete pavements or pavements
10 with a concrete base is reduced by 25% from the maximum axle load
11 as specified in this chapter, and the maximum axle loads
12 allowable on all other types of roads during these months are
13 reduced by 35% from the maximum axle loads as specified. The
14 maximum wheel load shall not exceed 525 pounds per inch of tire
15 width on concrete and concrete base or 450 pounds per inch of
16 tire width on all other roads during the period the seasonal road
17 restrictions are in effect. Subject to subsection (5), this
18 subsection does not apply to vehicles transporting agricultural
19 commodities or, subject to subsection (6), public utility
20 vehicles on a highway, road, or street under the jurisdiction of
21 a local road agency. The state transportation department and each
22 local authority with highways and streets under its jurisdiction
23 to which the seasonal restrictions prescribed under this
24 subsection apply shall post all of the following information on
25 the homepage of its website or, if a local authority does not
26 have a website, then on the website of a statewide road
27 association of which it is a member:

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

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

4 (9) The state transportation department for roads under its
5 jurisdiction and a county road commission for roads under its
6 jurisdiction may grant exemptions from seasonal weight
7 restrictions for milk on specified routes when requested in
8 writing. Approval or denial of a request for an exemption shall
9 be given by written notice to the applicant within 30 days after
10 the date of submission of the application. If a request is
11 denied, the written notice shall state the reason for denial and
12 alternate routes for which the permit may be issued. The
13 applicant may appeal to the state transportation commission or
14 the county road commission. These exemptions do not apply on
15 county roads in counties that have negotiated agreements with
16 milk haulers or haulers of other commodities during periods of
17 seasonal load limits before April 14, 1993. This subsection does
18 not limit the ability of these counties to continue to negotiate
19 such agreements.

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

27 (11) For the purpose of enforcing this act, the gross

1 where W = overall gross weight on a group of 2 or more
2 consecutive axles to the nearest 500 pounds, L = distance in feet
3 between the extreme of a group of 2 or more consecutive axles,
4 and N = number of axles in the group under consideration; except
5 that 2 consecutive sets of tandem axles may carry a gross load of
6 34,000 pounds each if the first and last axles of the consecutive
7 sets of tandem axles are not less than 36 feet apart. The gross
8 vehicle weight shall not exceed 80,000 pounds including all
9 enforcement tolerances. Except for 5 axle truck tractor,
10 semitrailer combinations having 2 consecutive sets of tandem
11 axles, vehicles having a gross weight in excess of 80,000 pounds
12 or in excess of the vehicle gross weight determined by
13 application of the formula in this subsection are subject to the
14 maximum axle loads of subsections (1), (2), and (3). As used in
15 this subsection, "tandem axle weight" means the total weight
16 transmitted to the road by 2 or more consecutive axles, the
17 centers of which may be included between parallel transverse
18 vertical planes spaced more than 40 inches but not more than 96
19 inches apart, extending across the full width of the vehicle.
20 Except as otherwise provided in this section, vehicles
21 transporting agricultural commodities shall have weight load
22 maximums as set forth in this subsection.

23 **(13) THE LOADING MAXIMUM UNDER SUBSECTION (12) IS INCREASED**
24 **BY 10% FOR VEHICLES TRANSPORTING GRAIN.**

25 **(14) ~~(13)~~—As used in this section:**

26 (a) "Agricultural commodities" means those plants and

1 animals useful to human beings produced by agriculture and
2 includes, but is not limited to, forages and sod crops, grains
3 and feed crops, field crops, dairy and dairy products, poultry
4 and poultry products, cervidae, livestock, including breeding and
5 grazing, equine, fish, and other aquacultural products, bees and
6 bee products, berries, herbs, fruits, vegetables, flowers, seeds,
7 grasses, nursery stock, mushrooms, fertilizer, livestock bedding,
8 farming equipment, and fuel for agricultural use. The term does
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) "Public utility" means a public utility under the
16 jurisdiction of the public service commission or a transmission
17 company.

18 (d) "Public utility vehicle" means a vehicle owned or
19 operated by a public utility or operated by a subcontractor on
20 behalf of a public utility.

21 (e) "Transmission company" means either an affiliated
22 transmission company or an independent transmission company as
23 those terms are defined in section 2 of the electric transmission
24 line certification act, 1995 PA 30, MCL 460.562.

25 Sec. 724. (1) A police officer, a peace officer, or an
26 authorized agent of the state transportation department or a
27 county road commission having reason to believe that the weight

1 of a vehicle and load is unlawful may require the driver to stop
2 and submit to a weighing of the vehicle by either portable or
3 stationary scales approved and sealed as a legal weighing device
4 by a qualified person using testing equipment certified or
5 approved by the department of agriculture as a legal weighing
6 device and may require that the vehicle be driven to the nearest
7 weigh station of the state transportation department for the
8 purpose of allowing a police officer, peace officer, or agent of
9 the state transportation department or county road commission to
10 determine whether the vehicle is loaded in conformity with this
11 chapter.

12 (2) When the officer or agent, upon weighing a vehicle and
13 load, determines that the weight is unlawful, the officer or
14 agent may require the driver to stop the vehicle in a suitable
15 place and remain standing until that portion of the load is
16 shifted or removed as necessary to reduce the gross axle load
17 weight of the vehicle to the limit permitted under this chapter.
18 All material unloaded as provided under this subsection shall be
19 cared for by the owner or operator of the vehicle at the risk of
20 the owner or operator. A judge or magistrate imposing a civil
21 fine and costs under this section that are not paid in full
22 immediately or for which a bond is not immediately posted in the
23 amount of the civil fine and costs shall order the driver or
24 owner to move the vehicle at the driver's own risk to a place of
25 safekeeping within the jurisdiction of the judge or magistrate,
26 inform the judge or magistrate in writing of the place of
27 safekeeping, and keep the vehicle until the fine and costs are

1 paid or sufficient bond is furnished or until the judge or
2 magistrate is satisfied that the fine and costs will be paid. The
3 officer or agent who has determined, after weighing a vehicle and
4 load, that the weight is unlawful, may require the driver to
5 proceed to a judge or magistrate within the county. If the judge
6 or magistrate is satisfied that the probable civil fine and costs
7 will be paid by the owner or lessee, the judge or magistrate may
8 allow the driver to proceed, after the load is made legal. If the
9 judge or magistrate is not satisfied that the owner or lessee,
10 after a notice and a right to be heard on the merits is given,
11 will pay the amount of the probable civil fine and costs, the
12 judge or magistrate may order the vehicle to be impounded until
13 trial on the merits is completed under conditions set forth in
14 this section for the impounding of vehicles after the civil fine
15 and costs have been imposed. Removal of the vehicle, and
16 forwarding, care, or preservation of the load shall be under the
17 control of and at the risk of the owner or driver. Vehicles
18 impounded shall be subject to a lien, subject to a prior valid
19 bona fide lien of prior record, in the amount of the civil fine
20 and costs and if the civil fine and costs are not paid within 90
21 days after the seizure, the judge or magistrate shall certify the
22 unpaid judgment to the prosecuting attorney of the county in
23 which the violation occurred, who shall proceed to enforce the
24 lien by foreclosure sale in accordance with procedure authorized
25 in the case of chattel mortgage foreclosures. When the duly
26 authorized agent of the state transportation department or county
27 road commission is performing duties under this chapter, the

1 agent has all the powers conferred upon peace officers by the
2 general laws of this state.

3 (3) Subject to subsection (4), an owner of a vehicle or a
4 lessee of the vehicle of an owner-operator, or other person, who
5 causes or allows a vehicle to be loaded and driven or moved on a
6 highway ~~—~~when the weight of that vehicle violates section 722 is
7 responsible for a civil infraction and shall pay a civil fine in
8 an amount equal to 3 cents per pound for each pound of excess
9 load over 1,000 pounds when the excess is 2,000 pounds or less; 6
10 cents per pound of excess load when the excess is over 2,000
11 pounds but not over 3,000 pounds; 9 cents per pound for each
12 pound of excess load when the excess is over 3,000 pounds but not
13 over 4,000 pounds; 12 cents per pound for each pound of excess
14 load when the excess is over 4,000 pounds but not over 5,000
15 pounds; 15 cents per pound for each pound of excess load when the
16 excess is over 5,000 pounds but not over 10,000 pounds; and 20
17 cents per pound for each pound of excess load when the excess is
18 over 10,000 pounds. **IF A PERSON OPERATES A VEHICLE IN VIOLATION**
19 **OF THE INCREASED LOADING MAXIMUM UNDER SECTION 722(13), THE OWNER**
20 **OR LESSEE OF THE VEHICLE IS RESPONSIBLE FOR A CIVIL INFRACTION**
21 **AND SHALL PAY THE CIVIL FINE UNDER THIS SUBSECTION THAT APPLIES**
22 **TO THE AMOUNT OF WEIGHT BY WHICH THE VEHICLE EXCEEDS THE ORIGINAL**
23 **LOADING MAXIMUM UNDER SECTION 722(12).**

24 (4) Beginning January 1, 2006, if the court determines that
25 the motor vehicle or the combination of vehicles was operated in
26 violation of this section, the court shall impose a fine as
27 follows:

1 (a) If the court determines that the motor vehicle or the
2 combination of vehicles was operated in such a manner that the
3 gross weight of the vehicle or the combination of vehicles would
4 not be lawful by a proper distribution of the load upon all the
5 axles of the vehicle or the combination of vehicles, the court
6 shall impose a fine for the violation according to the schedule
7 provided for in subsection (3).

8 (b) If the court determines that the motor vehicle or the
9 combination of vehicles would be lawful by a proper distribution
10 of the load upon all of the axles of the vehicle or the
11 combination of vehicles, but that 1 or more axles of the vehicle
12 exceeded the maximum allowable axle weight by 4,000 pounds or
13 less, the court shall impose a misload fine of \$200.00 per axle.
14 Not more than 3 axles shall be used in calculating the fine to be
15 imposed under this subdivision. This subdivision does not apply
16 to a vehicle subject to the maximum loading provisions of section
17 722(12) or to a vehicle found to be in violation of a special
18 permit issued under section 725.

19 (c) If the court determines that the motor vehicle or the
20 combination of vehicles would be lawful by a proper distribution
21 of the load upon all of the axles of the vehicle or the
22 combination of vehicles, but that 1 or more axles of the vehicle
23 exceeded the maximum allowable axle weight by more than 4,000
24 pounds, the court shall impose a fine for the violation according
25 to the schedule provided in subsection (3).

26 (5) A driver or owner of a commercial vehicle with other
27 vehicles or trailers in combination, a truck or truck tractor, a

1 truck or truck tractor with other vehicles in combination, or any
2 special mobile equipment who fails to stop at or bypasses any
3 scales or weighing station is guilty of a misdemeanor.

4 (6) An agent or authorized representative of the state
5 transportation department or a county road commission shall not
6 stop a truck or vehicle in movement upon a road or highway within
7 the state for any purpose, unless the agent or authorized
8 representative is driving a duly marked vehicle, clearly showing
9 and denoting the branch of government represented.

10 (7) A driver or owner of a vehicle who knowingly fails to
11 stop when requested or ordered to do so and submit to a weighing
12 by a police officer, a peace officer, or an authorized agent of
13 the state transportation department, or a representative or agent
14 of a county road commission, authorized to require the driver to
15 stop and submit to a weighing of the vehicle and load by means of
16 a portable scale, is guilty of a misdemeanor punishable by
17 imprisonment for not more than 90 days or a fine of not more than
18 \$100.00, or both. A driver or person who dumps his or her load
19 when ordered to submit to a weigh or who otherwise attempts to
20 commit or commits an act to avoid a vehicle weigh is in violation
21 of this section.