

# HOUSE BILL No. 5152

November 8, 2011, Introduced by Rep. Outman and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 62 and 705 (MCL 257.62 and 257.705), section 62 as amended by 1992 PA 119 and section 705 as amended by 2011 PA 151.

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

1       Sec. 62. "Special mobile equipment" means every vehicle not  
2 designed or used primarily for the transportation of persons or  
3 property and incidentally operated or moved over the highways,  
4 including farm tractors, road construction or maintenance  
5 machinery, **GENERATOR TRAILERS, PORTABLE CONVEYORS**, mobile office  
6 trailers, mobile tool shed trailers, mobile trailer units used  
7 for housing stationary construction equipment, ditch-digging  
8 apparatus, and well-boring and well-servicing apparatus. The

1 foregoing enumeration shall be considered partial and shall not  
2 operate to exclude other vehicles which are within the general  
3 terms of this definition. Although not within the general terms  
4 of this definition, the combination of a mobile car crusher  
5 trailer permanently attached to a truck tractor or road tractor  
6 shall be considered special mobile equipment for purposes of this  
7 act.

8       Sec. 705. (1) Brake equipment shall be required as follows:

9       (a) A motor vehicle, other than a motorcycle or moped, and a  
10 low-speed vehicle when operated upon a highway shall be equipped  
11 with brakes adequate to control the movement of and to stop and  
12 hold the vehicle, including 2 separate means of applying the  
13 brakes, each of which means shall be effective to apply the  
14 brakes to at least 2 wheels. If these 2 separate means of  
15 applying the brakes are connected in any way, they shall be  
16 constructed in a way that failure of 1 part of the operating  
17 mechanism shall not leave the motor vehicle without brakes on at  
18 least 2 wheels.

19       (b) A motorcycle or moped when operated upon a highway shall  
20 be equipped with at least 2 brakes, 1 on the front wheel and 1 on  
21 the rear wheel, that may be operated by hand or foot.

22       (c) A trailer or semitrailer of a gross weight of 15,001  
23 pounds or more when operated upon a highway shall be equipped  
24 with brakes operating on all wheels and designed to be applied by  
25 the driver of the towing motor vehicle from its cab.

26       (d) A new motor vehicle, trailer, or semitrailer sold in  
27 this state and operated upon the highways shall be equipped with

1 brakes on all wheels, except a motorcycle or moped, and except  
2 that a semitrailer, pole trailer, or trailer of less than 3,000  
3 pounds gross weight need not be equipped with brakes if the gross  
4 weight of a trailer or pole trailer, no part of the load of which  
5 rests upon the towing vehicle, does not exceed 40% of the gross  
6 weight of the towing vehicle, and if the gross weight of the  
7 towing vehicle and the gross weight of a semitrailer or pole  
8 trailer, part of the load of which rests upon the towing vehicle,  
9 does not exceed 40% of the gross weight of the towing vehicle  
10 when connected to the semitrailer or pole trailer. This  
11 subdivision does not apply to a trailer or semitrailer owned by a  
12 farmer and used exclusively in connection with the farming  
13 operations of the farmer and not used for hire.

14 (e) Every bus, school bus, truck, or truck tractor shall be  
15 equipped with brakes operating on all wheels, except that a truck  
16 or truck tractor that has 3 or more axles need not have brakes on  
17 the front wheels if the vehicle was manufactured before July 25,  
18 1980.

19 (f) In any combination of motor driven vehicles, means shall  
20 be provided for applying the rearmost trailer brakes, for a  
21 trailer equipped with brakes, in approximate synchronism with the  
22 brakes on the towing vehicle and developing the required braking  
23 effort on the rearmost wheels at the fastest rate; or means shall  
24 be provided for applying braking effort first on the rearmost  
25 trailer equipped with brakes; or both of the above means capable  
26 of being used alternatively may be employed.

27 (g) A motor vehicle and combination of vehicles, except pole

1 trailers, motorcycles, and mopeds, shall be equipped with parking  
2 brakes adequate to hold the vehicle on any grade on which it is  
3 operated, under all conditions of loading on a surface free from  
4 snow, ice, or loose material. The parking brakes shall be capable  
5 of being applied in conformance with the foregoing requirements  
6 by the driver's muscular effort or by spring action or by  
7 equivalent means. Their operation may be assisted by the service  
8 brakes or other source of power if failure of the service brake  
9 actuation system or other power assisting mechanism will not  
10 prevent the parking brakes from being applied in conformance with  
11 the foregoing requirements. The parking brakes shall be designed  
12 in a manner that when once applied they shall remain applied with  
13 the required effectiveness despite exhaustion of any source of  
14 energy or leakage of any kind. The same brake drums, brake shoes,  
15 and lining assemblies, brake shoe anchors, and mechanical brake  
16 shoe actuation mechanism normally associated with the wheel brake  
17 assemblies may be used for both the service brakes and the  
18 parking brakes. If the means of applying the parking brakes and  
19 the service brakes are connected in any way, they shall be  
20 constructed in a manner that failure of 1 part shall not leave  
21 the vehicle without operative brakes.

22 (h) The brake shoes operating within or upon the drums of  
23 the vehicle wheels of a motor vehicle may be used for both  
24 service and hand operation.

25 (2) A motor vehicle or combination of motor-drawn vehicles  
26 shall be capable at all times and under all conditions of  
27 loading, of being stopped on a dry, smooth, level road free from

1 loose material within the distances specified in this subsection,  
2 or shall be capable of being decelerated at a sustained rate  
3 corresponding to these distances upon initial application of the  
4 service (foot) brake.

	Feet to stop from 20 miles per hour	Deceleration in feet per second
5		
6		
7		
8		
9		
10	30	14
11		
12		
13	40	10.7

14 (3) Subsection (2) does not apply to a combination of motor-  
15 drawn vehicles under all of the following circumstances:

- 16 (a) The drawn vehicle is an implement of husbandry.
- 17 (b) The motor vehicle hauling the implement of husbandry  
18 does not exceed a maximum speed of 25 miles per hour if the  
19 implement of husbandry being drawn is not equipped with brakes  
20 that meet the standards set forth in 49 CFR 393.40 and this act.

21 (c) If the implement of husbandry being drawn does not  
22 exceed any other implement or component design maximum speed  
23 limitation, the combination of vehicles shall not exceed that  
24 maximum speed limitation.

25 (4) Nothing in this act or rules promulgated under this act  
26 requires a slasher saw table **OR A PORTABLE CONVEYOR** to be  
27 equipped with brakes.

1           (5) All brakes shall be maintained in good working order and  
2 shall be adjusted in a manner as to operate as equally as  
3 practicable with respect to the wheels on the opposite side of  
4 the vehicle.