

Legislative Analysis



EXEMPT WRECKERS FROM SPRING WEIGHT REDUCTIONS IN CERTAIN CIRCUMSTANCES

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House Bill 4028 (H-2) as reported from committee

Sponsor: Rep. Dale W. Zorn

House Committee: Transportation, Mobility and Infrastructure

Complete to 10-28-23

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4028 would amend the Michigan Vehicle Code to exempt a *wrecker* from seasonal reductions in certain maximum axle weights and gross vehicle weight maximums under the code. These reductions, often called “frost laws,” are made to protect road surfaces in the spring when roadbeds can variably soften as winter ice thaws and refreezes and thaws.¹ (As described below, the code currently contains some frost law exemptions, such as for school buses.)

Wrecker means a truck with a hoist, towing apparatus, or self-loading flatbed, or any combination of these items, permanently affixed to the truck, used to transport up to two vehicles, but it does not include a motor vehicle equipped with a fifth wheel or a motor vehicle that tows the second vehicle on a trailer.

Under the bill, the seasonal weight reductions would not apply to remove an accident or a disabled or impounded vehicle on restricted roads as long as the wrecker travels at a speed of 35 miles an hour or less while on a restricted road to remove the accident or disabled or impounded vehicle. If required by the county road commission, the wrecker company would, as soon as practical, have to notify the commission of the location of the accident or disabled or impounded vehicle and provide a statement that the wrecker used to remove the accident or disabled or impounded vehicle may have exceeded the weight restrictions. The notification could be made electronically or by fax.

The provisions described above are the same that currently apply to public utility vehicles performing emergency public utility work.

MCL 257.722

FISCAL IMPACT:

Sections 716 through 726c in Chapter VI of the Michigan Vehicle Code govern the size, weight, and load of vehicles and vehicle combinations operating on public highways. In general, these sections establish standard or “normal” size, weight, and load maximums; provide specific exceptions to the standard maximums; and provide for the enforcement of the size, weight, and load maximums, including penalties for violations.

¹ See https://www.canr.msu.edu/news/michigan_counties_are_activating_annual_frost_laws_to_protect_roads

Wreckers not transporting a disabled vehicle are generally in compliance with the standard size, weight, and load requirements. However, in towing other vehicles, and specifically buses or large trucks, the wrecker and disabled vehicle combined may exceed those standards.

Section 716 of the Michigan Vehicle Code² currently authorizes wreckers, in combination with disabled vehicles, to exceed the normal size and weight limits of the chapter under specific circumstances, including under a permit issued by the Michigan Department of Transportation (MDOT), as authorized under section 725 of the code. The language governing wreckers was added to section 716 in 1998.³

MDOT issues approximately 250 permits for wreckers each year. The majority of those permits are extended (12-month) overweight permits for which the permit fee is \$100. However, MDOT also issues some single-use (site- or incident-specific) overweight permits for which the permit fee is \$30.

While section 716 only references MDOT, section 725 establishes a permitting process for oversized overweight vehicles for both MDOT and local road agencies. It is not clear whether local road agencies also issue overweight permits for wreckers.

Section 716 includes general size, weight, load provisions, including provisions specific to wreckers, while section 722 of the code establishes specific weight or load maximums. Section 722(8) provides for lower maximum axle load limits during the months of March, April, and May of each year. These lower limits are referred to as the frost law. In committee hearings on an identical bill (SB 640) last session, representatives of tow truck operators testified that, despite the general provisions of section 716, some local police agencies have cited wreckers for violations of the seasonal loading limits of the frost law.

House Bill 4028 would amend section 722 to exempt wreckers, under the circumstances described above, from seasonal reductions of loading maximums and weight requirements established under section 722(8). Note that section 722(8) currently exempts, under specific circumstances, vehicles delivering propane fuel, vehicles transporting agricultural commodities, certain public utility vehicles, and school buses from frost law limits.

The bill would have no apparent fiscal impact on state government, specifically MDOT. MDOT has indicated that the bill would not change MDOT's current overweight permitting process. MDOT would continue to issue overweight permits to wreckers as provided under sections 716 and 725.

The bill would have no apparent fiscal impact on local road agencies.

The bill could result in a reduction in civil fine revenue⁴ for those local units of government that ticket wreckers for violation of the frost laws. That impact would appear to be limited and localized.

² <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-257-716.pdf>

³ <http://legislature.mi.gov/doc.aspx?1997-HB-4139>

⁴The distribution of civil fine revenue from traffic citations is described in the HFA publication *Fiscal Brief: Traffic Citation Revenue*, May 2, 2023, prepared by Robin R. Risko, Associate Director. https://www.house.mi.gov/hfa/pdf/alpha/fiscal_brief_traffic_citation_revenue_may2023.pdf

POSITIONS:

A representative of the Michigan Towing Association testified in support of the bill. (6-14-23)

The County Road Association indicated support for the bill. (10-11-23)

The Department of Transportation indicated a neutral position on the bill. (6-14-23)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.