

HOUSE BILL No. 4139

January 28, 1997, Introduced by Rep. Crissman and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 716 (MCL 257.716), as amended by 1980 PA
311.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 716. (1) Unless specifically declared to be a civil
2 infraction, it is a misdemeanor for a person to drive or move or
3 for the owner to cause or permit to be driven or moved on a high-
4 way a vehicle or vehicles of a size or weight exceeding the limi-
5 tations stated in this chapter or otherwise in violation of this
6 chapter, and the maximum size and weight specified in this chap-
7 ter shall be lawful throughout this state, and local authorities
8 shall not alter those size and weight limitations except as
9 express authority is granted in this chapter.

1 (2) The provisions of this chapter governing size, weight,
2 and load shall not apply to a fire apparatus, ~~or~~ to an
3 implement of husbandry incidentally moved upon a highway, A COM-
4 BINATION OF VEHICLES DESCRIBED IN SUBSECTION (4) IF THE TRIP IS
5 50 MILES OR LESS, or to a vehicle operated under the terms of a
6 special permit issued as provided in this chapter.

7 (3) The state transportation department, pursuant to ~~Act~~
8 ~~No. 306 of the Public Acts of 1969, as amended~~ THE ADMINISTRA-
9 TIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328,
10 may promulgate rules permitting and regulating the operation of a
11 vehicle or vehicles of a size or weight which exceeds the size or
12 weight limitations in this chapter. The rules may restrict or
13 proscribe the conditions of operation of a vehicle or vehicles of
14 a size or weight which exceeds the size or weight limitations in
15 this chapter, if the restriction or proscription is necessary to
16 protect the public safety or to prevent undue damage to a road
17 foundation or surface, a structure, or an installation. The
18 rules may provide for a reasonable inspection fee for an inspec-
19 tion of a vehicle or vehicles to determine whether their sizes
20 and weights are in conformance with this act, and may require
21 other security necessary to compensate for damage caused by the
22 vehicle or vehicles described in this subsection.

23 (4) A COMBINATION OF VEHICLES, INCLUDING A WRECKER AND A
24 DISABLED VEHICLE OR COMBINATION OF DISABLED VEHICLES, THAT
25 EXCEEDS THE SIZE AND WEIGHT LIMITATIONS IN THIS CHAPTER MAY BE
26 OPERATED UPON THE HIGHWAYS OF THIS STATE UNDER THE FOLLOWING
27 CONDITIONS:

1 (A) THE WRECKER IS SPECIFICALLY DESIGNED FOR SUCH TOWING
2 OPERATIONS, IS EQUIPPED WITH FLASHING, OSCILLATING, OR ROTATING
3 AMBER OR RED LIGHTS AS PERMITTED UNDER SECTION 698, AND IS
4 CAPABLE OF UTILIZING THE LIGHTING AND BRAKING SYSTEMS OF THE DIS-
5 ABLED VEHICLE OR COMBINATION OF DISABLED VEHICLES IF THOSE SYS-
6 TEMS ARE OPERATIONAL.

7 (B) THE DISABLED VEHICLE OR COMBINATION OF DISABLED VEHICLES
8 SHALL NOT EXCEED BY THEMSELVES THE SIZE AND WEIGHT LIMITATIONS OF
9 THIS CHAPTER UNLESS A PERMIT FOR OPERATION WAS GRANTED BY AN
10 APPROPRIATE JURISDICTIONAL AUTHORITY UNDER SECTION 725. HOWEVER,
11 THE OWNER OR OPERATOR OF A WRECKER ASSISTING A DISABLED VEHICLE
12 OR COMBINATION OF DISABLED VEHICLES SHALL NOT BE SUBJECT TO THE
13 PENALTIES IMPOSED BY THIS CHAPTER FOR OVERWEIGHT VEHICLES IF THE
14 DISABLED VEHICLE OR COMBINATION OF DISABLED VEHICLES EXCEED THE
15 SIZE AND WEIGHT LIMITATIONS OF THIS CHAPTER AND A PERMIT WAS NOT
16 GRANTED BY THE APPROPRIATE JURISDICTIONAL AUTHORITY UNDER SECTION
17 725.

18 INSTEAD OF THE REQUIREMENTS OF SUBDIVISIONS (A) AND (B), A WRIT-
19 TEN SPECIAL PERMIT MAY BE ISSUED BY AN APPROPRIATE JURISDICTIONAL
20 AUTHORITY UNDER SECTION 725 AUTHORIZING THE OPERATION OF A COMBI-
21 NATION OF VEHICLES AS DESCRIBED IN THIS SUBSECTION.