

HOUSE BILL No. 4316

February 23, 2011, Introduced by Reps. Huuki and McBroom and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 705 (MCL 257.705), as amended by 2000 PA 214.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

2 (a) A motor vehicle, other than a motorcycle or moped, and a
3 low-speed vehicle when operated upon a highway shall be equipped
4 with brakes adequate to control the movement of and to stop and
5 hold the vehicle, including 2 separate means of applying the
6 brakes, each of which means shall be effective to apply the
7 brakes to at least 2 wheels. If these 2 separate means of
8 applying the brakes are connected in any way, they shall be
9 constructed in a way that failure of 1 part of the operating

1 mechanism shall not leave the motor vehicle without brakes on at
2 least 2 wheels.

3 (b) A motorcycle or moped when operated upon a highway shall
4 be equipped with at least 2 brakes, 1 on the front wheel and 1 on
5 the rear wheel, ~~which~~**THAT** may be operated by hand or foot.

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

10 (d) A new motor vehicle, trailer, or semitrailer sold in
11 this state and operated upon the highways shall be equipped with
12 brakes on all wheels, except a motorcycle or moped, and except
13 that a semitrailer, pole trailer, or trailer of less than 3,000
14 pounds gross weight need not be equipped with brakes if the gross
15 weight of a trailer or pole trailer, no part of the load of which
16 rests upon the towing vehicle, does not exceed 40% of the gross
17 weight of the towing vehicle, and if the gross weight of the
18 towing vehicle and the gross weight of a semitrailer or pole
19 trailer, part of the load of which rests upon the towing vehicle,
20 does not exceed 40% of the gross weight of the towing vehicle
21 when connected to the semitrailer or pole trailer. This
22 subdivision ~~shall~~**DOES** not apply to a trailer or semitrailer
23 owned by a farmer and used exclusively in connection with the
24 farming operations of the farmer and not used for hire.

25 (e) Every bus, school bus, truck, or truck tractor shall be
26 equipped with brakes operating on all wheels, except that a truck
27 or truck tractor that has 3 or more axles need not have brakes on

1 the front wheels if the vehicle was manufactured before July 25,
2 1980.

3 (f) In any combination of motor driven vehicles, means shall
4 be provided for applying the rearmost trailer brakes, for a
5 trailer equipped with brakes, in approximate synchronism with the
6 brakes on the towing vehicle and developing the required braking
7 effort on the rearmost wheels at the fastest rate; or means shall
8 be provided for applying braking effort first on the rearmost
9 trailer equipped with brakes; or both of the above means capable
10 of being used alternatively may be employed.

11 (g) A motor vehicle and combination of vehicles, except pole
12 trailers, motorcycles, and mopeds, shall be equipped with parking
13 brakes adequate to hold the vehicle on any grade on which it is
14 operated, under all conditions of loading on a surface free from
15 snow, ice, or loose material. The parking brakes shall be capable
16 of being applied in conformance with the foregoing requirements
17 by the driver's muscular effort or by spring action or by
18 equivalent means. Their operation may be assisted by the service
19 brakes or other source of power if failure of the service brake
20 actuation system or other power assisting mechanism will not
21 prevent the parking brakes from being applied in conformance with
22 the foregoing requirements. The parking brakes shall be designed
23 in a manner that when once applied they shall remain applied with
24 the required effectiveness despite exhaustion of any source of
25 energy or leakage of any kind. The same brake drums, brake shoes,
26 and lining assemblies, brake shoe anchors, and mechanical brake
27 shoe actuation mechanism normally associated with the wheel brake

assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be constructed in a manner that failure of 1 part shall not leave the vehicle without operative brakes.

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

(2) A motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material within the distances specified in this subsection, or shall be capable of being decelerated at a sustained rate corresponding to these distances upon initial application of the service (foot) brake.

	Feet to stop from 20 miles per hour	Deceleration in feet per second
Vehicles or combination of vehicles having brakes on all wheels	30	14
Vehicles or combination of vehicles not having brakes on all wheels	40	10.7

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

(a) The drawn vehicle is an implement of husbandry. ~~as~~

1 ~~defined in section 21.~~

2 (b) The motor vehicle hauling the implement of husbandry
3 does not exceed a maximum speed of 25 miles per hour if the
4 implement of husbandry being drawn is not equipped with brakes
5 that meet the standards set forth in 49 ~~C.F.R.~~ **CFR** 393.40 and
6 this act.

7 (c) If the implement of husbandry being drawn does not
8 exceed any other implement or component design maximum speed
9 limitation, the combination of vehicles shall not exceed that
10 maximum speed limitation.

11 **(4) NOTHING IN THIS ACT OR RULES PROMULGATED UNDER THIS ACT**
12 **REQUIRES A SLASHER SAW TABLE TO BE EQUIPPED WITH BRAKES.**

13 **(5)** ~~(4)~~ All brakes shall be maintained in good working order
14 and shall be adjusted in a manner as to operate as equally as
15 practicable with respect to the wheels on the opposite side of
16 the vehicle.