

**CITY OF DEARBORN HEIGHTS  
ORDINANCE NO. H-18-03**

AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING FOR THE MORE EFFECTIVE ENFORCEMENT OF MOTOR CARRIER REGULATIONS AND OTHER TRAFFIC REGULATIONS WITHIN THE CITY OF DEARBORN HEIGHTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEARBORN HEIGHTS, THAT CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF DEARBORN HEIGHTS, MICHIGAN REGARDING TRAFFIC AND MOTOR VEHICLES IS HEREBY AMENDED BY AMENDING EXISTING SECTIONS AS WELL AS BY ADDING A NEW ARTICLE AND NEW SECTIONS. SOME OF THE NEW SECTIONS SHALL BE ADDED UNDER EXISTING ARTICLES AND DIVISIONS AND SOME OF THE NEW SECTIONS SHALL BE ADDED UNDER THE NEW ARTICLE.

THE CITY OF DEARBORN HEIGHTS ORDAINS THAT THE CODE OF ORDINANCES OF THE CITY OF DEARBORN HEIGHTS, MICHIGAN, IS HEREBY AMENDED SUCH THAT SECTIONS 32-35, 32-73, 32-213, 32-320, 32-339, 32-367, 32-371, 32-381, 32-382, 32-383, 32-399, AND 32-413, ARE AMENDED TO READ AS FOLLOWS:

FURTHER, THE CITY OF DEARBORN HEIGHTS ORDAINS THAT THE CODE OF ORDINANCES OF THE CITY OF DEARBORN HEIGHTS, MICHIGAN, IS HEREBY AMENDED BY ADDING ARTICLE VII UNDER CHAPTER 32, AS WELL AS BY ADDING SECTIONS, TO BE NUMBERED 32-578, 32-579, 32-580, 32-581, 32-851, 32-852, 32-853, 32-854, 32-855, 32-856, 32-857, 32-858, 32-859, 32-860, 32-861, 32-862, 32-863, 32-864, 32-865, 32-866, 32-867, 32-868, 32-869, 32-870, 32-871, 32-872, 32-873, 32-874, 32-875, 32-876, 32-877, 32-878, AND 32-879, WHICH SHALL READ AS FOLLOWS:

SECTION I.

**Section 32-35. "Commercial vehicle" and "Commercial motor vehicle".**

(1) "Commercial vehicle" includes all motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares, or merchandise, and all motor vehicles designed and used for drawing other vehicles that are not constructed to carry a load independently or any part of the weight of a vehicle or load being drawn. Commercial vehicle does not include a limousine operated by a limousine driver, a taxicab operated by a taxicab driver, or a personal vehicle operated by a transportation network company driver.

(2) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if 1 or more of the following apply:

(a) It is designed to transport 16 or more passengers, including the driver.

(b) It has a gross vehicle weight rating or gross vehicle weight, whichever is greater, of 26,001 pounds or more.

(c) It has a gross combination weight rating or gross combination weight, whichever is greater, of 26,001 pounds or more, inclusive of towed units with a gross vehicle weight rating or gross vehicle weight, whichever is greater, of more than 10,000 pounds.

(d) A motor vehicle carrying hazardous material and on which is required to be posted a placard as defined and required under 49 CFR parts 100 to 199.

(2) A commercial motor vehicle does not include a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.

### **Section 32-73. Semi-trailer.**

"Semi-trailer" means every vehicle with or without motive power, other than a pole-trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. Semi-trailer does not include any implement of husbandry.

### **Section 32-213. Compliance with order or direction of police officer.**

A person shall not refuse to comply with a lawful order or direction of a police officer when that officer, for public interest and safety, is guiding, directing, controlling, or regulating traffic on the highways of this state.

### **Section 32-320. Driving on right half of roadway; exceptions; driving on roadway having 2 or more lanes for travel in 1 direction; traveling on freeway having 3 or more lanes for travel in same direction; ordinance regulating same subject matter prohibited; violation as civil infraction.**

(1) Upon each roadway of sufficient width, the driver of a vehicle shall drive the vehicle upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing that movement.

(b) When the right half of a roadway is closed to traffic while under construction or repair or when an obstruction exists making it necessary to drive to the left of the center of the highway. A driver who is driving on the left half of a roadway under this subdivision shall yield the right-of-way to an oncoming vehicle traveling in the proper direction upon the unobstructed portion of the roadway.

(c) When a vehicle operated by a state agency or a local authority including the City or an agent of a state agency or local authority including the City is engaged in work on the roadway.

(d) Upon a roadway divided into 3 marked lanes for traffic under the rules applicable on the roadway.

(2) Upon a roadway having 2 or more lanes for travel in 1 direction, the driver of a vehicle shall drive the vehicle in the extreme right-hand lane available for travel except as otherwise provided in this section. However, the driver of a vehicle may drive the vehicle in any lane lawfully available to traffic moving in the same direction of travel when the lanes are occupied by vehicles moving in substantially continuous lanes of traffic and in any left-hand lane lawfully available to traffic moving in the same direction of travel for a reasonable distance before making a left turn.

(3) This section shall not be construed to prohibit a vehicle traveling in the appropriate direction from traveling in any lane of a freeway having 3 or more lanes for travel in the same direction. The driver of a truck with a gross weight of more than 10,000 pounds, a truck tractor, or a combination of a vehicle and trailer or semitrailer shall drive the vehicle or combination of vehicles only in either of the 2 lanes farthest to the right, except for a reasonable distance when making a left turn or where a special hazard exists that requires the use of an alternative lane for safety reasons.

(4) A person who violates this section is responsible for a civil infraction.

**Section 32-339. Operation of vehicle or bicycle; signals for stopping or turning; signal lamp or mechanical signal device on commercial motor vehicle; violation as civil infraction.**

(1) The operator of a vehicle or bicycle upon a highway, before stopping or turning from a direct line, shall first determine that the stopping or turning can be made in safety and shall give a signal as required in this section.

(2) Except as otherwise provided in subsection (5), a signal required under this section shall be given either by means of the hand and arm in the manner specified in this section, or by a mechanical or electrical signal device that conveys an intelligible signal or warning to other highway traffic.

(3) When a person is operating a vehicle and signal is given by means of the hand and arm, the operator shall signal as follows:

(a) For a left turn, the operator shall extend his or her left hand and arm horizontally.

(b) For a right turn, the operator shall extend his or her left hand and arm upward.

(c) To stop or decrease speed, the operator shall extend his or her left hand and arm downward.

(4) When a person is operating a bicycle and signal is given by means of the hand and arm, the operator shall signal as follows:

(a) For a left turn, the operator shall extend his or her left hand and arm horizontally.

(b) For a right turn, the operator shall extend his or her left hand and arm upward or shall extend his or her right hand and arm horizontally.

(c) To stop or decrease speed, the operator shall extend his or her left hand and arm downward.

(5) A commercial motor vehicle, other than a commercial motor vehicle in transit from a manufacturer to a dealer, in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the commercial motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load of the commercial vehicle exceeds 14 feet. The measurement from steering post to rear limit applies to a single vehicle or combination of vehicles.

**Section 32-367. Construction or loading of vehicles to prevent contents from escaping; exception; closing tailgates, faucets, and taps; exemption; proof of violation; loading of vehicles not completely enclosed; prima facie liability; exceptions; front end loading device; violation; penalty; "logs" defined.**

(1) A person shall not drive or move a vehicle on a highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, blowing off, or otherwise escaping from the vehicle. This requirement does not apply to a vehicle transporting agricultural or horticultural products when hay, straw, silage, or residue from a product, but not including the product itself, or when materials such as water used to preserve and handle agricultural or horticultural products while in transportation, escape from the vehicle in an amount that does not interfere with other traffic on the highway. The tailgate, faucets, and taps on a vehicle shall be securely closed to prevent spillage during transportation whether the vehicle is loaded or empty, and the vehicle shall not have any holes or cracks through which material can escape. Any highway maintenance vehicle engaged in either ice or snow removal shall be exempt from this section.

(2) Actual spillage of material on the highway or proof of that spillage is not necessary to prove a violation of this section.

(3) Except as provided in this section, a vehicle carrying a load, other than logs or tubular products, which is not completely enclosed shall meet either of the following requirements:

(a) Have the load covered with firmly secured canvas or a similar type of covering. A device used to comply with the requirement of this subdivision shall not exceed a width of 108 inches nor by design or use have the capability to carry cargo by itself.

(b) Have the load securely fastened to the body or the frame of the vehicle with binders of adequate number and of adequate breaking strength to prevent the dropping off or shifting of the load.

(4) A company or individual who loads or unloads a vehicle or causes it to be loaded or unloaded, with knowledge that it is to be driven on a public highway, in a manner so as to cause a violation of subsection (1) shall be prima facie liable for a violation of this section.

(5) Subsection (3) does not apply to a person operating a vehicle to transport agricultural commodities or to a person operating a farm truck or implement of husbandry transporting sand, gravel, and dirt necessary in the normal operation of a farm. However, a person operating a vehicle to transport agricultural commodities or sand, gravel, and dirt in the normal operation of the farm who violates subsection (1) or (4) is guilty of a misdemeanor and is subject to the penalties prescribed in subsection (9).

(6) Subsection (3)(a) does not apply to a motor vehicle transporting items of a load that because of their weight will not fall off the moving vehicle and that have their centers of gravity located at least 6 inches below the top of the enclosure nor to a motor vehicle carrying metal that because of its weight and density is so loaded as to prevent it from dropping or falling off the moving vehicle.

(7) Subsection (3)(a) does not apply to motor vehicles and other equipment engaged in work upon the surface of a highway or street in a designated work area.

(8) A person shall not drive or move on a highway a vehicle equipped with a front end loading device with a tine protruding parallel to the highway beyond the front bumper of the vehicle unless the tine is carrying a load designed to be carried by the front end loading device. This subsection does not apply to a vehicle designed to be used or being used to transport agricultural commodities, to a vehicle en route to a repair facility, or to a vehicle engaged in construction activity. As used in this subsection, "agricultural commodities" means that term as defined in section 722 of the Michigan Vehicle Code.

(9) A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days, or both.

(10) As used in this section, "logs" means sawlogs, pulpwood, or tree length poles.

**Section 32-371. Prohibitions, limitations, or truck route designations by local authorities and county road commissions; signs; written objection by adjoining township; violation as civil infraction.**

(1) The City with respect to highways under its jurisdiction, except state trunk line highways, by ordinance or resolution, may do any of the following:

(a) Prohibit the operation of trucks or other commercial vehicles on designated highways or streets.

(b) Impose limitations as to the weight of trucks or other commercial vehicles on designated highways or streets.

(c) Provide that only certain highways or streets may be used by trucks or other commercial vehicles.

(2) Any prohibitions, limitations, or truck route designations established under subsection (1) shall be designated by appropriate signs placed on the highways or streets. The design and placement of the signs shall be consistent with the requirements of section 608 of the Michigan Vehicle Code.

(3) A person who violates a prohibition, limitation, or truck route designation established pursuant to subsection (1) is responsible for a civil infraction.

**Section 32-381. Vehicle unregistered or without certificate of title; operation; misdemeanor, exception. Registration plate; attachment to vehicle; legibility; color; distinctive registration plates; name plate, insignia, or advertising device; limitation; historic military vehicle; violation as civil infraction.**

(1) Vehicle unregistered or without certificate of title. It is a misdemeanor for any person to drive or move or for an owner knowingly to permit to be driven or moved upon any highway any vehicle of a type required to be registered hereunder which is not registered or for which a certificate of title has not been applied for or for which the appropriate fee has not been paid when and as required hereunder, except as provided in subsection (b) of section 217 of the Michigan Vehicle Code.

(2) Registration plate.

(a) Except as otherwise provided in this subsection and subsection (6), a registration plate issued for a vehicle shall be attached to the rear of the vehicle. A registration plate issued for a truck tractor or road tractor shall be attached to the front of the vehicle.

(b) A registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which the plate is issued so as to prevent the plate from swinging. The plate shall be attached at a height of not less than 12 inches from the ground, measured from the bottom of the plate, in a place and position that is clearly visible. The plate shall be maintained free from foreign materials that obscure or partially obscure the registration information and in a clearly legible condition.

(c) A registration plate or an expiration tab on the registration plate shall be of a different color designated by the secretary of state with a marked contrast between the color of the registration plate and the numerals or letters on the plate. The secretary of state may provide a distinctive registration plate as a replacement for a standard plate. To

honor a special or historical event, the secretary of state may provide a commemorative plate as a replacement for a standard plate.

(d) A person shall not attach a name plate, insignia, or advertising device to a registration plate in a manner that obscures or partially obscures the registration information.

(e) A person shall not operate a motor vehicle that has a name plate, insignia, or advertising device attached to a registration plate in a manner that obscures or partially obscures the registration information.

(f) A registration plate issued for a historic military vehicle that is authorized to be operated on the roads of this state is not required to be attached to the rear or the front of the historic military vehicle unless the historic military vehicle was originally manufactured with lighting and mounting provisions for a registration plate. However, if the registration plate is not attached to the exterior of the historic military vehicle, it shall be present in the historic military vehicle to which it refers and shall be made available upon demand of a police officer. As used in this subsection, "historic military vehicle" means a vehicle, including a trailer, regardless of the vehicle's size, weight, or year of manufacture, that was manufactured for use in any country's military forces and is maintained to represent its military design and markings accurately.

(g) A person who violates this subsection is responsible for a civil infraction.

**Section 32-382. Valid registration plate required; exceptions; violation of subsection (1) as civil infraction or misdemeanor; penalty; nonpayment of apportioned fee under international registration plan as misdemeanor; penalty; impoundment; towing and storage costs; care of load in vehicle; impounded vehicle subject to lien; hearing; certification of unpaid judgment; foreclosure sale.**

(1) Except as otherwise provided in this chapter, a person shall not operate, nor shall an owner knowingly permit to be operated, upon any highway, a vehicle required to be registered under this act unless there is attached to and displayed on the vehicle, as required by this chapter, a valid registration plate issued for the vehicle by the department for the current registration year. A registration plate shall not be required upon any wrecked or disabled vehicle, or vehicle destined for repair or junking, which is being transported or drawn upon a highway by a wrecker or a registered motor vehicle.

(2) Except as otherwise provided in this section, a person who violates subsection (1) is responsible for a civil infraction. However, if the vehicle is a commercial vehicle which is required to be registered according to the schedule of elected gross vehicle weights under section 801(1)(k) of the Michigan Vehicle Code, the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(3) A person who operates a vehicle licensed under the international registration plan and does not have a valid registration due to nonpayment of the apportioned fee is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or by a fine of not more than \$100.00, or both. In addition, a police officer may impound the vehicle until a valid registration is obtained. If the vehicle is impounded, the towing and storage costs of the vehicle, and the care or preservation of the load in the vehicle shall be the owner's responsibility. Vehicles impounded shall be subject to a lien in the amount of the apportioned fee and any fine and costs incurred under this subsection, subject to a valid lien of prior record. If the apportioned fee, fine, and costs are not paid within 90 days after impoundment, then following a hearing before the judge or magistrate who imposed the fine and costs, the judge or magistrate shall certify the unpaid judgment to the prosecuting attorney of the county in which the violation occurred. The prosecuting attorney shall enforce the lien by foreclosure sale in accordance with the procedure authorized by law for chattel mortgage foreclosures.

**Section 32-383. Registration certificate; carrying; electronic accessibility; display; viewing on electronic device; digital photograph; violation as civil infraction.**

(1) A registration certificate shall at all times be carried in the vehicle to which it refers or shall be carried by or electronically accessible to the person driving or in control of the vehicle, who shall display a paper or electronic copy of the registration certificate upon demand of a police officer.

(2) If a person displays an electronic copy of his or her registration certificate using an electronic device, the police officer shall only view the electronic copy of the registration certificate and shall not manipulate the electronic device to view any other information on the electronic device. A person who displays an electronic copy of his or her registration certificate using an electronic device as provided in this subsection shall not be presumed to have consented to a search of the electronic device. A police officer may require the person to electronically forward the electronic copy of the registration certificate to a specified location provided by the police officer. The police officer may then view the electronic copy of the registration certificate in a setting in which it is safe for the officer to verify that the information contained in the electronic copy of the registration certificate is valid and accurate. This state, a law enforcement agency, or an employee of this state or a law enforcement agency is not liable for damage to or loss of an electronic device that occurs as a result of a police officer's viewing an electronic copy of a registration certificate in the manner provided in this section, regardless of whether the police officer or the owner or operator of the vehicle was in possession of the electronic device at the time the damage or loss occurred.

(3) A digital photograph of a valid registration certificate satisfies the requirements of subsection (1).

(4) A person who violates this section is responsible for a civil infraction.



**Section 32-399. Windshields and windows; prohibitions; rearview mirrors; exceptions; windshield wipers; exemption; hot air windshield defroster or electrically heated windshield or other device; windshield device; definitions.**

(1) A person shall not operate a motor vehicle with any of the following:

(a) A sign, poster, nontransparent material, window application, reflective film, or nonreflective film upon or in the front windshield, the side windows immediately adjacent to the driver or front passenger, or the sidewings adjacent to and forward of the driver or front passenger, except that a tinted film may be used along the top edge of the windshield and the side windows or sidewings immediately adjacent to the driver or front passenger if the material does not extend more than 4 inches from the top of the windshield, or lower than the shade band, whichever is closer to the top of the windshield.

(b) A rear window or side window to the rear of the driver composed of, covered by, or treated with a material that creates a total solar reflectance of 35% or more in the visible light range, including a silver or gold reflective film.

(c) An object that obstructs the vision of the driver of the vehicle, except as authorized by law.

(2) A person shall not drive a motor vehicle if driver visibility through the rear window is obstructed, unless the vehicle is equipped with 2 rearview mirrors, 1 on each side, adjusted so that the operator has a clear view of the highway behind the vehicle.

(3) This section does not apply to any of the following:

(a) The use of draperies, louvers, or other special window treatments, except those specifically designated in this section, on the rear window, or a side window to the rear of the driver if the vehicle is equipped with 2 outside rearview mirrors, 1 on each side, adjusted so that the driver has a clear view of the highway behind the vehicle.

(b) The use of a nonreflective, smoked or tinted glass, nonreflective film, perforated window screen, or other decorative window application on the rear window or a side window to the rear of the driver.

(c) The placement of a necessary certificate or sticker that does not obstruct the driver's clear view of the roadway or an intersecting roadway.

(d) A vehicle registered in another state, territory, commonwealth of the United States, or another country or province.

(e) A special window treatment or application determined necessary by a physician or optometrist, for the protection of a person who is light sensitive or photosensitive, if the owner or operator of a motor vehicle has in possession a letter signed by a physician or

optometrist, indicating that the special window treatment or application is a medical necessity. However, the special window treatment or application shall not interfere with or obstruct the driver's clear vision of the highway or an intersecting highway.

(4) Except as provided in subsection (5), the windshield on each motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. A vehicle licensed as an historical vehicle is exempt from this subsection if the vehicle was not originally equipped with such a device. Each windshield wiper upon a motor vehicle shall be maintained in good working order.

(5) A truck with a gross weight over 10,000 pounds, a truck tractor, a bus, or a truck regardless of weight carrying hazardous materials on which a placard is required to be posted pursuant to 49 CFR parts 100 to 199 having a windshield shall be equipped with not less than 2 automatically operating windshield wiper blades, 1 on each side of the centerline of the windshield, for cleaning rain, snow, or other moisture from the windshield. The blades shall be in such condition as to provide clear vision for the driver, unless 1 blade is so arranged as to clean an area of the windshield extending to within 1 inch of the limit of vision through the windshield at each side. However, in driveaway-towaway operations, this subsection applies only to the operated vehicle. In addition, 1 windshield wiper blade suffices under this subsection when the driven vehicle in a driveaway-towaway operation constitutes part or all of the property being transported and has no provision for 2 blades. A truck and truck tractor, manufactured after June 30, 1953, that depends upon vacuum to operate the windshield wipers, shall be so constructed that the operation of the wipers is not materially impaired by change in the intake manifold pressure.

(6) A truck with a gross weight over 10,000 pounds, a truck tractor, a bus, or a truck regardless of weight carrying hazardous materials on which a placard is required to be posted under 49 CFR parts 100 to 199 shall not be operated on the highways at any time unless it is equipped with a hot air windshield defroster or an electrically heated windshield or other device to heat and maintain the windshield in operable condition at all times.

(7) As used in this section:

(a) "Physician" means that term as defined in section 17001 or 17501 of the public health code, 1978 PA 368, MCL 333.17001 and 333.17501.

(b) "Optometrist" means that term as defined in section 17401 of the public health code, 1978 PA 368, MCL 333.17401.

**Section 32-413. Exceeding size and weight limitations as misdemeanor; exceptions; rules; operation of wrecker, disabled vehicle, and trailer; noncompliance as civil infraction; fine. Maximum permissible width of vehicle or load; extension beyond center line of highway; permit; designation of highway for operation of vehicle or vehicle combination; special permit; boat lift or trailer; violation as civil infraction; charging owner.. Height of vehicle; liability for damage to bridge or viaduct; normal length maximum; prohibitions; length of certain vehicles prohibited from operation on state highways; combination of truck and semitrailer transporting assembled motor vehicles or bodies; connecting assemblies and lighting devices; gross weight; violation as civil infraction; applicability of subsections (17)(a) and (18)(b); definitions. Passenger vehicle or pickup truck towing vehicle or trailer; drawbar or other connection; coupling devices and safety chains; pickup truck with fifth wheel assembly; conditions for towing additional trailer or semitrailer; speed limit requirements; violation as civil infraction. Maximum axle load; normal loading maximum; designating highways as adequate for heavier loading; restrictions as to tandem axle assemblies; exceptions; public utility vehicles; normal size of tires; maximum wheel load; reduction of maximum axle load on concrete pavements during March, April, and May; exemptions; suspension of restrictions; determination of gross vehicle weight and axle weights; designation of highways for operation of certain vehicles; increase in axle loading maximums; engine fueled by compressed or liquefied natural gas; definitions. Towing or platform bed wreckers or road service vehicles; compliance with federal identification requirements; violation as civil infraction. Stopping vehicle for weighing; shifting or removing load; civil fine and costs; moving vehicle to place of safekeeping; impoundment; lien; foreclosure sale; powers of authorized agent; unlawful weight as civil infraction; fine; driving duly marked vehicle; failure to stop as misdemeanor. Axle weight requirements; exception; weight after lift axles lowered; "lift axle" defined. Special permit for certain vehicles and loads required; fees; violation as civil infraction; "jurisdictional authority" defined.**

(1) Unless specifically declared to be a civil infraction, it is a misdemeanor for a person to drive or move or for the owner to cause or permit to be driven or moved on a highway a vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter.

(2) The provision of this chapter governing size, weight, and load do not apply to a fire apparatus, to an implement of husbandry, a boat lift or oversized hydraulic boat trailer owned and operated by a marina or watercraft dealer used exclusively in a commercial boat storage operation and incidentally moved upon a highway, a combination of vehicles described in, and under the conditions provided by, subsection (4), or to a vehicle operated under the terms of a special permit issued as provided in this chapter.

(3) The state transportation department, under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, may promulgate rules permitting and regulating the operation of a vehicle or vehicles of a size or weight that exceeds the size

or weight limitations in this chapter. The rules may restrict or proscribe the conditions of operation of a vehicle or vehicles of a size or weight that exceeds the size or weight limitations in this chapter, if the restriction or proscription is necessary to protect the public safety or to prevent undue damage to a road foundation or surface, a structure, or an installation. The rules may provide for a reasonable inspection fee for an inspection of a vehicle or vehicles to determine whether their sizes and weights are in conformance with this act, and may require other security necessary to compensate for damage caused by the vehicle or vehicles described in this subsection.

(4) A wrecker and a disabled vehicle, or a wrecker and a combination of a disabled vehicle and 1 trailer, that exceeds the size and weight limitations in this chapter may be operated upon the highways of this state under the following conditions:

(a) The wrecker is specifically designed for such towing operations, is equipped with flashing, oscillating, or rotating amber or red lights as permitted under section 698 of the Michigan Vehicle Code, and is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of disabled vehicles if those systems are operational.

(b) For a combination of disabled vehicles, the wrecker is issued a special permit under section 725 of the Michigan Vehicle Code by the state transportation department. The special permit is valid for the entire towing distance, and the operator of the wrecker may remove the disabled vehicles from the roadway at any lawful point of his or her choosing within that distance.

(c) For a single disabled vehicle, the wrecker is issued a special permit under section 725 of the Michigan Vehicle Code by the state transportation department for the transport of the disabled vehicle. A wrecker operator is not subject to mileage limitations for a special permit issued for purposes of this subdivision.

(d) The wrecker does not operate on any highway, road, street, or structure included on a list provided by the state transportation department unless the disabled vehicle or combination of vehicles is located on 1 of those roads or structures.

(5) The owner or operator of a wrecker that does not comply with subsection (4)(d) is responsible for a civil infraction and shall pay a civil fine of not less than \$250.00 or more than \$500.00. The civil fine imposed under this subsection is in addition to any fine that may be imposed under section 724 or 725 of the Michigan Vehicle Code or the comparable City Code provisions.

(6) The total outside width of a vehicle or the load on a vehicle shall not exceed 96 inches, except as otherwise provided in this section.

(7) A person may operate or move an implement of husbandry of any width on a highway as required, designed, and intended for farming operations, including the movement of implements of husbandry being driven or towed and not hauled on a

trailer, without obtaining a special permit for an excessively wide vehicle or load under section 725 of the Michigan Vehicle Code. The operation or movement of the implement of husbandry shall be in a manner so as to minimize the interruption of traffic flow. A person shall not operate or move an implement of husbandry to the left of the center of the roadway from a half hour after sunset to a half hour before sunrise, under the conditions specified in section 639 of the Michigan Vehicle Code, or at any time visibility is substantially diminished due to weather conditions. A person operating or moving an implement of husbandry shall follow all traffic regulations.

(8) The total outside width of the load of a vehicle hauling concrete pipe, ferrous pipe, agricultural products, or unprocessed logs, pulpwood, or wood bolts shall not exceed 108 inches.

(9) Except as provided in subsections (7) and (10) and this subsection, if a vehicle that is equipped with pneumatic tires is operated on a highway, the maximum width from the outside of 1 wheel and tire to the outside of the opposite wheel and tire shall not exceed 102 inches, and the outside width of the body of the vehicle or the load on the vehicle shall not exceed 96 inches. However, a truck and trailer or a tractor and semitrailer combination hauling pulpwood or unprocessed logs may be operated with a maximum width of not to exceed 108 inches in accordance with a special permit issued under section 725 of the Michigan Vehicle Code.

(10) The total outside body width of a bus, a trailer coach, a trailer, a semitrailer, a truck camper, or a motor home shall not exceed 102 inches. However, an appurtenance of a trailer coach, a truck camper, or a motor home that extends not more than 6 inches beyond the total outside body width is not a violation of this section.

(11) A vehicle shall not extend beyond the center line of a state trunk line highway except when authorized by law. Except as provided in subsection (7), if the width of the vehicle makes it impossible to stay away from the center line, a permit shall be obtained under section 725 of the Michigan Vehicle Code.

(12) The director of the state transportation department, a county road commission, or a local authority including the City may designate a highway under the agency's jurisdiction as a highway on which a person may operate a vehicle or vehicle combination that is not more than 102 inches in width, including load, the operation of which would otherwise be prohibited by this section. The agency making the designation may require that the owner or lessee of the vehicle or of each vehicle in the vehicle combination secure a permit before operating the vehicle or vehicle combination. This subsection does not restrict the issuance of a special permit under section 725 of the Michigan Vehicle Code for the operation of a vehicle or vehicle combination. This subsection does not permit the operation of a vehicle or vehicle combination described in section 722a of the Michigan Vehicle Code carrying a load described in that section if the operation would otherwise result in a violation of that section.

(13) The director of the state transportation department, a county road commission, or a local authority including the City may issue a special permit under section 725 of the Michigan Vehicle Code to a person operating a vehicle or vehicle combination if all of the following are met:

(a) The vehicle or vehicle combination, including load, is not more than 106 inches in width.

(b) The vehicle or vehicle combination is used solely to move new motor vehicles or parts or components of new motor vehicles between facilities that meet all of the following:

(i) New motor vehicles or parts or components of new motor vehicles are manufactured or assembled in the facilities.

(ii) The facilities are located within 10 miles of each other.

(iii) The facilities are located within the city limits of the same city and the city is located in a county that has a population of more than 400,000 and less than 500,000 according to the most recent federal decennial census.

(c) The special permit and any renewals are each issued for a term of 1 year or less.

(14) A person may move or operate a boat lift of any width or an oversized hydraulic boat trailer owned and operated by a marina or watercraft dealer in a commercial boat storage operation on a highway under a multiple trip permit issued on an annual basis as specified under section 725 of the Michigan Vehicle Code. The operation or movement of the boat lift or trailer shall minimize the interruption of traffic flow. It shall be used exclusively to transport a boat between a place of storage and a marina or in and around a marina. A boat lift or oversized hydraulic boat trailer may be operated, drawn, or towed on a street or highway only when transporting a vessel between a body of water and a place of storage or when traveling empty to or from transporting a vessel. A boat lift shall not be operated on limited access highways. A person moving or operating a boat lift or oversized hydraulic boat trailer shall follow all traffic regulations and shall ensure the route selected has adequate power and utility wire height clearance.

(15) A person who violates any of the following subsections of this section is responsible for a civil infraction: (6),(7),(8),(9),(10),(11),(12),(13),(14). The owner of the vehicle may be charged with a violation of this section under this subsection (15).

(16) A vehicle unloaded or with load shall not exceed a height of 13 feet 6 inches. The owner of a vehicle that collides with a lawfully established bridge or viaduct is liable for all damage and injury resulting from a collision caused by the height of the vehicle, whether the clearance of the bridge or viaduct is posted or not.

(17) Lengths described in this subsection shall be known as the normal length maximum. Except as provided in subsection (18), the following vehicles and combinations of vehicles shall not be operated on a highway in this state in excess of these lengths:

(a) Subject to subsection (24), any single vehicle: 40 feet; a crib vehicle on which logs are loaded lengthwise of the vehicle: 42.5 feet; any single bus or motor home: 45 feet.

(b) Articulated buses: 65 feet.

(c) Notwithstanding any other provision of subsections (16) through (25) of this section, a combination of a truck and semitrailer or trailer, or a truck tractor, semitrailer, and trailer, or truck tractor and semitrailer or trailer, designed and used exclusively to transport assembled motor vehicles or bodies, recreational vehicles, or boats: 65 feet. A combination of a truck and semitrailer or trailer, or a truck tractor, semitrailer, and trailer, or a truck tractor and semitrailer or trailer designed and used to transport boats from the manufacturer: 75 feet. A stinger-steered combination: 80 feet. The load on the combinations of vehicles described in this subdivision may extend an additional 3 feet beyond the front and 4 feet beyond the rear of the combinations of vehicles, except that the load on a stinger-steered combination may extend an additional 4 feet beyond the front and 6 feet beyond the rear. Retractable extensions used to support and secure the load that do not extend beyond the allowable overhang for the front and rear shall not be included in determining length of a loaded vehicle or vehicle combination.

(d) Truck tractor and semitrailer combinations: no overall length, the semitrailer: 50 feet.

(e) Except as provided in subdivision (j), truck and semitrailer or trailer: 59 feet.

(f) Except as provided in subdivisions (g) and (k), truck tractor, semitrailer, and trailer, or truck tractor and 2 semitrailers: 59 feet.

(g) A truck tractor, semitrailer, and trailer, or a truck tractor and 2 semitrailers, in which no semitrailer or trailer is more than 28-1/2 feet long: 65 feet. This subdivision only applies while the vehicle is being used for a business purpose reasonably related to picking up or delivering a load and only if each semitrailer or trailer is equipped with a device or system capable of mechanically dumping construction materials or dumping construction materials by force of gravity.

(h) More than 1 motor vehicle, wholly or partially assembled, in combination, utilizing 1 tow bar or 3 saddle mounts with full mount mechanisms and utilizing the motive power of 1 of the vehicles in combination: 55 feet.

(i) A recreational vehicle that has its own motive power, in combination with a trailer: 65 feet or, if the operator of the recreational vehicle has a group commercial motor vehicle designation on his or her operator's or chauffeur's license, 75 feet.

(j) Truck and trailer combinations designed and used to transport agricultural drainage tubing: 75 feet.

(k) A towaway trailer transporter combination: 82 feet. As used in this subdivision, "towaway trailer transportation combination" means that term as defined in 49 USC 31111.

(18) Notwithstanding subsection (17), the following vehicles and combinations of vehicles shall not be operated on a designated highway of this state in excess of these lengths:

(a) Truck tractor and semitrailer combinations: no overall length limit, the semitrailer 53 feet. All semitrailers longer than 50 feet shall have a wheelbase of 37.5 to 40.5 feet plus or minus 0.5 feet, measured from the kingpin coupling to the center of the rear axle or the center of the rear axle assembly. The City may prohibit stops of vehicles with a semitrailer longer than 50 feet within its jurisdiction unless the stop occurs along appropriately designated routes, or is necessary for emergency purposes or to reach shippers, receivers, warehouses, and terminals along designated routes.

(b) Except as provided in subsection (17)(k), truck and semitrailer or trailer combinations: 65 feet, except that a person may operate a truck and semitrailer or trailer designed and used to transport saw logs, pulpwood, and tree length poles that does not exceed an overall length of 70 feet or a crib vehicle and semitrailer or trailer designed and used to transport saw logs that does not exceed an overall length of 75 feet. A crib vehicle and semitrailer or trailer designed to and used to transport saw logs shall not exceed a gross vehicle weight of 164,000 pounds. A person may operate a truck tractor and semitrailer designed and used to transport saw logs, pulpwood, and tree length wooden poles with a load overhang to the rear of the semitrailer which does not exceed 6 feet if the semitrailer does not exceed 50 feet in length.

(c) Notwithstanding subsection (20)(d), a truck tractor with a log slasher unit and a log saw unit: no overall limit if the length of each unit does not exceed 28-1/2 feet, or the overall length of the log slasher unit and the log saw unit, as measured from the front of the first towed unit to the rear of the second towed unit while the units are coupled together, does not exceed 58 feet. The coupling devices of the truck tractor and units set forth in this subdivision shall meet the requirements established under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

(d) Except as provided in subsection (17)(k), truck tractor and 2 semitrailers, or truck tractor, semitrailer, and trailer combinations: no overall length limit, if the length of each semitrailer or trailer does not exceed 28-1/2 feet each, or the overall length of the semitrailer and trailer, or 2 semitrailers as measured from the front of the first towed unit to the rear of the second towed unit while the units are coupled together does not exceed 58 feet.



(e) More than 1 motor vehicle, wholly or partially assembled, in combination, utilizing 1 tow bar or 3 saddle mounts with full mount mechanisms and utilizing the motive power of 1 of the vehicles in combination: 97 feet.

(f) Truck tractor and lowboy semitrailer combinations: no maximum overall length, if the lowboy semitrailer does not exceed 59 feet, except as otherwise permitted under this subdivision. A lowboy semitrailer wheelbase shall not exceed 55 feet as measured from the kingpin coupling to the center of the rear axle. A lowboy semitrailer more than 59 feet in length shall not operate with more than any combination of 4 axles on the lowboy unless an oversized load permit is issued by the state transportation department or a local authority with respect to highways under its jurisdiction. As used in this subdivision, "lowboy semitrailer" means a flatbed semitrailer with a depressed section that has the specific purpose of being lowered and raised for loading and unloading.

(19) Notwithstanding any other provision of subsections (16) through (25) of this section, a combination of a truck and semitrailer, or truck tractor and semitrailer, used exclusively to transport assembled motor vehicles or bodies that have a trailer length of 53 feet may have a load that extends an additional 3 feet beyond the front of the trailer and 4 feet beyond the rear of the trailer. Retractable extensions used to support and secure the load that do not extend beyond the allowable overhang for the front and rear shall not be included in determining length of a loaded vehicle or vehicle combination. The total overall length loaded of the combination of vehicles described in this subsection shall not exceed 79 feet.

(20) The following combinations and movements are prohibited:

(a) A truck shall not haul more than 1 trailer or semitrailer, and a truck tractor shall not haul more than 2 semitrailers or 1 semitrailer and 1 trailer in combination at any 1 time, except that a farm tractor may haul 2 wagons or trailers, or garbage and refuse haulers may, during daylight hours, haul up to 4 trailers for garbage and refuse collection purposes, not exceeding in any combination a total length of 55 feet and at a speed limit not to exceed 15 miles per hour.

(b) A combination of vehicles or a vehicle shall not have more than 11 axles, except when operating under a valid permit issued by the state transportation department or a local authority with respect to a highway under its jurisdiction.

(c) Any combination of vehicles not specifically authorized under subsections (16) through (25) of this section is prohibited.

(d) Except as provided in subsection (18)(c), a combination of 2 semitrailers pulled by a truck tractor, unless each semitrailer uses a fifth wheel connecting assembly that conforms to the requirements of the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

(e) Except as provided in subsection (17)(c), a vehicle or a combination of vehicles shall not carry a load extending more than 3 feet beyond the front of the lead vehicle.

(f) A vehicle described in subsections (17)(e) and (18)(e) employing triple saddle mounts unless all wheels that are in contact with the roadway have operating brakes.

(21) All combinations of vehicles under this section shall employ connecting assemblies and lighting devices that are in compliance with the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

(22) The total gross weight of a truck tractor, semitrailer, and trailer combination or a truck tractor and 2 semitrailers combination that exceeds 59 feet in length shall not exceed a ratio of 400 pounds per engine net horsepower delivered to clutch or its equivalent specified in the handbook published by the Society of Automotive Engineers, Inc. (SAE), 1977 edition.

(23) A person who violates any of subsections (16) through (25) of this section is responsible for a civil infraction. The owner of the vehicle may be charged with a violation of any of subsections (16) through (25) of this section.

(24) The provisions in subsections (17)(a) and (18)(b) prescribing the length of a crib vehicle on which logs are loaded lengthwise do not apply unless 23 USC 127(d) is amended to allow crib vehicles carrying logs to be loaded as described in subsections (16) through (25) of this section.

(25) As used in subsections (16) through (25) of this section:

(a) "Designated highway" means a highway approved by the state transportation department or a local authority including the City with respect to a highway under its jurisdiction.

(b) "Length" means the total length of a vehicle, or combination of vehicles, including any load the vehicle is carrying. Length does not include devices described in 23 CFR 658.16 and 23 CFR part 658, appendix D, 23 CFR 658.16 and 23 CFR part 658, appendix D, as on file with the secretary of state are adopted by reference. A safety or energy conservation device shall be excluded from a determination of length only if it is not designed or used for the carrying of cargo, freight, or equipment. Semitrailers and trailers shall be measured from the front vertical plane of the foremost transverse load supporting structure to the rearmost transverse load supporting structure. Vehicle components not excluded by law shall be included in the measurement of the length, height, and width of the vehicle.

(c) "Stinger-steered combination" means a truck tractor and semitrailer combination in which the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.

(26) Except as otherwise provided in subsection (30), a passenger vehicle or a pickup truck shall not be driven upon a highway drawing or having attached to the passenger vehicle or pickup truck more than 1 vehicle or trailer.

(27) The drawbar or other connection between 2 vehicles, 1 of which is towing or drawing the other on a highway, shall not exceed 15 feet in length from 1 vehicle to the other. If the connection consists of a chain, rope, or cable, there shall be displayed upon the connection a red flag or other signal or cloth not less than 12 inches both in length and width.

(28) A vehicle or trailer towed or drawn by a vehicle shall be attached to the vehicle with forms of coupling devices in a manner so that when the combination is operated in a linear alignment on a level, smooth, paved surface, the movement of the towed or drawn vehicle or trailer does not deviate more than 3 inches to either side of the path of the towing vehicle that tows or draws it. The vehicle or trailer shall also be connected to the towing vehicle by suitable safety chains or devices, 1 on each side of the coupling and at the extreme outer edge of the vehicle or trailer. Each chain or device and connection used shall be of sufficient strength to haul the vehicle or trailer when loaded. In the case of an implement of husbandry with a gross vehicle weight rating or gross combination weight rating of 10,000 pounds or less, the safety chains or devices required under this subsection shall conform to the federal motor carrier safety regulations requirements contained in 49 CFR 393.70(d)(5).

(29) A pickup truck with a fifth wheel assembly shall not tow a semitrailer unless the fifth wheel assembly conforms to the standards prescribed in the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

(30) Notwithstanding subsection (26), a pickup truck with a towing rating equal to, or greater than, the weight being towed, equipped with a fifth wheel assembly that conforms with the standards prescribed in the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25, towing attached with a semitrailer designed for recreational living purposes may tow an additional trailer or semitrailer under the following conditions:

(a) The additional trailer or semitrailer shall be attached as provided in subsection (28). The safety chains described in subsection (28) shall be securely attached at the extreme outer edge of the attached trailer or semitrailer with a locking mechanism. The towing vehicle hitch shall be of substantial material and shall be attached in a proper and skillful manner to the frame of the towing vehicle.

(b) The total length of the pickup truck, semitrailer designed for recreational living purposes, and additional trailer or semitrailer, and load, shall not exceed 75 feet on any highways in this state.

(c) The gross weight of the additional trailer or semitrailer towed or drawn shall not exceed the empty weight of the pickup truck or the empty weight of the semitrailer.

(31) For the purposes of subsections (26) through (32) of this section, a pickup truck towing a semitrailer and additional trailer shall be considered a passenger vehicle and shall comply with the speed limit requirements of section 627(5) of the Michigan Vehicle Code.

(32) A person who violates any of subsections (26) through (32) of this section is responsible for a civil infraction.

(33) Except as otherwise provided in subsections (33) through (47) of this section, the maximum axle load shall not exceed the number of pounds designated in the following provisions that prescribe the distance between axles:

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

(b) If the axle spacing is less than 9 feet between 2 axles but more than 3-1/2 feet, the maximum axle load shall not exceed 13,000 pounds for high pressure pneumatic or balloon tires.

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

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

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

(35) On a legal combination of vehicles, only 1 tandem axle assembly is permitted on the designated highways at the gross permissible weight of 16,000 pounds per axle, if there is no other axle within 9 feet of any axle of the assembly, and if no other tandem axle assembly in the combination of vehicles exceeds a gross weight of 13,000 pounds per axle. On a combination of truck tractor and semitrailer having not more than 5 axles, 2 consecutive tandem axle assemblies are permitted on the designated highways at a gross permissible weight of 16,000 pounds per axle, if there is no other axle within 9 feet of any axle of the assembly.

(36) Notwithstanding subsection (35), on a combination of truck tractor and semitrailer having not more than 5 axles, 2 consecutive sets of tandem axles may carry a gross permissible weight of not to exceed 17,000 pounds on any axle of the tandem axles if there is no other axle within 9 feet of any axle of the tandem axles and if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart and

the gross vehicle weight does not exceed 80,000 pounds to pick up and deliver agricultural commodities between the national truck network or special designated highways and any other highway. This subsection is not subject to the maximum axle loads of subsections (33), (34), and (35). For purposes of this subsection, a "tandem axle" means 2 axles spaced more than 40 inches but not more than 96 inches apart or 2 axles spaced more than 3-1/2 feet but less than 9 feet apart. This subsection does not apply during that period when reduced maximum loads are in effect under subsection (40).

(37) The seasonal reductions described under subsection (40) to the loading maximums and gross vehicle weight requirement of subsection (44) do not apply to a person hauling agricultural commodities if the person who picks up or delivers the agricultural commodity either from a farm or to a farm notifies the county road commission for roads under its authority not less than 48 hours before the pickup or delivery of the time and location of the pickup or delivery. The county road commission shall issue a permit to the person and charge a fee that does not exceed the administrative costs incurred. The permit shall contain all of the following:

- (a) The designated route or routes of travel for the load.
- (b) The date and time period requested by the person who picks up or delivers the agricultural commodities during which the load may be delivered or picked up.
- (c) A maximum speed limit of travel, if necessary.
- (d) Any other specific conditions agreed to between the parties.

(38) The seasonal reductions described under subsection (40) to the loading maximums and gross vehicle weight requirements of subsection (44) do not apply to public utility vehicles under the following circumstances:

- (a) For emergency public utility work on restricted roads, as follows:
  - (i) If required by the county road commission, the public utility or its subcontractor shall notify the county road commission, as soon as practical, of the location of the emergency public utility work and provide a statement that the vehicles that were used to perform the emergency utility work may have exceeded the loading maximums and gross vehicle weight requirements of subsection (44) as reduced under subsection (40). The notification may be made via facsimile or electronically.
  - (ii) The public utility vehicle travels to and from the site of the emergency public utility work while on a restricted road at a speed not greater than 35 miles per hour.
- (b) For nonemergency public utility work on restricted roads, as follows:

(i) If the county road commission requires, the public utility or its subcontractor shall apply to the county road commission annually for a seasonal truck permit for roads under its authority before seasonal weight restrictions are effective. The county road commission shall issue a seasonal truck permit for each public utility vehicle or vehicle configuration the public utility or subcontractor anticipates will be utilized for nonemergency public utility work. The county road commission may charge a fee for a seasonal truck permit that does not exceed the administrative costs incurred for the permit. The seasonal truck permit shall contain all of the following:

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

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

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

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

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

(ii) If the county road commission requires notification, the county road commission shall provide a notification application for the public utility or its subcontractor to use when requesting access to operate on restricted roads and the public utility or its subcontractor shall provide notification to the county road commission, via facsimile or electronically, not later than 24 hours before the time of the intended travel. A subcontractor using a vehicle on a restricted road shall have a copy of any notification provided to a county road commission in the subcontractor's possession while performing the relevant nonemergency work. Notwithstanding this subsection or an agreement under this subsection, if the county road commission determines that the condition of a particular road under its jurisdiction makes it unusable, the county road commission may deny access to all or any part of that road. The denial shall be made and communicated via facsimile or electronically to the public utility or its subcontractor within 24 hours after receiving notification that the public utility or subcontractors intends to perform nonemergency work that requires use of that road. Any notification that is not disapproved within 24 hours after the notice is received by the county road commission is considered approved. The notification application required under this subparagraph may include all of the following information:

(A) The address or location of the nonemergency work.

(B) The date or dates of the nonemergency work.

(C) The route to be taken to the nonemergency work site.

(D) The restricted road or roads intended to be traveled upon to the nonemergency work site or sites.

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

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

(40) Except as provided in this subsection and subsection (41), during the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements or pavements with a concrete base is reduced by 25% from the maximum axle load as specified in this chapter, and the maximum axle loads allowable on all other types of roads during these months are reduced by 35% from the maximum axle loads as specified. The maximum wheel load shall not exceed 525 pounds per inch of tire width on concrete and concrete base or 450 pounds per inch of tire width on all other roads during the period the seasonal road restrictions are in effect. Subject to subsection (37), this subsection does not apply to vehicles transporting agricultural commodities or, subject to subsection (38), public utility vehicles on a highway, road, or street under the jurisdiction of a local road agency. In addition, this subsection does not apply to a vehicle delivering propane fuel to a residence if the vehicle's propane tank is filled to not more than 50% of its capacity and the vehicle is traveling at not more than 35 miles per hour. The state transportation department and each local authority including the City with highways and streets under its jurisdiction to which the seasonal restrictions prescribed under this subsection apply shall post all of the following information on the homepage of its website or, if a local authority does not have a website, then on the website of a statewide road association of which it is a member:

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

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

(41) The state transportation department for roads under its jurisdiction and a county road commission for roads under its jurisdiction may grant exemptions from seasonal weight restrictions for milk on specified routes when requested in writing. Approval or denial of a request for an exemption shall be given by written notice to the applicant within 30 days after the date of submission of the application. If a request is denied, the written notice shall state the reason for denial and alternate routes for which the permit may be issued. The applicant may appeal to the state transportation commission or the county road commission. These exemptions do not apply on county roads in counties

that have negotiated agreements with milk haulers or haulers of other commodities during periods of seasonal load limits before April 14, 1993. This subsection does not limit the ability of these counties to continue to negotiate such agreements.

(42) The state transportation department, or the City with respect to highways under its jurisdiction, may suspend the restrictions imposed by this section when and where conditions of the highways or the public health, safety, and welfare warrant suspension, and impose the restricted loading requirements of this section on designated highways at any other time that the conditions of the highway require.

(43) For the purpose of enforcing the Michigan Vehicle Code, the gross vehicle weight of a single vehicle and load or a combination of vehicles and loads shall be determined by weighing individual axles or groups of axles, and the total weight on all the axles shall be the gross vehicle weight. In addition, the gross axle weight shall be determined by weighing individual axles or by weighing a group of axles and dividing the gross weight of the group of axles by the number of axles in the group. For purposes of subsection (44), the overall gross weight on a group of 2 or more axles shall be determined by weighing individual axles or several axles, and the total weight of all the axles in the group shall be the overall gross weight of the group.

(44) The loading maximum in this subsection applies to interstate highways, and the state transportation department, or the City with respect to highways under its jurisdiction, may designate a highway, or a section of a highway, for the operation of vehicles having a gross vehicle weight of not more than 80,000 pounds that are subject to the following load maximums:

- (a) Twenty thousand pounds on any 1 axle, including all enforcement tolerances.
- (b) A tandem axle weight of 34,000 pounds, including all enforcement tolerances.
- (c) An overall gross weight on a group of 2 or more consecutive axles equaling:

$$W=500[(LN)/(N-1)+12N+36]$$

where W = overall gross weight on a group of 2 or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of a group of 2 or more consecutive axles, and N = number of axles in the group under consideration; except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart. The gross vehicle weight shall not exceed 80,000 pounds including all enforcement tolerances. Except for 5 axle truck tractor, semitrailer combinations having 2 consecutive sets of tandem axles, vehicles having a gross weight in excess of 80,000 pounds or in excess of the vehicle gross weight determined by application of the formula in this subsection are subject to the maximum axle loads of subsections (33), (34), and (35). As used in this subsection, "tandem axle weight" means the total weight transmitted to the road by 2 or more consecutive axles, the centers of which may be



included between parallel transverse vertical planes spaced more than 40 inches but not more than 96 inches apart, extending across the full width of the vehicle. Except as otherwise provided in subsections (33) through (47) of this section, vehicles transporting agricultural commodities shall have weight load maximums as set forth in this subsection.

(45) The axle loading maximums under subsections (33), (34), (35), and (36) are increased by 10% for vehicles transporting agricultural commodities or raw timber, excluding farm equipment and fuel, from the place of harvest or farm storage to the first point of delivery on a road in this state. However, the axle loading maximums as increased under this subsection do not alter the gross vehicle weight restrictions set forth in this act. This subsection does not apply to either of the following:

(a) A vehicle utilizing an interstate highway.

(b) A vehicle utilizing a road that is subject to seasonal weight restrictions under subsection (40) during the time that the seasonal weight restrictions are in effect.

(46) Notwithstanding any other provision of this section, a vehicle that has a gross weight of 80,000 pounds or less and that is operated by an engine that is fueled wholly or partially by compressed or liquefied natural gas may exceed the axle loading maximums under subsections (33), (34), (35), and (36) and the weight load maximums under subsection (44) by an amount equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. The amount by which a vehicle described in this subsection may exceed the axle loading maximums under subsections (33), (34), (35), and (36) and the weight load maximums under subsection (44) shall not exceed 2,000 pounds.

(47) As used in subsections (33) through (47) of this section:

(a) "Agricultural commodities" means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, mushrooms, fertilizer, livestock bedding, farming equipment, fuel for agricultural use, and maple sap. Agricultural commodities do not include trees or lumber.

(b) "Emergency public utility work" means work performed to restore public utility service or to eliminate a danger to the public due to a natural disaster, an act of God, or an emergency situation, whether or not a public official has declared an emergency.

(c) "Farm storage" means any of the following:

(i) An edifice, silo, tank, bin, crib, interstice, or protected enclosed structure, or more than 1 edifice, silo, tank, bin, crib, interstice, or protected enclosed structure located contiguous to each other.

(ii) An open environment used for the purpose of temporarily storing a crop.

(d) "Public utility" means a public utility under the jurisdiction of the public service commission or a transmission company.

(e) "Public utility vehicle" means a vehicle owned or operated by a public utility or operated by a subcontractor on behalf of a public utility.

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

(48) All towing or platform bed wreckers or road service vehicles in operation upon the public highways of this state shall have the name, city, and state or the registered logo or emblem of the registered owner of the vehicle, and lessee of the vehicle if the vehicle is being operated under lease, painted or permanently attached on each side of the vehicle in letters of not less than 3 inches in height, not lower than the bottom edge of the door. This information shall be in sharp color contrast to the background.

(49) A vehicle in compliance with the identification requirements of the federal motor carrier safety regulations, 49 CFR parts 390-399, is considered to be in compliance with this section.

(50) A person who violates any of subsections (48) through (50) of this section is responsible for a civil infraction.

(51) A police officer, a peace officer, or an authorized agent of the state transportation department or a county road commission having reason to believe that the weight of a vehicle and load is unlawful may require the driver to stop and submit to a weighing of the vehicle by either portable or stationary scales approved and sealed as a legal weighing device by a qualified person using testing equipment certified or approved by the department of agriculture and rural development as a legal weighing device and may require that the vehicle be driven to the nearest weigh station of the state transportation department for the purpose of allowing a police officer, peace officer, or agent of the state transportation department or county road commission to determine whether the vehicle is loaded in conformity with this chapter.

(52) When the officer or agent, upon weighing a vehicle and load, determines that the weight is unlawful, the officer or agent may require the driver to stop the vehicle in a suitable place and remain standing until that portion of the load is shifted or removed as necessary to reduce the gross axle load weight of the vehicle to the limit permitted under this chapter. All material unloaded as provided under this subsection shall be

cared for by the owner or operator of the vehicle at the risk of the owner or operator. A judge or magistrate imposing a civil fine and costs under this section (to the degree it is authorized under the Michigan Vehicle Code) that are not paid in full immediately or for which a bond is not immediately posted in the amount of the civil fine and costs shall order the driver or owner to move the vehicle at the driver's own risk to a place of safekeeping within the jurisdiction of the judge or magistrate, inform the judge or magistrate in writing of the place of safekeeping, and keep the vehicle until the fine and costs are paid or sufficient bond is furnished or until the judge or magistrate is satisfied that the fine and costs will be paid. The officer or agent who has determined, after weighing a vehicle and load, that the weight is unlawful, may require the driver to proceed to a judge or magistrate within the county. If the judge or magistrate is satisfied that the probable civil fine and costs will be paid by the owner or lessee, the judge or magistrate may allow the driver to proceed, after the load is made legal. If the judge or magistrate is not satisfied that the owner or lessee, after a notice and a right to be heard on the merits is given, will pay the amount of the probable civil fine and costs, the judge or magistrate may order the vehicle to be impounded until trial on the merits is completed under conditions set forth in this section for the impounding of vehicles after the civil fine and costs have been imposed. Removal of the vehicle, and forwarding, care, or preservation of the load shall be under the control of and at the risk of the owner or driver. Vehicles impounded shall be subject to a lien, subject to a prior valid bona fide lien of prior record, in the amount of the civil fine and costs and if the civil fine and costs are not paid within 90 days after the seizure, the judge or magistrate shall certify the unpaid judgment to the prosecuting attorney of the county in which the violation occurred, who shall proceed to enforce the lien by foreclosure sale in accordance with procedure authorized in the case of chattel mortgage foreclosures. When the duly authorized agent of the state transportation department or county road commission is performing duties under this chapter, the agent has all the powers conferred upon peace officers by the general laws of this state.

(53) Subject to subsection (54), an owner of a vehicle or a lessee of the vehicle of an owner-operator, or other person, who causes or allows a vehicle to be loaded and driven or moved on a highway when the weight of that vehicle violates section 722 of the Michigan Vehicle Code is responsible for a civil infraction and shall pay a civil fine in an amount equal to 3 cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; 6 cents per pound of excess load when the excess is over 2,000 pounds but not over 3,000 pounds; 9 cents per pound for each pound of excess load when the excess is over 3,000 pounds but not over 4,000 pounds; 12 cents per pound for each pound of excess load when the excess is over 4,000 pounds but not over 5,000 pounds; 15 cents per pound for each pound of excess load when the excess is over 5,000 pounds but not over 10,000 pounds; and 20 cents per pound for each pound of excess load when the excess is over 10,000 pounds. If a person operates a vehicle in violation of increased axle loading maximums provided for under section 722(13) of the Michigan Vehicle Code or the comparable provision under this Code, the owner or lessee of the vehicle is responsible for a civil infraction and shall pay the civil fine under this subsection that applies to the amount of weight by which the vehicle exceeds the original loading maximum.

(54) If the court determines that the motor vehicle or the combination of vehicles was operated in violation of any of subsections (51) through (57) of this section, the court shall impose a fine as follows:

(a) If the court determines that the motor vehicle or the combination of vehicles was operated in such a manner that the gross weight of the vehicle or the combination of vehicles would not be lawful by a proper distribution of the load upon all the axles of the vehicle or the combination of vehicles, the court shall impose a fine for the violation according to the schedule provided for in subsection (53).

(b) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the maximum allowable axle weight by more than 1,000 pounds but less than 4,000 pounds, the court shall impose a misload fine of \$200.00 per axle. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision. This subdivision does not apply to a vehicle subject to the maximum loading provisions of section 722(12) of the Michigan Vehicle Code or the comparable provision under this Code, or to a vehicle for which a fine as calculated under the schedule in subsection (53) would be less than the fine as calculated under this subsection.

(c) If the court determines that the motor vehicle or the combination of vehicles would meet the loading conditions specified in a special permit that was issued under section 725 of the Michigan Vehicle Code or the comparable provision under this Code by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by 1,000 pounds or less, the court shall impose a misload fine of \$200.00 per axle. If the court determines that the motor vehicle or the combination of vehicles would meet the loading conditions specified in a special permit that was issued under section 725 of the Michigan Vehicle Code or the comparable provision under this Code by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by more than 1,000 pounds, the court shall impose a fine for the violation according to the schedule provided in subsection (53) for the amount of pounds exceeding the permitted axle weight. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision. If the court determines that the load was misloaded, the conditions of the special permit remain valid. The imposition of a fine does not void the special permit.

(d) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by at least 4,000 pounds but no more than 8,000 pounds, the court shall impose a misload fine of \$400.00 per axle. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision.

(e) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by more than 8,000 pounds, the court shall impose a fine for the violation according to the schedule provided in subsection (53).

(55) A driver or owner of a commercial vehicle with other vehicles or trailers in combination, a truck or truck tractor, a truck or truck tractor with other vehicles in combination, or any special mobile equipment who fails to stop at or bypasses any scales or weighing station is guilty of a misdemeanor.

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

(57) A driver or owner of a vehicle who knowingly fails to stop when requested or ordered to do so and submit to a weighing by a police officer, a peace officer, or an authorized agent of the state transportation department, or a representative or agent of a county road commission, authorized to require the driver to stop and submit to a weighing of the vehicle and load by means of a portable scale, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both. A driver or person who dumps his or her load when ordered to submit to a weigh or who otherwise attempts to commit or commits an act to avoid a vehicle weigh is in violation of subsections (51) through (57) of this section.

(58) The axle weight requirements of this chapter do not apply to a vehicle equipped with lift axles during the period in which axles are raised to negotiate an intersection, driveway, or other turn and until the lift axles are fully engaged after the period of time or the distance necessary to negotiate that intersection, driveway, or other turn.

(59) If a vehicle is to be weighed to determine whether the vehicle is being operated in violation of the Michigan Vehicle Code or a rule promulgated under it or this Code's sections substantially corresponding to the Michigan Vehicle Code or a rule promulgated under it and the vehicle is equipped with lift axles that have been raised to allow the vehicle to negotiate an intersection, driveway, or other turn, the vehicle shall be weighed only after the lift axles have been fully lowered and are under operational pressure as provided in subsection (58).

(60) As used in subsections (58) through (60) of this section, "lift axle" means an axle on a vehicle that can be raised or lowered by mechanical means.

(61) Upon receipt of a written application and good cause being shown, a jurisdictional authority may issue a written special permit authorizing an applicant to operate upon or

remove from a highway maintained by that jurisdictional authority a vehicle or combination of vehicles that are any of the following:

(a) Of a size, weight, or load exceeding the maximum specified in this chapter.

(b) Otherwise not in conformity with this chapter.

(62) The application for a special permit shall be on a form prescribed by the jurisdictional authority and shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways upon which the special permit to operate is requested.

(63) The City may issue a special permit and charge a fee that does not exceed the administrative costs incurred authorizing the operation of the following upon a highway:

(a) Traction engines or tractors having movable tracks with transverse corrugations upon the periphery of those movable tracks on farm tractors.

(b) Other farm machinery otherwise prohibited under this chapter.

(c) A vehicle of a size or weight otherwise prohibited under this chapter that is hauling farm machinery to or from a farm.

(64) A special permit shall specify the trip or trips and date or dates for which it is valid and the jurisdictional authority granting the special permit may restrict or prescribe conditions of operation of a vehicle or vehicles, if necessary, to protect the safety of the public or to ensure against undue damage to the road foundations, surfaces, structures, or installations, and may require a reasonable inspection fee and other security as that jurisdictional authority determines necessary to compensate for damages caused by the movement. A special permit may be issued on an annual basis. Except as otherwise provided in the Michigan Vehicle Code or subsections (61) through (71) of this section, the fee charged by the state transportation department for an intrastate or an out-of-state vehicle for a single trip shall be \$50.00 and for multiple trips or on an annual basis shall be \$100.00. Except as otherwise provided in the Michigan Vehicle Code or in subsections (61) through (71) of this this section, the fee charged by a jurisdictional authority other than the state transportation department including the City for an intrastate or an out-of-state vehicle for a single trip shall be not more than \$50.00 and for multiple trips or on an annual basis shall be not more than \$100.00. Effective October 1, 1998, the fee charged by a jurisdictional authority other than the state transportation department (including the City) for a special permit under this subsection shall be the fee charged on September 30, 1997. The fee charged by a jurisdictional authority other than the state transportation department including the City for a special permit under this subsection may be increased above the amount charged on September 30, 1997 subject to the maximums allowed by this subsection subject to a prior public hearing with reasonable notice. However, the fee charged by a jurisdictional authority other than the state transportation department including the City for a special

permit under this subsection that is more than \$50.00 for a single trip or that is more than \$100.00 for multiple trips or on an annual basis, or both, on September 30, 1997 shall not be increased.

(65) The fee charged by the state transportation department for an intrastate or an out-of-state vehicle or combination of vehicles that exceed the maximum size specified in this chapter but do not exceed the maximum weight or load specified in this chapter or are otherwise not in conformity with this chapter shall be \$15.00 for a single trip and \$30.00 for multiple trips or on an annual basis. The fees charged under this subsection may be increased not more than once each year based on the percentage increase in the United States consumer price index for all urban consumers for the immediately preceding 12-month period rounded to the nearest whole dollar.

(66) The fee charged by a jurisdictional authority other than the state transportation department including the City for an intrastate or an out-of-state vehicle or combination of vehicles of a size exceeding the maximum specified in this chapter but not exceeding the maximum weight or load specified in this chapter shall not exceed the administrative costs incurred by that jurisdictional authority in issuing the permit.

(67) A special permit issued under any of subsections (61) through (71) of this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by a police officer or authorized agent of a jurisdictional authority including the City granting the special permit. A person shall not violate any of the terms or conditions of the special permit.

(68) A person who violates any of subsections (61) through (71) of this section is responsible for a civil infraction.

(69) A jurisdictional authority including the City issuing a special permit to move a mobile home under this section and a person who is issued a special permit to move a mobile home under this section are subject to section 719a of the Michigan Vehicle Code.

(70) Nothing in subsections (61) through (71) of this section shall be construed to allow a jurisdictional authority including the City to impose fees upon or enact regulations regarding a vehicle or combination of vehicles engaged in silvicultural operations if the vehicle or combination of vehicles is not in excess of the size, weight, or load maximums specified in this chapter and is otherwise in conformity with this chapter. This subsection does not excuse a vehicle or combination of vehicles engaged in silvicultural operations from the seasonal weight reductions described in section 722 of the Michigan Vehicle Code.

(71) As used in subsections (61) through (71) of this section, "jurisdictional authority" means the state transportation department, a county road commission, or a local authority including the City having jurisdiction over a highway upon which a vehicle is

proposed to be moved pursuant to a permit required under subsections (61) through (71) of this section.

**Section 32-578. Clear vision areas; parking and commercial enterprises prohibited; violation as civil infraction.**

(1) A vehicle shall not be parked in an area purchased, acquired, or used as a clear vision area adjacent to or on a highway right of way. A person shall not conduct vending or other commercial enterprises in a clear vision area.

(2) A person who violates this section is responsible for a civil infraction.

**Section 32-579. Unattended vehicle; setting brakes, stopping motor, placing in park, removing ignition key, and turning front wheels; vehicle with remote starter; rescission of R 28.1458; violation as civil infraction.**

(1) A person shall not allow a motor vehicle to stand on a highway unattended without engaging the parking brake or placing the vehicle in park, stopping the motor of the vehicle, and removing and taking possession of the ignition key. If the vehicle is standing upon a grade, the front wheels of the vehicle shall be turned to the curb or side of the highway. This section does not apply to a vehicle that is standing in place and is equipped with a remote start feature, if the remote start feature is engaged.

(2) R 28.1458 of the Michigan Administrative Code is acknowledged to have been rescinded.

(3) A person who violates subsection (1) is responsible for a civil infraction.

**Section 32-580. Reading, typing, or sending text message on wireless 2-way communication device prohibited; use of hand-held mobile telephone prohibited; exceptions; "use a hand-held mobile telephone" defined; violation as civil infraction; fine; local ordinances superseded.**

(1) Except as otherwise provided in this section, a person shall not read, manually type, or send a text message on a wireless 2-way communication device that is located in the person's hand or in the person's lap, including a wireless telephone used in cellular telephone service or personal communication service, while operating a motor vehicle that is moving on a highway or street in this state. As used in this subsection, a wireless 2-way communication device does not include a global positioning or navigation system that is affixed to the motor vehicle. This subsection does not apply to a person operating a commercial vehicle.

(2) Except as otherwise provided in this section, a person shall not read, manually type, or send a text message on a wireless 2-way communication device that is located in the person's hand or in the person's lap, including a wireless telephone used in cellular



telephone service or personal communication service, while operating a commercial motor vehicle or a school bus on a highway or street in this state. As used in this subsection, a wireless 2-way communication device does not include a global positioning or navigation system that is affixed to the commercial motor vehicle or school bus.

(3) Except as otherwise provided in this section, a person shall not use a hand-held mobile telephone to conduct a voice communication while operating a commercial motor vehicle or a school bus on a highway, including while temporarily stationary due to traffic, a traffic control device, or other momentary delays. This subsection does not apply if the operator of the commercial vehicle or school bus has moved the vehicle to the side of, or off, a highway and has stopped in a location where the vehicle can safely remain stationary. As used in this subsection, "mobile telephone" does not include a 2-way radio service or citizens band radio service. As used in this subsection, "use a hand-held mobile telephone" means 1 or more of the following:

(a) Using at least 1 hand to hold a mobile telephone to conduct a voice communication.

(b) Dialing or answering a mobile telephone by pressing more than a single button.

(c) Reaching for a mobile telephone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt that is installed as required by 49 CFR 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

(4) Subsections (1), (2), and (3) do not apply to an individual who is using a device described in subsection (1) or (3) to do any of the following:

(a) Report a traffic accident, medical emergency, or serious road hazard.

(b) Report a situation in which the person believes his or her personal safety is in jeopardy.

(c) Report or avert the perpetration or potential perpetration of a criminal act against the individual or another person.

(d) Carry out official duties as a police officer, law enforcement official, member of a paid or volunteer fire department, or operator of an emergency vehicle.

(e) Operate or program the operation of an automated motor vehicle while testing or operating the automated motor vehicle without a human operator.

(5) Subsection (1) does not apply to a person using an on-demand automated motor vehicle network.

(6) An individual who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine as follows:

(a) For a first violation, \$100.00.

(b) For a second or subsequent violation, \$200.00.

(7) This section is intended to substantially correspond to the comparable Michigan Vehicle Code provision.

**Section 32-581. Vehicle group designation or indorsement on operator's or chauffeur's license; hazardous material endorsement; vehicle used for farming purposes; age; tests; waiver; seasonal restricted vehicle group designation; conditions prohibiting issuance of commercial learner's permit, vehicle group designation, or vehicle indorsement; cancellation; determining applicability of subsection (5); "farm related service industry" defined.**

(1) Except as otherwise provided in this section or the comparable provision under the Michigan Vehicle Code, a person shall be not less than 18 years of age before he or she is issued a vehicle group designation or indorsement, other than a motorcycle indorsement, or not less than 21 years of age and has been approved by the Transportation Security Administration for a hazardous material endorsement before he or she is issued a hazardous material indorsement on an operator's or chauffeur's license and, as provided in this section, the person shall pass knowledge and driving skills tests that comply with minimum federal standards prescribed in 49 CFR part 383. The knowledge and skills test scores shall be retained by the secretary of state as provided under 49 CFR 383.135. A person who is 18 years of age or older operating a vehicle to be used for farming purposes only may obtain an A or B vehicle group designation or an F vehicle indorsement. Each written examination given an applicant for a vehicle group designation or indorsement shall include subjects designed to cover the type or general class of vehicle to be operated. Except as follows, a person shall pass an examination that includes a driving skills test designed to test competency of the applicant for an original vehicle group designation and passenger indorsement on an operator's or chauffeur's license to drive that type or general class of vehicle upon the highways of this state with safety to persons and property:

(a) The secretary of state shall waive the driving skills test for a person operating a vehicle that is used under the conditions described in section 312e(8)(a) to (d) of the Michigan Vehicle Code unless the vehicle has a gross vehicle weight rating of 26,001 pounds or more on the power unit and is to be used to carry hazardous materials on which a placard is required under 49 CFR parts 100 to 199.

(b) The driving skills test may be waived if the applicant has a valid license with the appropriate vehicle group designation, passenger vehicle indorsement, or school bus indorsement in another state issued in compliance with 49 USC 31301 to 31317, or if

the person successfully passes a driving skills test administered in another state that meets the requirements of federal law and the law of this state.

(c) The secretary of state may waive the driving skills test required under this section or the comparable provision under the Michigan Vehicle Code for a person with military commercial motor vehicle experience if the person, at the time of application, certifies and provides evidence satisfactory to the secretary of state that he or she continuously met all of the requirements under 49 CFR 383 during the 2-year period immediately preceding the date of application for the commercial driver license.

(2) Except for a person who has held an operator's or chauffeur's license for less than 1 year, the secretary of state shall waive the knowledge test and the driving skills test and issue a 1-year seasonal restricted vehicle group designation to an otherwise qualified applicant to operate a group B or a group C vehicle for a farm related service industry if all of the following conditions are met:

(a) The applicant meets the requirements of 49 CFR 383.77.

(b) The seasons for which the seasonal restricted vehicle group designation is issued are from April 2 to June 30 and from September 2 to November 30 only of a 12-month period or, at the option of the applicant, for not more than 180 days from the date of issuance in a 12-month period.

(c) The commercial motor vehicle for which the seasonal restricted vehicle group designation is issued shall be operated only if all the following conditions are met:

(i) The commercial motor vehicle is operated only on routes within 150 miles from the place of business to the farm or farms being served.

(ii) The commercial motor vehicle does not transport a quantity of hazardous materials on which a placard under 49 CFR parts 100 to 199 is required except for the following:

(A) Diesel motor fuel in quantities of 1,000 gallons or less.

(B) Liquid fertilizers in quantities of 3,000 gallons or less.

(C) Solid fertilizers that are not transported with any organic substance.

(iii) The commercial motor vehicle does not require the H, N, P, S, T, or X vehicle endorsement.

(3) A seasonal restricted vehicle group designation under this section shall be issued, suspended, revoked, canceled, denied, or renewed in accordance with this act. The secretary of state may renew a seasonal restricted vehicle group designation 1 time per calendar year regardless of whether the seasonal restricted vehicle group designation is expired at the time of renewal.

(4) The secretary of state may enter into an agreement with another public or private corporation or agency to conduct a driving skills test required under this section or the comparable provision under the Michigan Vehicle Code, section 312e of the Michigan Vehicle Code, or 49 CFR part 383. Before the secretary of state authorizes a person to administer a corporation's or agency's driver skills testing operations or authorizes an examiner to conduct a driving skills test, that person or examiner must complete both a state and Federal Bureau of Investigation fingerprint based criminal history check through the department of state police.

(5) The secretary of state shall not issue a commercial learner's permit, a vehicle group designation, or a vehicle indorsement to an applicant for an original vehicle group designation or vehicle indorsement under section 312e of the Michigan Vehicle Code or may cancel a commercial learner's permit or all vehicle group designations or endorsements on a person's operator's or chauffeur's license to whom 1 or more of the following apply:

(a) The applicant has had his or her license suspended or revoked for a reason other than as provided in section 321a, 515, 732a, or 801c of the Michigan Vehicle Code or section 30 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.630, in the 36 months immediately preceding application. However, a vehicle group designation may be issued if the suspension or revocation was due to a temporary medical condition or failure to appear at a reexamination as provided in section 320 of the Michigan Vehicle Code.

(b) The applicant was convicted of or incurred a bond forfeiture in relation to a 6-point violation as provided in section 320a of the Michigan Vehicle Code in the 24 months immediately preceding application if the violation occurred while the applicant was operating a commercial motor vehicle, or a violation of section 625(3) of the Michigan Vehicle Code or former section 625b of the Michigan Vehicle Code, or a local ordinance substantially corresponding to section 625(3) of the Michigan Vehicle Code or former section 625b of the Michigan Vehicle Code in the 24 months immediately preceding application, if the applicant was operating any type of motor vehicle.

(c) The applicant is listed on the national driver register, the commercial driver's license information system, or the driving records of the state in which the applicant was previously licensed as being disqualified from operating a commercial motor vehicle or as having a license or driving privilege suspended, revoked, canceled, or denied.

(d) The applicant is listed on the national driver register, the commercial driver's license information system, or the driving records of the state in which the applicant was previously licensed as having had a license suspended, revoked, or canceled in the 36 months immediately preceding application if a suspension or revocation would have been imposed under this act had the applicant been licensed in this state in the original instance. This subdivision does not apply to a suspension or revocation that would have been imposed due to a temporary medical condition or under section 321a, 515, 732a,

or 801c of the Michigan Vehicle Code or section 30 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.630.

(e) The applicant is subject to a suspension or revocation under section 319b of the Michigan Vehicle Code or would have been subject to a suspension or revocation under section 319b of the Michigan Vehicle Code if the applicant had been issued a vehicle group designation or vehicle indorsement.

(f) The applicant has been disqualified from operating a commercial motor vehicle under 49 USC 31301 to 31317 or the applicant's license to operate a commercial motor vehicle has been suspended, revoked, denied, or canceled within 36 months immediately preceding the date of application.

(g) The United States Secretary of Transportation has disqualified the applicant from operating a commercial motor vehicle.

(h) The applicant fails to satisfy the federal regulations promulgated under 49 CFR parts 383 and 391 by refusing to certify the type of commercial motor vehicle operation the applicant intends to perform and fails to present valid medical certification to the secretary of state if required to do so.

(i) The applicant has been disqualified from operating a commercial motor vehicle due to improper or fraudulent testing.

(j) If the secretary of state determines through a governmental investigation that there is reason to believe that a commercial driver license or endorsement was issued as a result of fraudulent or improper conduct in taking a knowledge test or driving skills test required under 49 CFR 383, the secretary of state shall require the applicant to retake and successfully pass that test. The secretary of state shall cancel any commercial driver license or endorsement issued as a result of the suspect test unless the applicant retakes and passes that test.

(6) The secretary of state shall not renew or upgrade a vehicle group designation if 1 or more of the following conditions exist:

(a) The United States Secretary of Transportation has disqualified the applicant from operating a commercial motor vehicle.

(b) The applicant is listed on the national driver register or the commercial driver's license information system as being disqualified from operating a commercial motor vehicle or as having a driver license or driving privilege suspended, revoked, canceled, or denied.

(c) On or after January 30, 2012, the applicant fails to meet the requirements of 49 CFR parts 383 and 391 by refusing to certify the type of commercial motor vehicle operation

the applicant intends to perform and fails to present medical certification to the secretary of state if required to do so.

(7) The secretary of state shall only consider bond forfeitures under subsection (5)(b) for violations that occurred on or after January 1, 1990 when determining the applicability of subsection (5).

(8) If an applicant for an original vehicle group designation was previously licensed in another jurisdiction, the secretary of state shall request a copy of the applicant's driving record from that jurisdiction. If 1 or more of the conditions described in subsection (5) exist in that jurisdiction when the secretary of state receives the copy, the secretary of state shall cancel all vehicle group designations on the person's operator's or chauffeur's license.

(9) The secretary of state shall cancel all vehicle group designations on a person's operator's or chauffeur's license upon receiving notice from the United States Secretary of Transportation, the national driver register, the commercial driver's license information system, or another state or jurisdiction that 1 or more of the conditions described in subsection (5) existed at the time of the person's application in this state.

(10) The secretary of state shall cancel all vehicle group designations on the person's operator's or chauffeur's license upon receiving proper notice that the person no longer meets the federal driver qualification requirements under 49 CFR parts 383 and 391 to operate a commercial motor vehicle in interstate or intrastate commerce, or the person no longer meets the driver qualification requirements to operate a commercial motor vehicle in intrastate commerce under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

(11) Subsection (5)(a), (b), (d), and (f) does not apply to an applicant for an original vehicle group designation who at the time of application has a valid license to operate a commercial motor vehicle issued by any state in compliance with 49 USC 31301 to 31317.

(12) As used in this section, "farm related service industry" means custom harvesters, farm retail outlets and suppliers, agri-chemical business, or livestock feeders.

## ARTICLE VII. ADDITIONAL MOTOR CARRIER REGULATIONS.

**Section 32-851. Vehicles required to activate hazard warning lights and stop at railroad track grade crossing; driver to listen and look in both directions; shifting gears prohibited; exceptions; "inactive railroad track" defined; violation as civil infraction.**

(1) Except as provided in subsections (2), (3), and (4), the driver of a motor vehicle transporting 16 or more passengers including the driver, a motor vehicle carrying passengers for hire, or a motor vehicle that is required to be marked or placarded under 49 CFR parts 100 to 180, before crossing a railroad track at grade, shall activate the vehicle hazard warning lights and stop the vehicle within 50 feet but not less than 15 feet from the nearest rail. While stopped, the driver shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that does not require changing gears while traversing the crossing. The driver shall not shift gears while crossing the track or tracks.

(2) A stop need not be made at a railroad track grade crossing where a police officer or a traffic-control signal directs traffic to proceed.

(3) A stop need not be made at an inactive railroad track grade crossing. As used in this subsection, "inactive railroad track" means a railroad track that meets all of the following requirements:

(i) The track has been covered or removed.

(ii) All signs, signals, and other warning devices are removed.

(4) A stop shall not be made at a railroad grade crossing marked with a sign reading "exempt". Exempt signs may be erected only by or with the consent of the state transportation department after notice to and an opportunity to be heard by the primary railroad operating over that crossing.

(5) A person who violates this section is responsible for a civil infraction.

**Section 32-852. Federal motor carrier safety regulations; adoption; transportation of persons and property over railroad-highway grade crossings.**

(1) Consistent with state law, this City adopts motor carrier safety regulations 49 C.F.R. 392.10 and 392.11 on file with the office of the secretary of state, to provide for the safe transportation of persons and property over railroad-highway grade crossings with the intent of following the policies and procedures of the United States department of transportation's federal motor carrier safety administration as they relate to title 49 of the code of federal regulations. For purposes of this subsection, "commercial motor vehicle" means that term as defined in section 7a.

(2) The driver of a commercial motor vehicle shall comply with a lawful order or direction of a police officer guiding, directing, controlling, or regulating traffic at a railroad-highway grade crossing.

(3) The driver of a commercial motor vehicle shall not cross a railroad-highway grade crossing unless the vehicle has sufficient undercarriage clearance.

(4) The driver of a commercial motor vehicle shall not cross a railroad-highway grade crossing unless the vehicle can be driven completely through the crossing without stopping.

(5) A person who violates this section is responsible for a civil infraction.

**Section 32-853. Operating or moving certain vehicles or equipment upon or across steam railroad tracks at grade level; notice of intended crossing; stopping, listening, and looking; warning; violation as civil infraction.**

(1) A person shall not operate or move a caterpillar tractor, shovel, derrick, roller, boiler, machinery, or other structure or object upon rollers, or other equipment or structure, which, because of its limited power, or weight, character, or load, has a normal operating speed of 4 miles per hour or less, or which has a vertical load or body clearance of less than 9 inches above the level surface of the roadway, upon or across the tracks of a railroad at grade level without first complying with this section, except this section shall not apply to the movement of electrically propelled cars on fixed rails or to their loads.

(2) Notice of the intended crossing described in subsection (1) shall be given to the nearest agent or officer of the railroad in time to afford protection to its locomotives, trains, or cars at the crossing.

(3) Before making the crossing, the person operating or moving the vehicle or equipment shall first stop not less than 15 feet or more than 50 feet from the nearest rail of the track and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(4) A crossing shall not be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car.

(5) A person who violates this section is responsible for a civil infraction.

**Section 32-854. Operation of commercial snow removal vehicle; yellow or amber light required; violation as misdemeanor; penalty; definitions.**

(1) A person shall not operate a commercial snow removal vehicle to remove snow or ice on a public street or highway or in a parking lot accessible for use by the public unless the vehicle is operated with at least 1 flashing, rotating, or oscillating yellow or amber light that is clearly visible in a 360-degree arc from a distance of 500 feet when in use.



(2) A person who owns or leases a commercial snow removal vehicle shall not knowingly allow a person to operate that vehicle in violation of subsection (1).

(3) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(4) As used in this section:

(a) "Commercial snow removal vehicle" means a vehicle equipped with a plow or other device that is used to remove snow or ice for payment or other remuneration.

(b) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

**Section 32-855. Suspension or revocation of commercial learners permits or vehicle group designations on operator's or chauffeur's license; notice of conviction, bond forfeiture, civil infraction determination, violation of law, or refusal to submit to chemical test; period of suspension or revocation; denial, cancellation, or revocation of hazardous material indorsement; notice of security risk; applicability of conditions; definitions.**

(1) The secretary of state shall immediately suspend or revoke, as applicable, all commercial learners permits or vehicle group designations on the operator's or chauffeur's license of a person upon receiving notice of a conviction, bond forfeiture, or civil infraction determination of the person, or notice that a court or administrative tribunal has found the person responsible, for a violation described in this subsection of a law of this state, a local ordinance substantially corresponding to a law of this state while the person was operating a commercial motor vehicle, or a law of another state substantially corresponding to a law of this state, or notice that the person has refused to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in the person's blood, breath, or urine while the person was operating a commercial motor vehicle as required by a law or local ordinance of this or another state. The period of suspension or revocation is as follows:

(a) Suspension for 60 days, to run consecutively with any commercial driver license action imposed under this section, if the person is convicted of or found responsible for 1 of the following while operating a commercial motor vehicle:

(i) Two serious traffic violations arising from separate incidents within 36 months.

(ii) A violation of section 667, 668, 669, or 669a of the Michigan Vehicle Code.

(iii) A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11, as adopted by section 1a of the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11a.

(iv) A violation of section 57 of the pupil transportation act, 1990 PA 187, MCL 257.1857.

(v) A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11, as adopted by section 31 of the motor bus transportation act, 1982 PA 432, MCL 474.131.

(vi) A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11 while operating a commercial motor vehicle other than a vehicle covered under subparagraph (iii), (iv), or (v).

(vii) A violation of commercial motor vehicle fraudulent testing law.

(b) Suspension for 120 days, to be served consecutively with a 60-day suspension imposed under subdivision (a)(i), if the person is convicted of or found responsible for 1 of the following arising from separate incidents within 36 months while operating a commercial motor vehicle:

(i) Three serious traffic violations.

(ii) Any combination of 2 violations described in subdivision (a)(ii).

(c) Suspension for 1 year, to run consecutively with any commercial driver license action imposed under this section, if the person is convicted of or found responsible for 1 of the following:

(i) A violation of section 625(1), (3), (4), (5), (6), (7), or (8) of the Michigan Vehicle Code, section 625m of the Michigan Vehicle Code, or former section 625(1) or (2) of the Michigan Vehicle Code, or former section 625b of the Michigan Vehicle Code, while operating a commercial or noncommercial motor vehicle.

(ii) Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the person.

(iii) Except for a felony described in 49 CFR 383.51(b)(9), a felony in which a commercial or noncommercial motor vehicle was used.

(iv) A refusal of a peace officer's request to submit to a chemical test of his or her blood, breath, or urine to determine the amount of alcohol or presence of a controlled substance or both in his or her blood, breath, or urine while he or she was operating a commercial or noncommercial motor vehicle as required by a law or local ordinance of this state or another state.

(v) Operating a commercial motor vehicle in violation of a suspension, revocation, denial, or cancellation that was imposed for previous violations committed while operating a commercial motor vehicle.

(vi) Causing a fatality through the negligent or criminal operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, motor vehicle homicide, and negligent homicide.

(vii) A violation of commercial motor vehicle fraudulent testing law.

(viii) Any combination of 3 violations described in subdivision (a)(ii) arising from separate incidents within 36 months while operating a commercial motor vehicle.

(d) Suspension for 3 years, to run consecutively with any commercial driver license action imposed under this section, if the person is convicted of or found responsible for an offense enumerated in subdivision (c)(i) to (vi) in which a commercial motor vehicle was used if the vehicle was carrying hazardous material required to have a placard under 49 CFR parts 100 to 199.

(e) Revocation for life, to run consecutively with any commercial driver license action imposed under this section, but with eligibility for reissue of a group vehicle designation after not less than 10 years and after approval by the secretary of state, if the person is convicted of or found responsible for 2 violations or a combination of any 2 violations arising from 2 or more separate incidents involving any of the following:

(i) Section 625(1), (3), (4), (5), (6), (7), or (8) of the Michigan Vehicle Code, section 625m of the Michigan Vehicle Code, or former section 625(1) or (2) of the Michigan Vehicle Code, or former section 625b of the Michigan Vehicle Code, while operating a commercial or noncommercial motor vehicle.

(ii) Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the licensee.

(iii) Except for a felony described in 49 CFR 383.51(b)(9), a felony in which a commercial or noncommercial motor vehicle was used.

(iv) A refusal of a request of a police officer to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood while he or she was operating a commercial or noncommercial motor vehicle in this state or another state.

(v) Operating a commercial motor vehicle in violation of a suspension, revocation, denial, or cancellation that was imposed for previous violations committed while operating a commercial motor vehicle.

(vi) Causing a fatality through the negligent or criminal operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, motor vehicle homicide, and negligent homicide.

(f) Revocation for life if a person is convicted of or found responsible for any of the following:

(i) One violation of a felony in which a commercial motor vehicle was used and that involved the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance.

(ii) A conviction of any offense described in subdivision (c) or (d) after having been approved for the reissuance of a vehicle group designation under subdivision (e).

(iii) A conviction of a violation of chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.

(2) The secretary of state shall immediately deny, cancel, or revoke a hazardous material endorsement on the operator's or chauffeur's license of a person with a vehicle group designation upon receiving notice from a federal government agency that the person poses a security risk warranting denial, cancellation, or revocation under the uniting and strengthening America by providing appropriate tools required to intercept and obstruct terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-56. The denial, cancellation, or revocation cannot be appealed under section 322 or 323 and remains in effect until the secretary of state receives a federal government notice that the person does not pose a security risk in the transportation of hazardous materials.

(3) The secretary of state shall immediately suspend or revoke, as applicable, all commercial learner's permits or vehicle group designations on a person's operator's or chauffeur's license upon receiving notice of a conviction, bond forfeiture, or civil infraction determination of the person, or notice that a court or administrative tribunal has found the person responsible, for a violation of section 319d(4) or 319f, a local ordinance substantially corresponding to section 319d(4) or 319f, or a law or local ordinance of another state, the United States, Canada, the United Mexican States, or a local jurisdiction of either of these countries substantially corresponding to section 319d(4) or 319f of the Michigan Vehicle Code, while operating a commercial motor vehicle. The period of suspension or revocation, which shall run consecutively with any commercial driver license action imposed under this section, is as follows:

(a) Suspension for 180 days if the person is convicted of or found responsible for a violation of section 319d(4) or 319f of the Michigan Vehicle Code while operating a commercial motor vehicle.

(b) Suspension for 180 days if the person is convicted of or found responsible for a violation of section 319d(4) or 319f of the Michigan Vehicle Code while operating a commercial motor vehicle that is either carrying hazardous material required to have a placard under 49 CFR parts 100 to 199 or designed to carry 16 or more passengers, including the driver.

(c) Suspension for 2 years if the person is convicted of or found responsible for 2 violations, in any combination, of section 319d(4) or 319f of the Michigan Vehicle Code while operating a commercial motor vehicle arising from 2 or more separate incidents during a 10-year period.

(d) Suspension for 3 years if the person is convicted of or found responsible for 3 or more violations, in any combination, of section 319d(4) or 319f of the Michigan Vehicle Code while operating a commercial motor vehicle arising from 3 or more separate incidents during a 10-year period.

(e) Suspension for 3 years if the person is convicted of or found responsible for 2 or more violations, in any combination, of section 319d(4) or 319f of the Michigan Vehicle Code while operating a commercial motor vehicle carrying hazardous material required to have a placard under 49 CFR parts 100 to 199, or designed to carry 16 or more passengers, including the driver, arising from 2 or more separate incidents during a 10-year period.

(4) The secretary of state shall suspend or revoke, as applicable, any privilege to operate a commercial motor vehicle as directed by the federal government or its designee.

(5) For the purpose of this section only, a bond forfeiture or a determination by a court of original jurisdiction or an authorized administrative tribunal that a person has violated the law is considered a conviction.

(6) The secretary of state shall suspend or revoke a vehicle group designation under subsection (1) or deny, cancel, or revoke a hazardous material endorsement under subsection (2) notwithstanding a suspension, restriction, revocation, or denial of an operator's or chauffeur's license or vehicle group designation under the Michigan Vehicle Code or a court order issued under the Michigan Vehicle Code or a local ordinance substantially corresponding to another section of the Michigan Vehicle Code.

(7) A conviction, bond forfeiture, or civil infraction determination, or notice that a court or administrative tribunal has found a person responsible for a violation described in this subsection while the person was operating a noncommercial motor vehicle counts against the person who holds a license to operate a commercial motor vehicle the same as if the person had been operating a commercial motor vehicle at the time of the violation. For the purpose of this subsection, a noncommercial motor vehicle does not include a recreational vehicle used off-road. This subsection applies to the following state law violations or a local ordinance substantially corresponding to any of those violations or a law of another state or out-of-state jurisdiction substantially corresponding to any of those violations:

(a) Operating a vehicle in violation of section 625 of the Michigan Vehicle Code.

(b) Refusing to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or the presence of a controlled substance or both in the person's blood, breath, or urine as required by a law or local ordinance of this or another state.

(c) Leaving the scene of an accident.

(d) Using a vehicle to commit a felony.

(8) When determining the applicability of conditions listed in this section, the secretary of state shall consider only violations that occurred after January 1, 1990.

(9) When determining the applicability of conditions listed in subsection (1)(a) or (b), the secretary of state shall count only from incident date to incident date.

(10) As used in this section:

(a) "Felony in which a commercial motor vehicle was used" means a felony during the commission of which the person convicted operated a commercial motor vehicle and while the person was operating the vehicle 1 or more of the following circumstances existed:

(i) The vehicle was used as an instrument of the felony.

(ii) The vehicle was used to transport a victim of the felony.

(iii) The vehicle was used to flee the scene of the felony.

(iv) The vehicle was necessary for the commission of the felony.

(b) "Serious traffic violation" means any of the following:

(i) A traffic violation that occurs in connection with an accident in which a person died.

(ii) Reckless driving.

(iii) Excessive speeding as defined in regulations promulgated under 49 USC 31301 to 31317.

(iv) Improper lane use.

(v) Following too closely.

(vi) Operating a commercial motor vehicle without obtaining any vehicle group designation on the person's license.

(vii) Operating a commercial motor vehicle without either having an operator's or chauffeur's license in the person's possession or providing proof to the court, not later than the date by which the person must appear in court or pay a fine for the violation, that the person held a valid vehicle group designation and indorsement on the date that the citation was issued.

(viii) Operating a commercial motor vehicle while in possession of an operator's or chauffeur's license that has a vehicle group designation but does not have the appropriate vehicle group designation or indorsement required for the specific vehicle group being operated or the passengers or type of cargo being transported.

(ix) Beginning October 28, 2013, a violation of section 602b(2) or (3) of the Michigan Vehicle Code.

(x) Any other serious traffic violation as defined in 49 CFR 383.5 or as prescribed under this act.

**Section 32-856. Operation of commercial motor vehicle in violation of out-of-state service order; prohibition; suspension; "commercial motor vehicle" defined.**

(1) A person shall not operate a commercial motor vehicle in this state in violation of an out-of-service order.

(2) Except as otherwise provided in this subsection, the secretary of state shall immediately suspend all vehicle group designations on the operator's or chauffeur's license of a person convicted of violating a driver out-of-service or vehicle out-of-service order as required under 49 CFR 383.51.

(3) A person who violates an out-of-service order shall be ordered to pay a civil fine as required under section 907 of the Michigan Vehicle Code.

(4) As used in this section, "commercial motor vehicle" means that term as defined in section 7a and any motor vehicle having a GVWR or GCWR of 10,001 pounds or more.

**Section 32-857. Motor Carrier Fuel Tax Act comparable provision. Motor carrier license; application; form and contents; affixing decal to cab; surety bond, cash, or securities; waiver of bond requirement; assignment or transfer of license and decals; replacement decals; duration of license and decals; ceasing to engage in business; notice of discontinuance.**

(1) A person required to be licensed by Michigan law shall not act as a motor carrier in this City unless the person is the holder of an unrevoked license issued by this state or is the holder of an unrevoked license issued under the international fuel tax agreement by this state or another member jurisdiction of the international fuel tax agreement. To procure a license, a motor carrier shall file with the department a verified application upon a form prescribed and to be furnished by the state. The application shall contain

the name and address of the motor carrier and, if a partnership, limited liability company, or corporation, the names and addresses of the persons constituting the firm, partnership, association, joint stock company, limited liability company, syndicate, or corporation, the name of its resident agent, the location of its predominant place of business, both within and outside of this state, and other pertinent information the state may require.

(2) The state shall issue to each motor carrier 1 license per person and 2 decals for each qualified commercial motor vehicle. A decal shall be affixed respectively to the right-hand side and left-hand side of the cab of every qualified commercial motor vehicle while it is being operated in this state by each person licensed under this act. A copy of the license shall be carried in each cab while it is being operated.

(3) For cause, a motor carrier may be required to file with the state a surety bond payable to this state, upon which the applicant is the obligor, in the sum of 3 times the highest estimated quarterly tax, or \$1,000.00, whichever is greater. This surety bond shall be conditioned upon the applicant complying with this act and with the rules promulgated under state law, promptly filing true reports, and paying the taxes, interest, and penalties required by state law. Each surety bond shall be approved as to amount and sureties by the department. The state may accept cash or securities instead of a surety bond.

(4) The commissioner may waive the bond requirement for a motor carrier exempt from the reporting requirements of section 2 when the collection of taxes would not be impaired by lack of security of a bond required by this section.

(5) The license and decals are not assignable or transferable to another person and are valid only for the person in whose name they are issued. However, upon application to the state, a motor carrier, upon the sale, conveyance, disposal, or replacement of a qualified commercial motor vehicle, may transfer the license and decals for that qualified commercial motor vehicle to another qualified commercial motor vehicle of the motor carrier that is required to be licensed under state law. The state shall issue replacement decals for the newly licensed qualified commercial motor vehicle that authorizes the holder of the qualified commercial motor vehicle license to use and consume motor fuel or alternative fuel in the qualified commercial motor vehicle upon the public roads or highways of this state until the original license would have expired. The department may require the payment of a fee to cover the administrative costs of issuing a replacement license or decals.

(6) Upon filing of the application and upon posting of any bond as required, the state shall issue to the applicant a license and decals that authorize the holder to operate qualified commercial motor vehicles using and consuming motor fuels or alternative fuels upon the public roads or highways of this state until January 1 of the year following the date of issuance.



(7) If a licensee ceases to engage in business within this state, the licensee shall notify the state in writing within 15 days after discontinuance.

**Section 32-858. Motor carrier safety act comparable provisions; short title.**

Sections 32-858 through 32-879 are intended to be comparable to the state law known as the "motor carrier safety act of 1963". References to "the act" should be deemed to be references to the motor carrier safety act of 1963 instead of Sections 32-858 through 32-879, except where the context indicates a clearly different meaning. In such cases, references to "the act" should be deemed to be references the Sections 32-858 through 32-879.

**Section 32-859. Adoption of federal regulations; exceptions; definitions; applicability of Sections 32-858 through 32-879 to bus operated by transit agency; applicability of subsection (1)(b) and sections 5(8) and 6(1).**

(1) This City adopts the following provisions of title 49 of the code of federal regulations on file with the office of the secretary of state, except where modified by the act or Sections 32-858 through 32-879:

(a) Hazardous materials regulations, being 49 CFR parts 105 through 180 except for the transportation of agricultural products for which an exception from the application of 49 CFR subchapter C and 49 CFR part 172, subparts G and H, is provided under 49 CFR 173.5, is specifically authorized if the transportation is in compliance with the act and other state law.

(b) Motor carrier safety regulations, being 49 CFR parts 40, 356, 365, 368, 371 through 373, 375, 376, 379, 382, 383, 385, 387, 390 through 393, 395 through 399 including the appendices of each part, except for the following:

(i) Except as provided in this subparagraph, where the term "United States department of transportation", "federal motor carrier safety administration", "federal motor carrier safety administrator", "director", "bureau of motor carrier safety", "pipeline and hazardous materials administration", or "associate administrator for hazardous materials safety" appears, it refers to the department of state police. If the term is being used for the purposes of 49 CFR part 397 as it relates to routing and movement of hazardous materials, it refers to the Michigan state transportation department.

(ii) Where "interstate" appears, it means intrastate or interstate, or both, as applicable, except as specifically provided in this act.

(iii) Where "special agent of the federal motor carrier safety administration", "administration personnel", or "hazardous materials enforcement specialist" appears, it either means a peace officer or an enforcement member of the motor carrier division of the department of state police.

(iv) Where MCS 63 appears, it means MC 9 and MC 9b.

(v) Where MCS 64 appears, it means UD-70.

(vi) Exempt intracity zones and the regulations applicable to exempt intracity zones do not apply to this act.

(2) Sections 32-858 through 32-879 do not apply to a bus operated by a public transit agency operating under any of the following:

(a) A county, city, township, or village as provided by law, or other authority incorporated under 1963 PA 55, MCL 124.351 to 124.359. Each authority and governmental agency incorporated under 1963 PA 55, MCL 124.351 to 124.359, has the exclusive jurisdiction to determine its own contemplated routes, hours of service, estimated transit vehicle miles, costs of public transportation services, and projected capital improvements or projects within its service area.

(b) An authority incorporated under the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426, or that operates a transportation service under an interlocal agreement as that term is defined in section 2 of the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.502.

(c) A contract entered into under 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, or 1951 PA 35, MCL 124.1 to 124.13.

(d) An authority incorporated under the public transportation authority act, 1986 PA 196, MCL 124.451 to 124.479, or a nonprofit corporation organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, that provides transportation services.

(e) An authority financing public improvements to transportation systems under the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140.

(3) Except as otherwise provided in this subsection, subsection (1)(b) and sections 5(8) and 6(1) do not apply to a vehicle that is not a commercial motor vehicle as defined in 49 CFR 383.5 and that is operated in intrastate commerce as defined in 49 CFR 390.5. A vehicle to which subsection (1)(b) does not apply under this subsection remains subject to 49 CFR parts 391 through 393.

(4) As used in Sections 32-858 through 32-879:

(a) "Hazardous material vehicle inspection or repair facility" means a commercial enterprise that performs inspections, certification, testing, or repairs to commercial motor vehicles transporting hazardous materials as required by 49 CFR parts 105 to 180 and includes motor carriers that perform the inspections, certification, testing, or repairs to vehicles owned or leased by the motor carrier.

(b) "Medical examiner" means that term as defined under 49 CFR 390.5.

**Section 32-860. Person qualified to operate commercial motor vehicle.**

(1) A person shall not operate a commercial motor vehicle unless he or she is qualified to operate that vehicle. A motor carrier shall not require or permit a person to operate a commercial motor vehicle unless that person is qualified to operate that vehicle.

(2) In the case of intrastate transportation, a person is qualified to operate a commercial motor vehicle if he or she meets all of the requirements of 49 CFR parts 383 and 391, except all of the following provisions:

(a) Except as otherwise provided in subdivision (b), the person is at least 18 years old when transporting intrastate property or passengers.

(b) The person is at least 21 years old when transporting hazardous materials in a quantity that requires the vehicle to be marked or placarded under 49 CFR parts 105 to 180.

(c) The person is eligible for and displays a valid medical waiver card, is excepted from the medical waiver card provisions under this act, or, until December 31, 2014, displays a grandfather rights card issued in accordance with this act.

**Section 32-861. Person applying to operate commercial motor vehicle; providing list of applicant's former employers and related information.**

A person who applies to operate a commercial motor vehicle as defined by section 7a of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.7a of the Michigan Compiled Laws, shall submit a list of the names and addresses of the applicant's employers during the 7-year period preceding the 3-year period required by 49 C.F.R. 391.21(b)(10) for which the applicant was an operator of a commercial motor vehicle, together with the dates of employment and the reasons for leaving such employment.

**Section 32-862. Motor carrier; review of driving records required; exception.**

Except as provided in the act or Sections 32-858 through 32-879, each motor carrier shall, at least once every 12 months, review a copy of the driver's record from each state in which the driver held a license during the preceding year to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive a commercial motor vehicle pursuant to 49 C.F.R. 391.15. In reviewing a driving record, the motor carrier shall consider any evidence that the driver has violated applicable provisions of the federal motor carrier safety regulations and the hazardous materials regulations. The motor carrier shall also consider the driver's accident record and any evidence that the driver has violated laws governing the operation of motor vehicles, and shall give great weight to violations, such as speeding, reckless driving, and

operating while under the influence of alcohol or drugs, that indicate that the driver has exhibited a disregard for the safety of the public. A note setting forth the date upon which the review was performed and the name of the person who reviewed the driving record shall be included in the driver's qualification file.

**Section 32-863. Motor carrier safety appeal board; creation; membership; duties; person not physically qualified to drive; waiver to drive commercial motor vehicle; application; requirements; issuance of waiver; validity; renewal; notice; suspension or revocation; denial of application for waiver; appeal; effect on worker's compensation status.**

(1) The motor carrier safety appeal board has been created by state law. The board shall consist of the director of the department of state police or his or her designee, the secretary of state or his or her designee, the director of the state transportation department or his or her designee, and 1 representative of the motor carrier industry chosen jointly by these 3 department heads and the Michigan trucking association. The appeal board shall hear and decide applications for waivers from medical requirements of the act and the rules promulgated pursuant to the act.

(2) A person who is not physically qualified to drive under 49 CFR 391.41 and who is otherwise qualified to drive a commercial motor vehicle may drive a commercial motor vehicle if the motor carrier division of the department of state police or the appeal board has granted a waiver to that person.

(3) An application for a waiver shall be submitted jointly by the person who seeks a waiver of his or her physical disqualification and by the motor carrier that will employ the person if the application is granted. The application shall be delivered to the headquarters of the motor carrier division of the department of state police.

(4) An application for a waiver shall contain all of the following:

(a) A description of all of the following:

(i) The type, size, and special equipment, if any, of the vehicles the individual applicant intends to drive.

(ii) The general area and type of roads the individual applicant intends to traverse while driving.

(iii) The maximum distances the individual applicant intends to drive.

(iv) The nature of the commodities or cargo the individual applicant intends to transport.

(v) The methods the applicant or any other person will use to load and secure the commodities or cargo.

- (vi) The nature and extent of the individual applicant's experience at operating commercial motor vehicles of the type he or she intends to drive.
- (b) An agreement that the motor carrier will promptly file with the motor carrier division of the department of state police reports that the division may require, including accident reports.
- (c) An agreement that if a waiver is granted, it authorizes the individual applicant to drive intrastate only when employed by the motor carrier that joined in the individual's application.
- (5) An application for a waiver shall be accompanied by all of the following:
- (a) Not less than 2 reports of medical examinations, conducted within the preceding 60 days of the date of the application, pursuant to 49 CFR 391.43, each of which includes the medical examiner's opinion concerning the individual applicant's ability to operate safely a vehicle of the type the applicant intends to drive.
- (b) A copy of the individual applicant's application for employment made pursuant to 49 CFR 391.21 or this act.
- (6) An application for a waiver shall be signed by both the individual applicant and the motor carrier. If the motor carrier is a corporation, the application shall be signed by an officer of the corporation. If the motor carrier is a partnership, the application shall be signed by a general partner.
- (7) The driver applicant or motor carrier applicant shall not falsify information in the letter of application or the renewal application.
- (8) The motor carrier division of the department of state police may deny the application or may approve the application, in whole or in part, and issue a waiver subject to the terms, conditions, and limitations as it considers consistent with safety and the public interest. A waiver is valid for not more than 2 years, and a waiver may be renewed upon submission of a new application under this act.
- (9) If the motor carrier division of the department of state police grants a waiver, it shall notify each applicant by a letter, that sets forth the terms, conditions, and limitations of the waiver. The motor carrier shall retain the letter or a legible copy of it and a copy of the medical waiver card in the driver's qualification file as long as the individual applicant is employed by that motor carrier and for 3 years thereafter. The individual applicant shall have the current medical waiver card in his or her possession when he or she drives a commercial motor vehicle or is otherwise on duty.
- (10) The motor carrier division of the department of state police may suspend a waiver at any time. The motor carrier division may revoke a waiver after the person to whom it

was issued is given notice of the proposed revocation and a reasonable opportunity to appeal for review.

(11) An applicant who was denied in whole or in part his or her application for a waiver of physical defect under this act or conflict of medical evaluation under 49 CFR 391.47 may make an appeal for review by contacting the motor carrier division.

(12) Notwithstanding any other provisions of this section, the determination of the motor carrier safety appeal board shall have no bearing on worker's compensation status.

**Section 32-864. Trailers or trailer-vehicle combinations; surge brakes equipment for intrastate operation.**

Trailers with a gross vehicle weight or gross vehicle weight rating of 15,000 pounds or less or trailer-vehicle combinations with an actual gross vehicle weight or a gross vehicle weight rating of 26,000 pounds or less may be equipped with surge brakes for intrastate operation as allowed by section 705(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.705.

**Section 32-865. Intrastate transportation; applicability to farm vehicle driver, implement of husbandry, public utility driver, government-owned commercial motor vehicle or vehicle used in execution of emergency governmental function, certain combination of vehicles, and buses; motor vehicle engaged in seasonal construction-related activities; definitions.**

(1) In the case of intrastate transportation, the provisions of 49 CFR 391.21 relating to application for employment, 49 CFR 391.23 relating to investigations and inquiries, 49 CFR 391.31 relating to road tests, 49 CFR part 395 relating to hours of service, 49 CFR 383.71 and 391.41 to 391.45, to the extent that they require a driver to be medically qualified or examined and to have a medical examiner's certificate on his or her person, and the provisions of this act relating to files and records do not apply to a farm vehicle driver as defined in 49 CFR 390.5.

(2) For intrastate transportation, the provisions of Sections 32-858 through 32-879 do not apply to a self-propelled implement of husbandry or an implement of husbandry being drawn by a farm tractor or another implement of husbandry.

(3) The provisions of Sections 32-858 through 32-879 related to driver qualifications do not apply to an employee of a public utility, telephone, or cable television company service if the employee is not otherwise being used as a regularly employed driver and is not operating a vehicle that meets the definition of a commercial motor vehicle in 49 CFR part 383.

(4) Sections 32-858 through 32-879, the act and the rules promulgated under the act do not apply to a commercial motor vehicle owned and operated by a unit of government or

its employees, except as otherwise provided by the act, and except for 49 CFR 383.71(h) and all of 49 CFR parts 382, 391, 392, and 393. Notwithstanding any other provision of this subsection, the provisions of 49 CFR 391.41 to 391.49 do not apply to a firefighter operating a commercial motor vehicle that is necessary to firefighting or the preservation of life or property, or the execution of an emergency governmental function of a local unit of government or government authority.

(5) A combination of vehicles with an actual combination gross vehicle weight or a gross combination weight rating of 26,000 pounds or less, if the trailer or semitrailer has an actual gross vehicle weight or gross vehicle weight rating of 15,000 pounds or less, may be equipped with surge brakes for intrastate operation as allowed by section 705(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.705. Vehicles of any size that are transporting hazardous materials in an amount that requires placarding or vehicles that are designed to transport more than 8 passengers, including the driver, shall not be equipped with surge brakes for intrastate operation.

(6) Except for the purpose of granting a waiver in accordance with section 53 of the pupil transportation act, 1990 PA 187, MCL 257.1853, the act and the rules promulgated under the act do not apply to a school bus as defined in section 7 of the pupil transportation act, 1990 PA 187, MCL 257.1807.

(7) Except for section 6, Sections 32-858 through 32-879, the act and the rules promulgated under the act do not apply to a motor bus as defined in, and for which a certificate of authority was issued under, the motor bus transportation act, 1982 PA 432, MCL 474.101 to 474.141.

(8) A motor carrier operating entirely in intrastate commerce solely within this state shall not permit or require an operator of a commercial motor vehicle engaged in seasonal construction-related activities, regardless of the number of motor carriers using the operator's services, to do either of the following:

(a) Operate for any period after having been on duty 70 hours in any 7 consecutive days or having been on duty 80 hours in any period of 8 consecutive days.

(b) Operate more than 12 hours or be on duty more than 16 hours in any day.

(9) As used in this section:

(a) "Farm tractor" means that term as defined in section 16 of the Michigan vehicle code, 1949 PA 300, MCL 257.16.

(b) "Implement of husbandry" means that term as defined in section 21 of the Michigan vehicle code, 1949 PA 300, MCL 257.21.

(c) "Public utility" means a person that operates equipment or facilities for producing, generating, transmitting, delivering, or furnishing gas or electricity for the production of light, heat, or power for the public for compensation.

**Section 32-866. Motor carriers; submission of documents to motor carrier officer; inspection of cargo.**

(1) Motor carriers shall submit, upon demand, all their transportation safety related documents, such as all records and information pertaining to any accident, drivers' records of duty status, bills of lading, shipping records, driver time and payroll records, driver qualification records, vehicle maintenance records, and equipment for inspection or copying during regular business hours to any enforcement member of the motor carrier division displaying a valid Michigan department of state police, motor carrier division identification card or to a comparable City police officer, if applicable.

(2) Hazardous materials vehicle inspection and repair facilities shall submit, upon demand, all their transportation safety related documents as required by Sections 32-858 through 32-879 and the act, such as hazardous materials tank certification and repair documents, and annual inspection certification documents to any enforcement member of the motor carrier division displaying a valid Michigan department of state police motor carrier division identification card or to a comparable City police officer, if applicable..

(3) A motor carrier or a hazardous material vehicle inspection or repair facility operating within this state with main offices in another state or province shall submit all transportation safety related documents as outlined in subsection (1) for inspection and copying within 10 working days after receiving formal notification requesting the documents.

(4) An enforcement member of the motor carrier division of the department of state police displaying valid identification or a comparable City police officer, if applicable, may, without a warrant, require the cargo carrying portion of a vehicle to be opened for inspection of the cargo, any object within that portion of the vehicle, or the interior of the vehicle or any compartment within the interior of the vehicle. If a commercial motor vehicle is inspected by breaking the load seal, then the enforcement member or comparable City police officer, if applicable, shall give to the driver a signed receipt of inspection and the enforcement member shall be responsible for applying a state of Michigan seal.

**Section 32-867. Violation of act or rules; penalty.**

(1) Except as provided in sections 7b, 7c, and 7d, any person, driver, or motor carrier as defined by 49 CFR 390.5 who violates any of Sections 32-858 through 32-879, the act, or a rule promulgated under the act, or permits or requires any person to violate any of Sections 32-858 through 32-879, the act, or a rule promulgated under the act, is



responsible for a civil infraction and may be ordered to pay a fine of not more than \$250.00 for each violation.

(2) A peace officer or an enforcement member of the motor carrier division of the department of state police, upon probable cause to believe that a motor vehicle is being operated in violation of any of Sections 32-858 through 32-879, the act, or a rule promulgated under the act, may stop the motor vehicle and inspect the motor vehicle. If a violation is found, the officer may issue a notice to appear for that violation.

(3) An enforcement member of the motor carrier division of the department of state police or comparable City police officer, if applicable, upon notification of a valid out-of-service order upon a motor carrier issued by the United States department of transportation, by a state or a political subdivision of a state, by the Canadian or Mexican government, or by the government of a province of Canada, may stop and detain any vehicle operated by the motor carrier and place the vehicle and driver out of service pursuant to the order. A driver or motor carrier operating a vehicle in violation of an out-of-service order is responsible for a civil infraction and shall be assessed a fine of not more than \$500.00.

#### **Section 32-868. Rules; rescission.**

Consistent with State law, the department of state police may promulgate rules necessary to the accomplishment of the purpose of the Sections 32-858 through 32-879 and the act. The administrative rules promulgated and filed with the secretary of state on June 22, 1984 and any subsequent revisions to those rules were rescinded effective January 1, 1996 by 1995 PA 265.

#### **Section 32-869. Penalties; "serious safety defect" defined.**

(1) A driver, person, or motor carrier as defined by 49 CFR 390.5 who operates or who requires or permits the driver to operate a commercial motor vehicle with a serious safety defect in violation of any of Sections 32-858 through 32-879, the act, or a rule promulgated under the act is responsible for a civil infraction and shall be assessed a fine of not more than \$500.00 for each violation.

(2) As used in this section, "serious safety defect" means a violation of any of Sections 32-858 through 32-879, the act, or a rule promulgated pursuant to this act relative to brakes, tires, steering, coupling devices, headlights, taillights, brake lights, and turn signals that results in the vehicle being placed out of service.

#### **Section 32-870. Transporting package relating to hazardous material required to be marked or labeled; violation; penalty; owner or user of hazardous materials vehicle inspection or repair facility; violation as misdemeanor.**

(1) A person who operates or who requires or permits a person to operate a commercial motor vehicle in violation of any of Sections 32-858 through 32-879, the act, or a rule promulgated under the act related to the transportation of hazardous materials if the vehicle is transporting a package required to be marked or labeled under 49 CFR parts 100 to 180 is responsible for a civil infraction and may be ordered to pay a fine of not more than \$500.00 for each violation.

(2) A person or entity identified in subsection (1) who knowingly or willfully violates any of Sections 32-858 through 32-879, the act, or a rule promulgated under the act is, upon conviction, guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$500.00, or both, for each violation.

(3) A person or entity identified in subsection (1) who causes injury or death during a violation of any of Sections 32-858 through 32-879 or the act, while a vehicle identified in subsection (1) that is transporting a package required to be marked or labeled under 49 CFR parts 100 to 180 is used, is, upon conviction, guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$500.00, or both, for each violation.

(4) An officer, employee, owner, or agent of an individual, partnership, corporation, or association, or their lessees or receiver appointed by a court that is the owner or user of any hazardous materials vehicle inspection or repair facility that violates any of Sections 32-858 through 32-879, a section of the act, or a rule promulgated under the act, related to the transportation of hazardous materials, is guilty of a misdemeanor punishable as prescribed in this section.

**Section 32-871. Definitions; compliance order; shut down order; noncompliance as misdemeanor; impoundment of vehicle.**

(1) As used in this section:

(a) "Immediate destination" means the next scheduled stop of a commercial motor vehicle already in motion where the cargo on board can be safely secured.

(b) "Motor carrier division" means the motor carrier division of the department of state police.

(c) "Person" means an individual, driver, or employee or a firm, motor carrier, lessee, lessor, association, partnership, or corporation, and their affiliated or related successors, that undertakes to control, direct, conduct, or otherwise perform transportation by commercial motor vehicle upon the public highways of this state.

(d) "Shut down order" means a court order issued to a motor carrier upon proof shown of unreasonable risk or an imminent hazard.

(e) "Unreasonable risk or an imminent hazard" shall be defined as any condition of commercial motor vehicle, employee, or commercial motor vehicle operation which creates, causes, or compounds the substantial likelihood that death, serious illness, or severe personal injury may occur if not discontinued immediately.

(2) Upon determination that the continued operation of commercial motor vehicles by a person upon the highways of this state poses an unreasonable risk or an imminent hazard to the public safety, the motor carrier division shall issue a compliance order. The order may direct a person to make certain changes, repairs, or alterations to the person's vehicles or operations, to comply with the laws of this state. In making an order, restrictions shall not be imposed on any employee or person beyond that required to abate the hazard. Any vehicle or driver operating during the specified time period of the order shall be in compliance with all applicable laws and rules.

(3) A compliance order shall include the name and address of the person and the chief operating officer of the person, the reason or reasons for the order, and the requirements or conditions that must be met for rescission of the order. The order shall also include a statement that the person has a set time limit to comply with the order. If the set time limit expires and the person is not in compliance with the order, the motor carrier division may seek a shut down order from a circuit court. The motor carrier division shall set the time limit for compliance with the compliance order to be not less than 30 days and not more than 180 days.

(4) Upon petition to the circuit court having jurisdiction by the motor carrier division, the court may issue a shut down order. The order shall direct a vehicle or vehicles or employee or employees out of service from further operations, or shall direct a person to cease all or part of the person's commercial motor vehicle operation. In making such an order, restrictions shall not be imposed on any employee or person beyond that required to abate the hazard.

(5) A shut down order shall include the name and address of the person and the chief operating officer of the person, the reason or reasons for the order, the requirements or conditions that must be met for rescission of the order, and a statement of the right to appeal.

(6) An order to any person to cease all or part of its operation shall not prevent vehicles in transit at the time the order is served from proceeding to their immediate destinations, unless that vehicle or person is specifically ordered out of service. However, vehicles and drivers proceeding to their immediate destination shall be subject to compliance upon arrival.

(7) A person who fails to comply with a shut down order is guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 for each violation, or by imprisonment for not more than 90 days, or both. A person or vehicle found operating on the highways of this state while under a shut down order shall be immediately stopped, and impounded or arrested. The owner or lessee of the vehicle shall be responsible for any

costs incurred during impoundment. The vehicle shall be released upon the court's determination that the order has been complied with.

### **Section 32-872. Venue.**

When any of Sections 32-858 through 32-879, the act, or a rule promulgated under the act has been violated, the offense may be prosecuted in any county, city, or jurisdiction in or through which the motor vehicle, driver, or operator implicated was situated or passed when the offense was committed.

### **Section 32-873. Notification of incident; definition.**

(1) Immediately following any of the following occurrences involving the transportation of hazardous materials, the owner, driver, or lessee, or representative of the owner, driver, or lessee, shall notify the motor carrier division of the department of state police and the organized fire department of the area in which the incident occurred of the known details regarding the incident:

(a) A person is killed.

(b) A person is hospitalized due to an injury.

(c) A person is hospitalized due to hazardous material contamination or exposure.

(d) There is an unintentional release of hazardous materials that affects highway transportation safety or is caused, or believed to be caused, by a violation of this act or a rule promulgated under this act.

(2) For the purposes of this section, "notify the motor carrier division of the department of state police" includes contacting the local state police post, the operations section of the department of state police, or the motor carrier division headquarters by telephone, facsimile machine, or other means.

### **Section 32-874. Vehicle combination transporting combustible liquid; requirements; information required to be on file; retention and transfer of information; applicability of requirements in subsections (2) and (3); transport of flammable liquids, gases, or compressed gases.**

(1) A truck tractor pulling a semitrailer and a trailer, or pulling 2 semitrailers, shall not transport a combustible liquid unless the vehicle combination meets the following requirements:

(a) Is equipped with a device that restricts the horizontal and vertical rotation of the dolly assemblage of the vehicle combination in a manner that maintains the longitudinal tracking of the dolly and semitrailer in a truck tractor, semitrailer, and trailer combination, or the dolly and the truck in a truck and trailer combination. This device

shall be welded to the vehicle in a workmanlike manner, and the efficiency of a weld shall not be less than 85% of the mechanical properties of the adjacent metal in the chassis.

(b) Is equipped with stops in the spring hangers of each semitrailer and trailer in the vehicle combination in a manner that improves the stability of the vehicle combination by reducing the free play of the leaf spring suspension to a maximum of 3/4 of an inch when the spring passes from tension to compression.

(2) The owner of the semitrailer or trailer to which the device described in subsection (1) is attached shall keep on file in their principal place of business the following information:

(a) Specifications and plans of the device.

(b) Name of the manufacturer of the device.

(c) Date of installation of the device.

(d) An individual manufacturer identification number which is stamped or permanently affixed to the device.

(3) The information required in subsection (2) shall be kept by the vehicle's owner and shall be transferred to the new owner if the vehicle is sold, or may be destroyed if the vehicle is retired from service or scrapped.

(4) The requirements specified in subsections (2) and (3) apply to devices affixed to vehicles on or after the effective date of the amendatory act that added this subsection.

(5) Commercial motor vehicles used to transport flammable liquids, flammable gases, or compressed flammable gases shall also comply with section 722a of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.722a of the Michigan Compiled Laws.

**Section 32-875. Ordinances or resolutions inconsistent with act; "inconsistent" defined; fine for operating vehicle with serious safety defect; exception; issuance of more than 1 citation; requirements as motor carrier enforcement officer.**

(1) By adopting this ordinance including Sections 32-858 through 32-879, the City has not adopted an ordinance or resolution that is inconsistent with the act or any rule promulgated pursuant to the act. As used in this section, "inconsistent" means a rule or ordinance that is more permissive than the act, that is more restrictive than the act, that would require more action, equipment, or permits than the act would require, or that prevents or obstructs compliance with the act.

(2) The fine for operating a vehicle with a serious safety defect ordered to be paid under an ordinance or resolution adopted by a township, city, village, or county that is consistent with section 7b shall be paid to the county treasurer and shall be allocated as follows:

(a) Seventy percent to the township, city, village, or county in which the citation is issued.

(b) Thirty percent for library purposes as provided by law.

(3) Subsection (2) does not apply to a fine ordered to be paid for a case in which the citation is dismissed pursuant to subsection (4).

(4) The owner or operator of a commercial motor vehicle shall not be issued more than 1 citation for each violation of a code or ordinance regulating the operation of a commercial motor vehicle and substantially corresponding to a provision of sections 683 to 725a of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.725a, within a 24-hour period. If the owner or operator of a commercial motor vehicle is issued a citation by a township, city, village, or county for an equipment violation that does not result in the vehicle being placed out of service, the court shall dismiss the citation if the owner or operator of that commercial motor vehicle provides written proof to the court within 14 days after the citation is issued showing that the defective equipment indicated in the citation has been repaired.

(5) In order to be classified as a motor carrier enforcement officer, a police officer must have training equal to the minimum training requirements, including any annual training updates, established by the department of state police for an officer of the motor carrier division of the department of state police. To the degree that it is consistent with State law, a police officer who has received training equal to these minimum training requirements is considered a motor carrier enforcement officer for purposes of Sections 32-858 through 32-879 and the act. Such police officers are also referred to as "comparable" to a motor carrier enforcement officer at various points throughout Sections 32-858 through 32-879.

**Section 32-876. Transfer of hazardous material; prohibitions; exceptions; overfilling container; violation; penalty.**

(1) Except as provided in subsection (2), a person, driver, owner, carrier, lessee, or lessor shall not transfer or allow to be transferred a hazardous material from a cargo tank, portable tank, or any other container to any cargo tank, portable tank, fuel tank, or any other container on a highway, road, street, or alley within this state.

(2) Subsection (1) does not apply to the following transfer situations:

(a) Fueling machinery or equipment for construction, farm, and maintenance use.

(b) Fueling emergency vehicles.

(c) Under emergency conditions, a transfer may be made provided it is approved by the local fire chief, the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, or a hazardous materials investigator of the motor carrier division of the department of state police pursuant to their respective authority under the fire prevention code, 1941 PA 207, MCL 29.1 to 29.34.

(3) A person shall not overfill a container, including a storage tank, during a transfer of a hazardous material from or into a vehicle, so that hazardous material is released from the package or container.

(4) The penalty for violating this section is as prescribed in Section 32-870.

**Section 32-877. Transporting hazardous materials in amount requiring placard on publicly maintained route; prohibition; violation; penalty.**

(1) A person, driver, owner, carrier, lessee, or lessor shall not transport or allow to be transported a vehicle carrying hazardous materials in an amount required to be placarded under title 49 of the code of federal regulations on a publicly maintained route as identified on the national hazardous materials route registry as determined by the department of transportation under title 49 CFR.

(2) The penalty for violating this section shall be as prescribed in Section 32-870.

**Section 32-878. Enforcement of state civil infraction.**

(1) A civil infraction shall be enforced in the manner provided for enforcement of state civil infractions in chapter 88 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8801 to 600.8835.

(2) When a person who is not a resident of this state is stopped for a civil infraction under Sections 32-858 through 32-879, the act, or any rule under the act, the police officer making the stop shall take security for the nonresident's appearance in court. The person stopped may recognize to the officer or to the court for his or her appearance by leaving with the officer or court a guaranteed appearance certificate or a sum of money not to exceed \$100.00.

(3) If a magistrate is available for an immediate appearance, upon demand of the person stopped, the officer immediately shall take the nonresident driver before the magistrate to answer to the civil infraction alleged. If the nonresident defendant requests a hearing, the hearing shall be scheduled and the defendant shall leave with the court the guaranteed appearance certificate or deposit as security for appearance at the scheduled informal or formal hearing.

(4) The officer receiving a guaranteed appearance certificate or deposit of money shall give a receipt to the person stopped for the guaranteed appearance certificate or the money deposited together with the written citation.

(5) At or before the completion of his or her tour of duty, a police officer taking a certificate or deposit of money shall deliver the certificate or deposit of money and the citation either to the court named in the citation or to the police chief or person authorized by the police chief to receive certificates or deposits. The police chief or person authorized by the police chief shall deposit the certificate or the money deposited and the citation with the court. Failure to deliver the money deposited shall be embezzlement of public money.

(6) If the person who posts a certificate or deposit fails to appear as required in the citation or fails to appear for a scheduled informal or formal hearing, the court having jurisdiction and venue over the civil infraction shall enter a default judgment against the person, and the guaranteed appearance certificate or money deposited shall be forfeited and applied to any civil fine or costs ordered.

(7) For purposes of this section, "guaranteed appearance certificate" means a card or certificate containing a printed statement that a surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate and that the company, if the person fails to appear in court at the time of a scheduled informal or formal hearing or to pay any fine or costs imposed, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed \$200.00.

(8) As used in this act, "state civil infraction" means that term as defined in section 113(1)(a) of the revised judicature act of 1961, 1961 PA 236, MCL 600.113.

### **Section 32-879. Prevention of water or road surface substances being thrown from rear wheels.**

A truck, truck tractor, trailer, semitrailer, or any combination of these, when used on a highway, shall be constructed, equipped, or operated to prevent water or other road surface substances from being thrown from the rear wheels of the vehicle or combination at tangents exceeding 22-1/2 degrees measured from the road surface. If a flap type device is used, it shall not have attached any type of lamp, breakable reflective material, or reflecting buttons nor may the device extend beyond the maximum width of the vehicle or combination.

## **SECTION II.**

### **REPEAL**

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.



SECTION III.

**SEVERABILITY**

Should any section, subsection, clause, or phrase of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION IV.

**EFFECTIVE DATE**

This ordinance shall become effective upon publication as provided by law.

SECTION V.

**AUTHENTICATION**

This is to certify that the undersigned do hereby authenticate the foregoing record of the ordinance herein set forth.

---

DANIEL S. PALETKO, Mayor

---

WALTER J. PRUSIEWICZ, Clerk

**CERTIFICATION**

I hereby certify that the foregoing is a true and correct copy of this ordinance adopted by the Council for the City of Dearborn Heights at a regular meeting of the Council held on the 27th day of March, 2018, and became effective by publication in the official newspaper of the City of Dearborn Heights and/or by publication as otherwise permitted by the City Charter on the 29th day of March, 2018.

---

WALTER J. PRUSIEWICZ, Clerk

Publication Date: March 29, 2018