



**House
Legislative
Analysis
Section**

Washington Square Building, Suite 1025
Lansing, Michigan 48909
Phone 517/373-6466

THE APPARENT PROBLEM:

Public Act 354 of 1988, part of that year's truck safety package, required most loose loads on trucks to be covered with firmly secured canvas or a similar covering. However, the retractable tarps commonly sold for gravel trucks and the like sometimes feature cranks and pulleys that stick out from the sides of a truck and cause the truck to exceed the statutory maximum width of 96 inches. The law does allow a number of exceptions to the 96-inch maximum, notably for trucks hauling agricultural products, logs, or concrete pipe; those trucks may be up to 108 inches wide. The Michigan Trucking Association seeks legislation authorizing the use of the retractable tarps in question; 108 inches has been suggested as a suitable maximum width to apply to the devices.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code to specify that a device used to meet the load covering requirement could not exceed a width of 108 inches nor could it be capable of carrying cargo by itself.

MCL 257.720

FISCAL IMPLICATIONS:

The House Fiscal Agency says that the bill would have no fiscal impact on the state transportation department. (3-21-89)

ARGUMENTS:

For:

The bill would enable trucking firms to use industry-recognized retractable tarps to meet the newly-enacted requirement to have loose loads covered; those devices can cause a truck to exceed the statutory maximum width of 96 inches which otherwise might apply. The bill anchors its proposal in current law: the suggested 108-inch maximum is what applies under Michigan law to various commercial vehicles, and the language prohibiting cargo-carrying capability parallels federal language applying to safety devices on trucks operated on the interstate system.

Against:

The bill may be amending the wrong section of law. The 96-inch maximum occurs in Section 717 of the vehicle code (MCL 257.717), which says "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." The bill, however, proposes to amend Section 720 in the place where the requirement to cover loads occurs.

Response: There is a precedent for dealing with a width matter in a place other than Section 717. Section 708 (MCL 257.708), which covers the use of rearview mirrors, says that outside mirrors on certain commercial vehicles are not

CLARIFY TRUCK COVERING REQUIREMENT

House Bill 4451 as introduced
First Analysis (3-22-89)

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Sponsor: Rep. Curtis Hertel
Committee: Transportation

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to be considered part of the vehicle for the purpose of determining the maximum width under Section 717.

POSITIONS:

The Michigan Aggregate Carriers Association supports the bill. (3-21-89)

The Michigan Trucking Association supports the bill. (3-21-89)

H.B. 4451 (3-22-89)