

APR 18 1990



House
Legislative
Analysis
Section

Mich. State Law Library

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THE APPARENT PROBLEM:

The Vehicle Code generally requires that vehicles carrying a load that is not completely enclosed be covered with firmly secured canvas or a similar covering to prevent materials from escaping while a vehicle is moving; this provision applies differently to farmers who transport certain types of goods. Public Act 354 of 1988 specifies that a farmer whose vehicle allows hay or straw to escape while moving is not subject to penalties under the act. This provision recognizes that hay and straw, primarily used to protect food products in transport, do not present a great danger to other vehicles if it escapes from a vehicle. Apparently, however, some drivers of farm-related vehicles have recently been ticketed when certain types of "product residue" — i.e. dust, chafe, or water from corn, for instance — leaked or blew from a farmer's vehicle. Some people feel the penalty exemption should also apply when residue such as this escapes from a farmer's vehicle while transporting produce or other related goods.

Also, the act currently requires persons who drive larger vehicles (generally, commercial truckers) to obtain a specific "vehicle group designation" and indorsement depending on the size and type of vehicle driven. Farmers who drive vehicles weighing 13 tons or less — that have farm registration plates and are used for farm transport purposes within 150 miles of the farm — generally are exempt from these licensing requirements. In fact, federal law permits states to provide farmers, regardless of the size of a vehicle driven, a total exemption from vehicle group designation licensing requirements when only farm-related goods are transported. Some people feel the code's licensing provisions should be revised to exempt persons from the vehicle group designation licensing requirements (except for an annual written test) who drive any legal-sized farm-related vehicle that was not used for commercial trucking purposes, had farm registration plates, was operated by the farmer or a relative or employee of the farmer, and was operated within 150 miles of the farm. Under this proposal, an annual written and driving test (as required for group-A, -B, or -C endorsement) would be required when the farm-related vehicle to be driven was over 13 tons and carried hazardous materials.

THE CONTENT OF THE BILL:

The bill would amend the Vehicle Code to specify that the provision prohibiting a person from driving or moving a vehicle which allowed its contents to escape while in motion would 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 material such as water used to preserve and handle such products while in transport, escaped from a vehicle in an amount that did not interfere with other traffic on a highway.

Also, the bill would specify that — except for the requirement of a written knowledge test in order to obtain

CERTAIN EXEMPTIONS FOR FARM VEHICLES

House Bill 5591 (Substitute H-1)
First Analysis (3-22-90)

Sponsor: Rep. Keith Muxlow
Committee: Transportation

the appropriate vehicle group designation and indorsement, and except when hazardous materials were carried using a vehicle weighing over 13 tons, in which case both a written knowledge test and a driving skills test would be required — the vehicle group designation and indorsement licensing requirements would not apply when a farmer (which, for the bill's purposes, would include a farmer's employees or family members) was operating a vehicle and the following were true:

- The vehicle was controlled and operated by the farmer;
- The vehicle was used to transport agricultural products, farm machinery, farm supplies, or a combination of these, to or from a farm;
- The vehicle was not used in the operation of a common or contract motor carrier;
- The vehicle was operated within 150 miles of the farm; and
- The vehicle had farm registration plates.

The secretary of state would have to waive the driving skills test for a person operating a vehicle that had farm registration plates unless the vehicle had a gross vehicle weight rating of more than 13 tons and was a vehicle used to carry hazardous materials on which a warning placard was required under federal law.

MCL 257.312e and 257.720

FISCAL IMPLICATIONS:

According to the Department of State, the bill would have budgetary implications for the department although the amount cannot be determined. The department would have costs in developing a framework under which drivers of certain farm vehicles would be exempt from licensing requirements relative to vehicle group designation and indorsement. Also, the amount of revenue loss from any exemptions would depend on the number of persons who would qualify for exemption under the bill. (3-21-90)

ARGUMENTS:

For:

Persons who transport farm-related goods, especially grain and other products that tend to have "residue" — i.e. dust, silage, water, or the like — mixed with the product have reportedly been ticketed recently when residue was seen leaking or otherwise escaping from the moving vehicle. Public Act 354 of 1988 recognizes the small danger that leaking hay or straw presents to other motorists when it escapes from a farmer's moving vehicle. Grain residue that escapes from farmer's vehicles, likewise, does not pose a significant hazard to other drivers and a farmer should not be penalized when this happens. Agricultural or horticultural products themselves, however, could not be allowed to escape from a farmer's moving vehicle.

H.B. 5591 (3-22-90)

Against:

Blowing or leaking dust, silage, or water from a moving farm vehicle could be dangerous if large amounts were involved. Especially at higher speeds, blowing chafe or dust could reduce visibility for a motorist following behind.

Response: The situation which this portion of the bill addresses generally involves slow-moving farm vehicles transporting newly-harvested grains and other products to and from storage areas. Such driving situations pose few traffic hazards for other drivers.

For:

Most transporters of farm-related goods should not be required to take both written and driving tests annually for purposes of the vehicle group designations and indorsements. Although some of the vehicles driven may be large tractor-trailer trucks (semi-trucks), the routes traveled by farm product transporters using "straight trucks" — which transport goods primarily from the field to storage — during harvest or other special times of the year are limited and in mostly rural areas. Federal laws, in fact, permit states to exempt farm-related drivers from most vehicle group designation licensing requirements. The federal exemption recognizes the lower accident rate that exists among agricultural haulers. Also, farmers apparently find it difficult to ensure that all of their drivers during any given harvest season are properly licensed, and many farmers question the need for such rigorous testing anyway. Farm transporters would have to meet the bill's conditions, though, to receive the exemption.

Against:

Truck safety provisions enacted within the last two years could be weakened by the bill as it would exempt a person from the driving skills test required for people who drive large vehicles. While its true that federal laws provide for farm transporter exemptions, Michigan laws relative to truck sizes that can be operated differ substantially from most other states. It would be possible under the current version of the bill, for instance, for a person who qualified as a farm transporter and who drives an 80 ton truck to be exempt from the driving skills test. And even though farm transporters would be limited to a radius of 150 miles from the farm, nothing within the bill would prevent a person from driving a larger vehicle on busy, high-speed freeways.

SUGGESTED AMENDMENTS:

The Motor Carrier Division of the Department of State Police suggests amending the bill to create a special farm vehicle group designation, indorsement, and fee that would apply to persons who transport farm-related goods under the bill's conditions.

POSITIONS:

The Motor Carrier Division of the Department of State Police would support the bill if an amendment requiring a special farm vehicle group designation, with corresponding fee, for drivers of farm vehicles were adopted. (3-21-90)

The Michigan Farm Bureau supports the concept of the bill. (3-21-90)

The Michigan Trucking Association supports the bill. (3-21-90)

The Michigan Potato Industry Commission generally supports the bill, but feels farm transporters who qualify under the bill should not have to take the written vehicle group designation test. (3-21-90)

The Department of State generally opposes legislation that would reduce licensing and testing requirements for persons who drive large, dangerous vehicles. (3-21-90)