

Act No. 37  
Public Acts of 1989  
Approved by the Governor  
June 5, 1989  
Filed with the Secretary of State  
June 5, 1989

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1989**

Introduced by Rep. Van Singel

# **ENROLLED HOUSE BILL No. 4316**

AN ACT to amend section 720 of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of vehicles operated upon the public highways of this state or any other place open to the general public and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," as amended by Act No. 354 of the Public Acts of 1988, being section 257.720 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 720 of Act No. 300 of the Public Acts of 1949, as amended by Act No. 354 of the Public Acts of 1988, being section 257.720 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 720. (1) A person shall not drive or move a vehicle, except a vehicle carrying logs or tubular products, on a highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, blowing off except for hay or straw, or otherwise escaping from the vehicle. 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) 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) A person shall not operate a motor vehicle carrying logs or tubular products on a highway unless the following conditions are met:

(a) If the logs or tubular products are loaded crosswise or at right angles to the side of the vehicle, the load of logs or tubular products shall be securely fastened to the body or frame of the vehicle with not less than 2 binders which are secured to the frame at each end of the load and pass over the load so that the frame and binders completely encircle the load.

(b) If the vehicle is a truck or trailer carrying logs which has a loading surface more than 33 feet in length and the logs are loaded crosswise or at right angles to the side of the vehicle, the vehicle shall be equipped with a center partition located approximately  $\frac{1}{2}$  the distance from the front to the rear of the loading surface of the truck or trailer. The center partition shall be either a center mounted hydraulic loader or a center set of stakes and shall be pinned, bolted, or otherwise securely fastened to the frame. The load shall be secured as required by subdivision (a) and, in addition, the 2 lengthwise tie downs shall be attached or threaded through the center partition at a level not less than 1 foot below the load height.

(c) If the logs or tubular products are loaded lengthwise of the vehicle, obliquely or parallel to the sides, with metal stakes and pockets, the load of logs or tubular products shall be secured as follows:

(i) With 2 tie downs from frame to frame for every tier.

(ii) So that not more than  $\frac{1}{2}$  the diameter of the top log or tubular product extends higher than the stake tops.

(iii) With 2 cross chains per tier if the load extends more than 5 feet above the loading surface.

(iv) So that every 10 linear feet, and any remaining fraction thereof, has not less than 1 tie down from frame to frame.

(d) If the logs or tubular products are loaded lengthwise of the vehicle, obliquely or parallel to the sides, with permanent metal gusseted bunks, the load of logs or tubular products shall be secured as follows:

(i) With 2 tie downs from frame to frame for every tier.

(ii) So that not more than  $\frac{1}{2}$  the diameter of the top log extends higher than the stake tops.

(iii) So that every 10 linear feet, and any remaining fraction thereof, has not less than 1 tie down from frame to frame.

(e) The tie downs, cross chains, stakes, and other materials used to secure loads of logs or tubular products as required under subdivisions (a) to (d) shall meet the following minimum requirements:

(i) Chain shall be of steel and shall be of a strength not less than  $\frac{5}{16}$  inch in diameter "transport", which is embossed with a grade stamp representative of grade 70, or not less than  $\frac{3}{8}$  inch in diameter "high test", which is embossed with a grade stamp representative of grade 40. Chain shall not be repaired by welding, wire, or cold shuts.

(ii) Wire rope shall be of improved plow steel and not less than  $\frac{3}{8}$  inch in diameter.

(iii) Webbing strap shall be not less than 3 inches in width and shall have a minimum breaking strength of 14,000 pounds.

(iv) Metal stakes shall be of sufficient strength to hold and contain the load.

(v) Connecting links and hooks shall be at least as strong as the tie down material used.

(6) Subsection (3) shall not apply to a person operating a vehicle to transport agricultural commodities in the normal operation of a farm. However, a person operating a vehicle to transport agricultural commodities in the normal operation of the farm who violates subsection (1) or (4) is guilty of a misdemeanor and shall be subject to the penalties prescribed in subsection (9).

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

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

(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:

(a) "Cross chain" means a chain which extends through the load of logs or tubular products and is connected at each end to a side stake.

(b) "Logs" means sawlogs, pulpwood, or tree length poles.

(c) "Tie down" means a high strength material which is used to secure the load of logs or tubular products to the frame or the bed of the vehicle.

(d) "Tier" means a vertical pile or stack of logs or tubular products.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.