

HOUSE BILL No. 4451

March 15, 1989, Introduced by Reps. Hertel and Johnson and referred to the Committee on Transportation.

A bill to amend section 720 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

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:

1 Section 1. Section 720 of Act No. 300 of the Public Acts of
2 1949, as amended by Act No. 354 of the Public Acts of 1988, being
3 section 257.720 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 720. (1) A person shall not drive or move a vehicle,
6 except a vehicle carrying logs or tubular products, on a highway
7, unless the vehicle is so constructed or loaded as to prevent its
8 contents from dropping, sifting, leaking, blowing off except for
9 hay or straw, or otherwise escaping from the vehicle. The

1 tailgate, faucets, and taps on a vehicle shall be securely closed
2 to prevent spillage during transportation whether the vehicle is
3 loaded or empty, and the vehicle shall not have any holes or
4 cracks through which material can escape. Any highway mainte-
5 nance vehicle engaged in either ice or snow removal shall be
6 exempt from this section.

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

10 (3) A vehicle carrying a load, other than logs or tubular
11 products, which is not completely enclosed shall meet either of
12 the following requirements:

13 (a) Have the load covered with firmly secured canvas or a
14 similar type of covering. A DEVICE USED TO COMPLY WITH THE
15 REQUIREMENT OF THIS SUBDIVISION SHALL NOT EXCEED A WIDTH OF 108
16 INCHES NOR BY DESIGN OR USE HAVE THE CAPABILITY TO CARRY CARGO BY
17 ITSELF.

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

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

1 (5) A person shall not operate a motor vehicle carrying logs
2 or tubular products on a highway unless the following conditions
3 are met:

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

10 (b) If the vehicle is a truck or trailer carrying logs which
11 has a loading surface more than 33 feet in length and the logs
12 are loaded crosswise or at right angles to the side of the vehi-
13 cle, the vehicle shall be equipped with a center partition
14 located approximately 1/2 the distance from the front to the rear
15 of the loading surface of the truck or trailer. The center par-
16 tition shall be either a center mounted hydraulic loader or a
17 center set of stakes and shall be pinned, bolted, or otherwise
18 securely fastened to the frame. The load shall be secured as
19 required by subdivision (a) and, in addition, the 2 lengthwise
20 tie downs shall be attached or threaded through the center parti-
21 tion at a level not less than 1 foot below the load height.

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

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

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

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

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

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

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

12 (ii) So that not more than $1/2$ the diameter of the top log
13 extends higher than the stake tops.

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

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

20 (i) Chain shall be of steel and shall be of a strength not
21 less than $5/16$ inch in diameter "transport", which is embossed
22 with a grade stamp representative of grade 70, or not less than
23 $3/8$ inch in diameter "high test", which is embossed with a grade
24 stamp representative of grade 40. Chain shall not be repaired by
25 welding, wire, or cold shuts.

26 (ii) Wire rope shall be of improved plow steel and not less
27 than $3/8$ inch in diameter.

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

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

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

7 (6) Subsections (3) and (5) shall not apply to a person
8 operating a vehicle to transport seasonal agricultural commodi-
9 ties at the time of harvest or for farmers operating their own
10 trucks in the normal operation of the farm. However, a person
11 operating a vehicle to transport seasonal agricultural commodi-
12 ties at the time of harvest in the normal operation of the farm
13 who violates subsection (1) or (4) is guilty of a misdemeanor and
14 shall be subject to the penalties prescribed in subsection (9).

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

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

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

1 (10) As used in this section:

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

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

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

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