



**House  
Legislative  
Analysis  
Section**

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**TRUCK SAFETY PACKAGE**

AL-4 17 1994

**House Bill 4402 as passed by the House**  
Sponsor: Rep. Michael J. Bennane <sup>Michigan State Law Library</sup>

**House Bill 4524 as passed by the House**  
Sponsor: Rep. Shirley Johnson

**House Bill 5673 as passed by the House**  
Sponsor: Rep. Sidney Ouwinga

**House Bill 5678 as passed by the House**  
Sponsor: Rep. Francis R. Spaniola

**House Bill 5682 as passed by the House**  
Sponsor: Rep. Jerry C. Bartnik

**Second Analysis (8-11-88)**  
Committee: Transportation

H.B. 4402 et al (8-11-88)

***THE APPARENT PROBLEM:***

Truck safety has been an issue of increasing concern to the legislature within the past decade because of the increasing number of accidents involving trucks. The Department of Transportation estimates that truck related accidents have increased approximately 65 percent from 1983-1985, while the rate for automobiles increased 11-14 percent during the same period. There have been several changes within the trucking industry and within the economic environment within the past decade that can be cited as contributing factors to the increase in truck accidents. Deregulation of the truck industry, the recent downsizing of cars, and an increase in the number of trucks traveling the state's highways are all factors which have contributed to the increase in the rate of truck accidents and violations. In addition, procedures used to enforce safety practices have also changed as a result of new technology, such as advanced scales used to weigh trucks. It is not clear what the eventual affect of all of the recent changes will have on the industry. However, it is clear that these changes have led to an increasing rate of violations of safety standards. A truck safety subcommittee of the standing committee on Transportation was established in January 1987 to take testimony from interested parties concerning truck safety issues and to formulate legislation to address the concerns set forth. The following bills are part of a comprehensive truck safety package formulated to address truck safety issues.

***THE CONTENT OF THE BILL:***

House Bill 4402 would amend the Michigan Vehicle Code to specify that 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, could only drive in the two lanes farthest to the right on roads with three or more lanes for travel in one direction. However, the bill would allow an exemption to this provision for traveling in a left-hand lane for a reasonable distance before making a left turn, or where a special hazard existed that required the use of an alternative lane for safety reasons.

MCL 257.634

The Michigan Vehicle Code prohibits a person from moving a vehicle on a highway unless the vehicle was constructed or loaded to prevent its contents from blowing off or escaping the vehicle. House Bill 4524 would provide an exemption for vehicles containing hay or straw. (Separate requirements for carrying logs or tubular products would remain as under current law.) Under the code, the body of a vehicle cannot have holes or cracks through which material could escape. The bill would make the provision apply to the entire vehicle. The bill would also require all vehicles carrying a load which was not completely enclosed, other than logs or tubular products, to have the load covered with firmly secured canvas or a similar type of covering. However, this provision would not apply to: 1) a motor vehicle transporting items of a load which would not fall off the moving vehicle because of the weight of the load and the fact that its center of gravity was located at least six inches below the top of the enclosure; 2) a motor vehicle carrying metal items which would not drop or fall off of the moving vehicle because of the weight and density of the metal; and 3) a motor vehicle or other equipment involved in specifically approved highway construction projects. The bill would exempt persons operating a vehicle to transport seasonal agricultural commodities at the time of harvest in the normal operation of a farm from safety requirements currently set forth in the code, unless the person was operating a vehicle for hire.

MCL 257.720

House Bill 5673 would amend the Motor Carrier Safety Act to prohibit a truck or truck tractor with a gross vehicle weight of more than 26,000 pounds from operating on the highways of the state with recapped or retreaded tires on the front wheels of the vehicle.

MCL 480.12b

House Bill 5678 would amend the Fire Prevention Code to require a vehicle used for the transportation of flammable liquid, combustible liquid, or liquefied petroleum gas in cargo tanks to be annually certified and inspected by the Department of State Police.

OVER

The code currently requires vehicles designed or used for the transportation of hazardous material to be certified by the state fire marshal. The bill would amend the code to provide an exemption from that certification provision for trucks carrying a cargo tank with a capacity of less than 300 gallons, and engaged in agricultural or horticultural operations.

#### **MCL 29.5b**

The Michigan Vehicle Code prohibits operation of motor vehicles, trailers and semitrailers with frames or bodies that are more than 42 inches above a roadway and extend more than 36 inches beyond the rear of the rear axle unless the vehicle is equipped with a fender or bumper. House Bill 5682 would require bumpers and fenders on vehicles that were more than 30 inches above a roadway. The act prohibits operation of a truck tractor and semitrailer combination with a semitrailer longer than 50 feet whose frames or bodies are 42 inches above the roadway and extended more than 36 inches beyond the rear axle unless the frames or bodies of the semitrailers are equipped with rear underride guards. The bill would decrease the allowable frame height to 30 inches above the roadway. Further, the bill would prohibit operation of a vehicle without an underride guard of not more than 22 inches above the roadway if the vehicle was required by federal law to be so equipped.

#### **MCL 257.719**

### **FISCAL IMPLICATIONS:**

According to the State Police, House Bills 4402, 4524, 5673, and 5682 would have no fiscal implications to the state. House Bill 5678 would have fiscal implications to the department if no money is provided to perform the inspections, but the specific fiscal implications to the state cannot be determined at this time. (8-12-88)

### **ARGUMENTS:**

#### **For:**

Since the recent increase in the speed limit on Michigan's interstate highways, the concern has been raised that trucks traveling at higher speeds will increase the wear and tear on the state's roads and that roads will be more hazardous with trucks traveling at higher speeds on all lanes of the roadways. House Bill 4402 will address this concern by requiring trucks to remain in the two lanes farthest to the right on roads with three or more lanes while other vehicles would continue to use all lawfully available lanes.

**Response:** Travel on roads leading through suburbs to major cities during periods of congestion (such as rush hour and before and after major entertainment and sports events) can be very difficult for truck drivers because people are apt to exit quickly and weave in and out of lanes. It may be unsafe to require the heaviest vehicles on the road to remain in the right-hand lane during periods of congestion when other drivers are rapidly moving in and out of the right-hand lane. Many truckers find it easier to avoid dangerous travel situations if they can move to the left of a roadway when it is obvious that many people will be exiting a roadway soon or if entrances and exits are spaced fairly close together on a roadway.

#### **For:**

Currently, trucks are allowed to be driven with loads uncovered as long as the load is not within six inches of the top of the sides of the trailer. Legislators have received numerous constituent complaints regarding damage caused by flying debris from uncovered loads. The

American Automobile Association estimates that debris from such loads is responsible for approximately \$18 million annually in damage to windshields and other vehicle equipment. The association claims that from the period of April 21, 1986 to May 16, 1986, 3,056 AAA Michigan members had their windshields broken and 69 percent of the breaks were caused by gravel falling from trucks or from a freeway, major highway, or city street. House Bill 4524 will help alleviate the flying debris problem by requiring truck loads to be covered unless there was no chance that the load would escape the vehicle and the load met certain other criteria set forth in the bill.

#### **Against:**

House Bill 4524 provides an exemption from load cover provisions for vehicles or equipment "on a route and time approved by the governmental agency having jurisdiction over the roads used for the movement of construction materials used in work upon the surface of a highway or street in a designated work area." This provision is extremely vague. The bill does not clarify the term "on a route and time," so it is not clear what is meant by this term. In addition, an exemption should not be provided for governmental agencies because the agencies' uncovered loads can be just as dangerous as any other uncovered loads.

The bill provides an exemption for persons operating a vehicle to transport seasonal agricultural commodities at the time of harvest in the normal operation of a farm from safety requirements currently set forth in the code, unless the person was operating a vehicle for hire. The "for hire" stipulation should be removed from this provision because it will cause agricultural production costs to increase. Farmers often hire additional vehicles for help during harvest time. Many farm vehicles used in the industry cannot be feasibly equipped with a cover. Therefore, the covered load restriction will decrease the number of trucks available for hire during the harvest season. If the number of trucks available decreases, the price for hiring a truck will increase. The cost of producing the product will increase, and farmers will have to absorb the increase.

#### **For:**

Proper maintenance of tires is important to vehicle control on trucks. Maintenance of front wheel tires is crucial, especially on heavy trucks, because front wheel tires are usually single and, if damaged, can easily cause a truck accident. Evidence presented to the subcommittee on truck safety cited improper tire maintenance as a common equipment violation and an identifiable factor in equipment related causes of accidents. House Bill 5673 will help reduce the possibility of tire failure on wheels of trucks (other than pick-ups) and truck tractors that have a direct bearing on vehicle control by banning recapped or retreaded tires on front wheels.

#### **Against:**

Currently, recapped and retreaded tires are not banned from being used on any vehicle. Since the bill would address this issue for trucks, it might as well address the issue for all other vehicles as well. Damage and blow-outs of tires on pick-up trucks and cars can be just as dangerous as damage or blow-outs of tires on heavy trucks.

**Response:** The recapping and retreading issue is just as serious concerning pick-ups and cars as it is concerning heavy trucks. However, pick-up truck and car issues should not be addressed in a truck safety package. The package has been designed to deal with specific truck safety issues; passage of the package could become problematic if other issues are addressed in the package. New legislation

should be introduced to address the recapping and retreading issue for cars and pick-ups.

### ***Fort***

Under current law, tankers licensed for flammable and combustible cargo are required to be inspected every three years. The vehicles should be inspected every year or every six months because of their volatile cargo and potential danger the cargo poses to the public. House Bill 5678 would address safety concerns by requiring vehicles hauling flammable and combustible liquids or liquefied petroleum gas to be inspected every year.

### ***Against:***

The bill should not be enacted unless it includes a fee system which would pay for the inspections. Often, when legislation is enacted without provisions for sufficient revenue, the legislation is not implemented. Passage of the bill would assume that the Department of State Police will be appropriated the money needed to cover the expenses required to inspect the vehicles. However, these appropriations are not always forthcoming.

### ***For:***

Current law requires certain vehicles to be equipped with bumpers and underride guards to stop smaller vehicles from sliding underneath larger vehicles. Most motor vehicles are required to have bumpers which extend downward from the rear of the car frame or body within 30 inches of the roadway. House Bill 5682 will strengthen this safety provision by decreasing the allowable bumper height of certain motor vehicles, trailers, and semitrailers.

### ***Against:***

Some trucks are constructed to allow products to roll off of the beds easily, but the bumper requirement may hamper this capability. In addition, other trucks, such as dump trucks, may not be able to function as designed if a 22-inch bumper is required. Further, the 22-inch bumper will disrupt normal agricultural procedures. For instance, in order to avoid spillage of a product many trucks back over a hopper (a bin), so the product will roll off of the truck directly into the hopper. The 22-inch bumper would prohibit a truck from backing over the hopper because the bumper would hit the hopper.

### ***POSITIONS:***

The Department of State Police supports House Bills 4402, 5673 and 5678. The department supports covering all truck loads where spillage might occur (House Bill 4524). The department supports 22 inch bumpers on all new trucks after Jan. 1, 1990 (House Bill 5682). (8-11-88)

AAA Michigan supports House Bill 5678. (8-11-88)

The Michigan Trucking Association supports all of the bills. (8-12-88)

The Michigan Petroleum Association supports House Bills 5673, 5678, and 5682. (8-12-88)

The Michigan Farm Bureau does not support House Bill 4524 and does not oppose House Bill 5682. (8-12-88)

The Michigan Petroleum Association does not oppose House Bill 4402. (8-12-88)

AAA Michigan opposes House Bills 4402 and 4524. (8-12-88)