



**House
Legislative
Analysis
Section**

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House Bill 4524 (Substitute H-3)
Sponsor: Rep. Shirley Johnson **RECEIVED**

House Bill 5675 (Substitute H-1)
House Bill 5680 (Substitute H-2)

Sponsor: Rep. James A. Kosteva
Mich. State Law Library

House Bill 5676 (Substitute H-3)

House Bill 5686 (Substitute H-1)

Sponsor: Rep. James Docherty

House Bill 5685 (Substitute H-1)

Sponsor: Rep. Vincent J. Porreca

Committee: Transportation

First Analysis (6-15-88)

THE APPARENT PROBLEM:

Truck accidents have increased tremendously within the past decade. There have been several changes within the industry and within the economic environment 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 factors which have all contributed to the increase in the rate of truck accidents and violations. The House Standing Committee on Transportation and the House Subcommittee on Truck Safety have taken testimony from interested parties in order to identify areas of major concern relating to truck safety. The following bills are part of a comprehensive truck safety package formulated to address truck safety issues.

THE CONTENT OF THE BILLS:

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 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. The provision requiring loads to be covered would also not apply to a motor vehicle or other equipment on an approved hauling route engaged in work upon the surface of a highway or street in a designated work area. 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

Under the Michigan Vehicle Code a person may receive a waiver of the requirement for a driving test for a class 1, 2 or class 3 indorsement on an operator's or chauffeur's license upon receipt of adequate evidence of experience or training in operating the type or general class of vehicle which the applicant intended to drive. House Bill 5675 would amend the code to provide that the requirement for a driving test for a class 1 or class 2 indorsement could only be waived upon receipt by the secretary of state of a certificate that a person had satisfactorily completed a driving test comparable to the test given by the secretary of state's office pertaining to the type or general class of vehicle. The alternate driving test would have to be administered by a truck driver training school in the state.

MCL 257.312f

House Bill 5680 would amend the Motor Carrier Safety Act to provide that a third or subsequent violation within one year of the rules regarding hours of service and recording those hours in daily logs could result in an audit of a driver of a vehicle by the Motor Carrier Division of the Department of State Police. The audit could be performed in addition to any penalty imposed under the act. Under the bill, the term motor carrier would mean a person, except for a unit of government, that operated or caused to be operated a motor vehicle for the purpose of transporting property upon the highways of the state, including, but not limited to, agents, officers, employees, and other representatives of the person.

MCL 480.17

House Bill 5676 would amend the Motor Carrier Act to require a motor carrier to have each licensed motor vehicle that it proposed to put into service be inspected by the Department of State Police or a truck mechanic who was certified by the Michigan Department of State, beginning January 1, 1989. A copy of the inspection report would be placed in a vehicle maintenance file.

MCL 478.2

House Bill 5686 would amend the Motor Carrier Safety Act to provide that a driver or operator or an owner or user of any truck, truck tractor, or trailer who required or permitted the driver or operator to commit a serious safety defect would be subject to a fine of not more than \$300 for each violation. The penalty would also apply to any officer or agent of an individual, partnership, corporation,

or association or their lessees or court-ordered receivers. The fine would be in addition to a provision in the act that makes it a misdemeanor to require or permit a violation of the act. Under the bill, a serious safety defect would mean a violation of the act or rule promulgated under the act concerning brakes, tires, steering, coupling devices, headlights, taillights, brake lights, and turn signals that resulted in the vehicle being placed out of service.

MCL 480.17

Under the Michigan Vehicle Code, all motor trucks, truck tractors, trailers or semitrailers of more than 3,500 pounds in operation upon the public highways of the state are required to be painted with information detailing the name and address of the registered owner and lessee of the vehicle. House Bill 5685 would amend the code to require only motor trucks and truck tractors of more than 5,000 pounds registered weight and all towing or platform bed wrecker road service vehicles in operation upon the public highways of the state to have the name, city, and state or the registered logo or emblem of the registered owner and lessee of the vehicle painted or permanently attached on each side of the cab. The information would have to be painted or attached in letters at least three inches in height, and not lower than the bottom edge of the door. However, motor trucks with closed van bodies could place the information on each side of the body not lower than the bottom edge of the cab door. The bill would require the information to be in sharp color contrast to the background. The identification requirements could be met through use of removable devices which met the requirements of the bill, if they were of durable construction and securely attached to each side of a motor truck or truck tractor so that the identification was in a horizontal position. Removable devices could not be used on towing or platform bed wrecker road service vehicles. Vehicles subject to the new provisions would be allowed two years after the effective date of the bill to be in compliance with the marking provisions. The act's exception from this provision for trucks eligible for and equipped with farm license plates would remain.

MCL 257.723

FISCAL IMPLICATIONS:

According to the Department of State Police, House Bills 5676, 5686, 5685, 4524, and 5680 would have no fiscal implications to the state. (6-14- 88) According to the Department of State, House Bill 5675 would have fiscal implications to the state, but the amount cannot be determined at this time. (6-14-88)

ARGUMENTS:

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 on an approved hauling route engaged in work upon the surface or street in a designated work area. This provision is extremely vague. The bill does not define the term "approved hauling route," so it is not clear what is meant by this term. In addition, the bill does not detail how approval of a hauling route would be obtained, nor does it identify the person or agency responsible for approving the hauling route.

For:

Under the Michigan Vehicle Code, the secretary of state's office may waive its road test requirement for class 1 or class 2 license endorsements if a driver gives adequate evidence of experience or training in operating the type or general class of vehicle which the applicant intended to drive. Usually, an employer or Michigan truck driver training school verifies that a driver has adequate experience or training to operate a vehicle. However, it has been alleged that the waiver provision has been subject to abuse. House Bill 5675 would help alleviate abuse of the waiver procedure by requiring a driver to complete a driving test comparable to the test given by the secretary of state's office for the type or general class of vehicle that the driver intends to operate.

For:

Many professionals in the trucking industry believe that federal deregulation of the trucking industry has helped to make the industry extremely competitive, which has led to low pay and diminishing benefits. It has been suggested that competitive conditions in the industry almost necessitate unsafe practices to allow drivers to make the most trips humanly possible within a short period of time. Many drivers do not get enough sleep because they feel that they cannot afford to take time to sleep. Studies by the AAA Foundation for Traffic Safety have shown that fatigue is a factor in six out of every ten heavy truck crashes. In fact, the study indicates that in 66 percent of these accidents, driver fatigue is judged a primary or probable cause. In addition, studies by the foundation have shown that one in fifteen heavy truck drivers regularly travel more than 16 consecutive hours without sleep. Testimony before the House Subcommittee on Truck Safety also suggested that driver fatigue was a contributing factor in truck related accidents. The Motor Carrier Safety Act requires drivers to carry log books which record the length of time an individual driver has remained behind the steering wheel of a truck. However, drivers often falsify the logs. House Bill 5680 will provide an incentive for drivers to properly maintain log books by allowing the Motor Carrier Division of the Department of State Police to audit drivers that violate log book rules more than two times within one year.

Against:

Some truck drivers hold operator licenses from several states simultaneously. Maintenance of several operator licenses potentially allows a driver to commit several violations on different licenses and avoid license suspension or revocation. Although the intent behind the legislation is noble, it will not address situations in which a driver uses a different license in order to avoid getting a third log book violation.

Further, the bill would exempt motor carriers operated by local units of government from the log book provision. Motor carriers operated by local units of government may be just as susceptible to log book violations as commercial motor carriers; therefore, the exemption seems unwise.

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For:

It is not clear if all motor vehicles put into service by a motor carrier have to be inspected, or only those subject to registration by the PSC (generally, this includes trucks operating intrastate in Michigan, and excludes interstate trucks, private fleets, and others). House Bill 5676 will require motor carriers who propose to put a motor vehicle into service to have the vehicle inspected by the Department of State Police or a truck mechanic certified by the Department of State.

Against:

According to testimony by the Department of State Police and the Motor Carrier Division of the department, the department does not have the personnel or financial capability to perform all of the inspections which are currently required. It would be ridiculous to require the department to perform more inspections given the current situation.

Response: The bill will allow the department or a certified truck mechanic to perform the inspections. Thus, even if the department could not perform an inspection, the truck could still be inspected by a comparable inspector.

For:

Testimony before the House Subcommittee on Truck Safety suggests that fines assessed by local courts for truck safety violations vary from jurisdiction to jurisdiction and may not be steep enough to serve as a deterrent to a violation. House Bill 5686 would allow courts to assess an additional \$300 fine for each serious truck safety violation.

For:

House Bill 5685 would strengthen identification requirements for commercial vehicles. Trucks as well as passenger cars are required to be identified by a license plate when operated on the state's highways. However, it can be difficult to identify trucks because of dust, dirt and other grime that can collect on trucks from extended travel. Adequate identification on trucks and trailers enhances the identification of drivers or companies with potentially dangerous equipment or driving patterns.

POSITIONS:

The Department of State Police supports House Bills 5676, 5686, 5685, 4524, and 5675, and opposes House Bill 5680. (6-14-88)

The Michigan Trucking Association supports all of the bills. (6-14-88)

The Michigan Municipal League supports House Bill 4524. (6-14-88)

The Michigan Chapter of the Institute of Scrap Recycling Industries supports the concept of House Bill 4524. (6-14-88)

The Aggregate Carriers of Michigan, Inc. opposes House Bill 4524. (6-14-88)