



**House
Legislative
Analysis
Section**

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**TRUCK SAFETY PACKAGE
RECEIVED**

House Bill 4524 as enrolled
Sponsor: Rep. Shirley Johnson

FEB 08 1989

House Bill 5679 as enrolled
Sponsor: Rep. Philip E. Hoffman

Mich. State Law Library

House Bill 5680 as enrolled
Sponsor: Rep. James A. Kosteva

House Bill 5682 as enrolled
Sponsor: Rep. Jerry C. Bartnik

House Bill 5683 as enrolled
Sponsor: Rep. Vincent J. Porreca

Third Analysis (1-5-89)
House Committee: Transportation
Senate Committee: State Affairs, Tourism, &
Transportation

H.B. 4524 et al (1-5-89)

THE APPARENT PROBLEM:

Truck safety has been an issue of increasing concern 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. The downsizing of cars and increase in the number of trucks traveling the state's highways are factors which have contributed to the increase in the rate of truck accidents and violations. The procedures used to enforce safety practices have recently changed as a result of new technology, such as advanced scales used to weigh trucks. It is not clear what effect all of the changes will have on the industry. However, it is clear that these changes have led to an increasing rate of violations of safety standards. The federal government recently enacted provisions that address some of the truck safety issues, and it requires states to address the issues in a like manner. However, state legislation is also needed to address safety issues unique to Michigan, such as the implementation of an accident report form that would provide a complete analysis of commercial motor vehicles involved in accidents and legislation that would address truck load leaks and log violations by drivers.

THE CONTENT OF THE BILL:

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 or 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 work in a designated work area.

The bill would exempt farmers operating their own trucks in the normal operation of a farm and 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. However, the exemption would not apply to a person who drove a vehicle that was constructed or loaded so that the vehicle's contents escaped or to a person who loaded or unloaded a vehicle with the knowledge that the vehicle would be driven while its contents escaped. In addition, a person who allowed a vehicle's load to escape would be guilty of a misdemeanor and would be punishable by a fine of not more than \$500 or imprisonment for not more than 90 days, or both.

The bill would take effect April 1, 1989.

MCL 257.720

House Bill 5679 would amend the Motor Carrier Safety Act to require the Truck Safety Commission to make recommendations to the legislature by December 31, 1989 with respect to an accident report form regarding accidents involving commercial motor vehicles.

MCL 480.17a

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. The bill would exempt units of government or their employees, officers,

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or representatives or motor vehicles, trucks, truck tractors or trailers owned and operated by the units of government from all of the act's provisions except those regarding rules developed by the Department of State Police and the Department of Transportation relating to physical qualifications of drivers and vehicle equipment.

MCL 480.17

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 frame 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. In addition, the bill would increase the length of articulated buses operated by local transit systems to a maximum length of not more than 65 feet.

MCL 257.719

House Bill 5683 would amend the Michigan Vehicle Code in the following ways.

Vehicles with a gross weight of 10,000 pounds or more, and all vehicles transporting hazardous materials, would be required to comply with rules developed by the Department of State Police under the Motor Carrier Safety Act relating to physical qualifications of drivers and the equipment requirement of the vehicles they operate. However, a motor bus defined under the Motor Bus Transportation Act would be required to comply with rules developed by the Department of Transportation under the Motor Bus Transportation Act.

Currently, a vehicle carrying explosive substances or flammable liquids is required to stop not less than ten feet from the nearest rail. Under the bill, a vehicle that was carrying hazardous materials upon which a placard was required to be posted would be required to stop not less than fifteen feet from the nearest rail.

Under the Michigan Vehicle Code buses and trucks are required to maintain certain equipment. The bill would specify that three identification lamps would have to be maintained on buses and trucks. The lamps would be mounted on the vertical centerline of a bus or a truck, or the lamps would be mounted on the vertical centerline of the cab of a vehicle. A single lamp at the center of the cab would be considered to comply with the requirements of the bill in situations where the cab of a vehicle was not more than 42 inches wide at the front roofline. The identification lamps or their mounts would not extend below the top of a vehicle's windshield.

The code requires certain types of vehicles, such as buses and trucks, to be equipped with reflectors that are mounted at least 20 inches above the ground. If the highest part of the permanent structure of a vehicle is less than 20 inches, reflectors are mounted as high as that part of the permanent structure would permit. Under the bill,

reflectors would be mounted not less than 15 inches above the ground, and reflectors would be mounted as high as the permanent structure would permit if the permanent structure was less than 15 inches from the ground.

Trucks with a gross weight over 10,000 pounds, all trucks carrying hazardous materials on which a placard was required to be posted according to federal rule, truck tractors, and buses that had a windshield would have to be equipped with not less than two automatically operating windshield wiper blades. One blade would have to be on each side of the centerline of the windshield for cleaning rain, snow, or other moisture from the windshield. The blades would be in such condition as to provide clear vision for the driver unless one blade was able to clean an area of the windshield extending to within one inch of the limit of vision through the windshield at each side. However, in driveaway-towaway operations, the requirement would apply only to the driven vehicle. In addition, one windshield wiper blade would suffice when the driven vehicle in a driveaway-towaway operation constituted part or all of the property being transported and had no provision for two blades. A truck and truck tractor manufactured after June 30, 1953 that depended upon vacuum to operate the windshield wipers would have to be constructed so that the operation of the wipers was not materially impaired by change in the intake manifold pressure.

Under the code, a licensed commercial vehicle cannot be operated on the highways at any time from December 15 to March 15 unless it has certain equipment, such as a hot air windshield defroster. Under the bill, trucks carrying hazardous materials on which a placard was required to be posted according to federal rule, trucks with a gross weight over 10,000 pounds, truck tractors, and buses could not operate on the highways at any time unless they were equipped with a hot air windshield defroster, an electrically heated windshield, or some other device that would keep the windshield heated and maintained in operable condition at all times.

The code prohibits the operation of a truck with a gross weight over 10,000 pounds, a truck tractor, and all buses outside the corporate limits of municipalities at any time between half hour after sunset to a half hour before sunrise unless the vehicle carries certain equipment, such as flares and fuses. The bill would amend the act to add trucks carrying hazardous materials on which a placard was required to be posted according to federal rules to the list of vehicles regulated under the act. The bill would delete the sunset to sunrise provision and add fire extinguishers to the list of equipment required to be carried in the vehicles. All fire extinguishers required under the bill would have to be properly filled, securely mounted on the vehicle and readily accessible for use. The fire extinguishers would be designed, constructed and maintained to permit a determination of whether they were fully charged and in proper operating condition. All fire extinguishers would have an extinguishing agent that did not need protection from freezing. In addition, the extinguishers could not use a vaporizing liquid that gave off vapors more toxic than those produced by the substances shown as having a toxicity rating of five or six in the Underwriters Publication entitled "Classification of Comparative Life Hazard of Gases and Vapors." Fire extinguishers would have to be inspected and maintained in accordance with provisions of the National Fire Protection Association Pamphlet No. 10, 1974 edition. Motor vehicles that were required to be marked or placarded according to federal rules and that were used to transport hazardous materials would be

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equipped with a fire extinguisher that had an Underwriters Laboratories rating of 10 B:C or more. Fire extinguishers carried in vehicles that were transporting hazardous wastes would have to be labeled or marked with the proper underwriters laboratories rating. A vehicle that was not used to transport hazardous materials would be equipped with either a fire extinguisher with an underwriters laboratories rating of five B:C or more, or two fire extinguishers with each having an underwriters laboratories rating of four B:C or more.

Under the act, trucks with a gross weight over 10,000 pounds, truck tractors, trailers, semitrailers, pole trailers, and buses must display certain warning devices when disabled upon a highway outside of a municipality at a time when lighted lamps are required. The bill would amend the act to require drivers of trucks carrying hazardous materials on which a placard was required to be posted according to federal rules, trucks with a gross weight in excess of 10,000 pounds, truck tractors, trailers, semitrailers, pole trailers, and buses that were stopped upon a highway to immediately flash the two front and two rear turn signals simultaneously as a vehicular traffic hazard warning. A vehicle would continue the flashing until the driver placed the warning devices required under the bill in use upon the highway. The flashing signals would be used during the time the warning devices were picked up for storage before movement of the vehicle. The flashing lights could be used at other times while a vehicle was stopped in addition to the following warning devices:

- three emergency reflective triangles;
- three electric emergency lanterns;
- three liquid-burning emergency flares; or
- three red emergency reflectors.

The bill would require drivers to place warning devices on a highway within ten minutes after their vehicles had stopped. Under the bill, one device would be placed within ten feet of the front or rear of the vehicle. One device would be placed approximately 100 feet from the rear of the stopped vehicle or load, in the center of the traffic lane or shoulder occupied by the vehicle, and facing traffic from the rear of the vehicle. One device would be placed approximately 100 feet from the front of the stopped vehicle, in the center of the traffic lane or shoulder occupied by the vehicle, and facing oncoming traffic in the opposite lane. Special rules would apply to the placement of some warning devices. For instance, in to business and residential districts, during the period when lighted lamps were not required, three emergency triangles would have to be placed as detailed above, or two red flags would be placed facing traffic approaching the rear of the vehicle and facing oncoming traffic in the opposite lane. Under the bill, placement of warning devices would not be required within a business or residential district of a municipality, except during the time lighted lamps were required and when street or highway lighting was insufficient to make a vehicle clearly discernible to persons on the highway at a distance of 500 feet. The bill would provide for the special placement of devices when a vehicle was stopped within 500 feet of a curve or if a vehicle was stopped upon the traveled portion of the shoulder of a divided or one-way highway. If gasoline or any other flammable liquid, combustible liquid, or gas seeped or leaked from a fuel container or a vehicle stopped upon a highway, an emergency warning signal producing a flame would not be lighted or placed upon the highway unless it was lighted or placed at a distance

from the liquid or gas which assured that a fire or explosion would not occur.

The bill would add a section applying to systems for containing and supplying fuel for the operation of a truck over 10,000 pounds, truck tractor, road tractor, or bus for the operation of auxiliary equipment installed on, or used in connection with any of the vehicles. The bill would require fuel systems to be located on a vehicle so that:

- no part of the system extended beyond the widest part of the vehicle;
- no part of the fuel tank was forward of the front axle of a power unit;
- fuel spilled vertically from a fuel tank while it was being filled would not contact any part of the exhaust or electrical systems of the vehicle, except the fuel level indicator assembly;
- fill pipe openings were located outside the vehicle's passenger compartment and its cargo compartment; and
- a fuel line would not extend between a towed vehicle and the vehicle that was towing it while the combination of vehicles was in motion.

The bill would require a fuel tank to be securely attached to a vehicle in a "workmanlike" manner. A fuel system could not supply fuel by gravity or syphon feed directly to the carburetor or injector. If a fuel system included a selection control valve which was operable by the driver to regulate the flow of fuel from two or more fuel tanks, the valve would be installed so that the driver could operate it while watching the roadway and without leaving the driving position or the driver would stop the vehicle and leave the driver seat in order to operate the valve. A fuel line that was not completely enclosed in a protective housing could not extend more than two inches below the fuel tank or its sump. Diesel fuel crossover, return, and withdrawal lines which extended below the bottom of the tank or sump would be protected against damage from impact under the bill. A fuel line would be long enough and flexible enough to accommodate normal movements of the parts to which it was attached without incurring damage, and a fuel line would be secured against chafing, kinking, or other causes of mechanical damage. When pressure devices were used to force fuel from a fuel tank, a device that prevented the flow of fuel from the fuel tank if the fuel feed line was broken would be installed in the fuel system.

The bill would also amend the code to allow school bus drivers to transport children enrolled in a school-sponsored preschool program authorized by state or federal statute.

The bill's provisions that require compliance with rules relating to vehicle equipment and the physical qualifications of drivers would take effect upon the enactment of the bill. However, the remaining provisions of the bill would not take effect until April 1, 1989.

MCL 257.669 et al.

FISCAL IMPLICATIONS:

According to the Department of Transportation, the bills would have negligible fiscal implications for the state. (1-4-89)

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

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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 involved in work in designated work areas. This provision is extremely vague. It is not clear who would designate the work areas or what criteria would be used to designate the work areas. In addition, it would be difficult to obtain an exemption since the criteria are not detailed.

For:

Testimony before the House Subcommittee on Truck Safety and Committee on Transportation indicated that more knowledge was needed about truck accidents. Currently, there is not a lot of information on which particular types of commercial vehicles are involved in certain types of accidents. In addition, the current form of gathering truck information does not allow the information to be readily shared among the different state agencies that regulate the trucking industry in Michigan. House Bill 5679 will help increase the amount of data on commercial vehicles involved in accidents by requiring the Truck Safety Commission to make recommendations by December 31, 1989 to the legislature regarding an accident report form for commercial motor vehicles. The bill will help ensure the development of a comprehensive form that will detail all aspects of commercial vehicle accidents. Because it allows the commission to make recommendations regarding the accident report form instead of specifying the data to be included in the form, there will be no need to amend the law each time the form needed updating.

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.

Response: Legislation recently enacted by the state prohibits a person from applying for a Michigan operator's or chauffeur's license with a vehicle endorsement if the person holds a license from another state. In addition, recent federal and state legislation makes it easier for states to share information concerning a driver's violations and would help ensure the enforceability of the bill.

For:

The federal government has recently strengthened legislation regarding trucks and commercial motor vehicles. Many local units are concerned that the costs of completing paper work will increase as the units are forced to comply with additional federal legislation for commercial motor vehicles. House Bill 5680 will ensure that the distinction between government vehicles and commercial motor vehicles is maintained by exempting units of government from the act's provisions regarding commercial motor vehicles. However, units of government would still be required to comply with rules relating to physical qualifications of drivers and vehicle equipment.

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 this practice because the bumper would hit the hopper.

For:

Many states currently allow articulated buses (buses that are jointed in the middle) to reach maximum lengths of 65 feet. Although none of these buses are currently operated in the state, some local communities are considering the

acquisition of the buses because they require fewer drivers and can hold more people than the average bus. House Bill 5682 will help increase the efficiency of local public transportation systems by allowing the buses to operate at a maximum length of 65 feet.

For:

The U.S. Congress recently passed the Commercial Motor Vehicle Safety Act to address a number of truck safety issues. The act requires state compliance or possible loss of federal highway funds. According to the U.S. Department of Transportation, Michigan is currently 85 to 90 percent in compliance with the intent of the federal laws. However, changes are necessary to meet other compliance deadlines over the next few years. House Bill 5683 would make changes necessary to comply with the federal legislation and would bring state law into compliance with the federal act in regard to vehicle safety standards. In addition, the bill would address other truck safety issues discussed in truck safety committee meetings, such as the lack of proper illumination of trucks and other hazardous situations.

For:

Under current law only certain people may be transported on a school bus while the bus is transporting pupils to and from school. This provision effectively prohibits pre-school children that are enrolled in a school-sponsored preschool program authorized by state or federal statute from being transported to and from school with other pupils. School districts are forced to have pre-school children transported at additional costs after the other pupils are transported, or the districts assume additional liability for illegally transporting the children at the same time they transport other school pupils. It does not seem logical for the state to restrict transportation to and from programs that are authorized by the state and federal governments and sponsored by the schools. House Bill 5683 will solve this problem by allowing pre-school children to be transported at the same time other pupils are transported.