

PERMIT EXCEPTIONS FOR WRECKERS

House Bill 4139 as passed by the House Second Analysis (3-26-98)

Sponsor: Rep. Penny Crissman
Committee: Transportation

THE APPARENT PROBLEM:

When towing services are called to move disabled trucks, the task often puts their wreckers in an illegal overweight situation. In keeping with the Michigan Department of Transportation (MDOT) weight and length restrictions that regulate the size of trucks that may travel on state highways, maximum allowable weight is distributed by axle. When a wrecker is towing many disabled trucks, its back axle is out of compliance with the maximum allowable weight standards. The wrecker becomes unstable and sometimes unsafe, and may damage road surfaces and bridge structures. To acknowledge these difficulties, MDOT has developed a protocol that requires a wrecker operator or owner to obtain an emergency towing permit.

Ideally, the emergency towing permit process is designed to ensure safe towing situations. The process allows road agency officials to know the location of potentially dangerous traffic situations, and also allows those officials to advise towing services about the safest routes to the nearest repair center.

In effect, the emergency permit process was envisioned to work as a sort of critical incident report. To obtain a permit, the towing services are required to call a 24-hour MDOT hotline, report their situation, and receive an approved or suggested route to the nearest "safe harbor" (to ensure, for example, that the overweight wrecker will not cross a bridge or overpass that cannot handle its new bulk and weight). The department reports that the emergency permit process takes less than two hours, and serves to warn towing services about road conditions in the locale. In the process, MDOT is able to offer information about construction sites, detours and re-routing, weight-restricted bridges, nearest service repair stations, and nearest park and drive sites where the vehicle can be temporarily stored. When there is a need for a nearby temporary site or "safe harbor," the MDOT protocol requires that the towing services separate the disabled vehicle into safely moveable parts.

MDOT reports that its emergency towing permit process is very rarely used. Drivers of wreckers, too, acknowledge widespread disregard of the emergency

weight permit process, and report being ticketed for weight violations when towing unwieldy and heavy trucks. Further, they argue that a two-hour permitting process is sometimes too long when a cement truck or a waste disposal truck has broken down, and they question the MDOT two-hour response claim, especially on weekends.

THE CONTENT OF THE BILL:

House Bill 4139 would amend the Michigan Vehicle Code to exempt wreckers and the disabled vehicles they tow (including a wrecker and a combination of a disabled vehicle and one trailer) from the size and weight limitations if the wrecker:

- (1) was equipped with appropriate amber or red lights and is capable of using the lights and brakes of the disabled vehicle(s);
- (2) was issued an extended restricted (12-month) permit by the state transportation department, the permit having a 50-mile per trip limit north of a line between Ludington and Pinconning, or a 25-mile per trip limit south of a line between Ludington and Pinconning; and,
- (3) did not operate on any road or structure (for example a bridge) included on a list provided by the transportation department (unless the disabled vehicle was located there). Any wrecker owner or operator who violated this condition would be responsible for a civil infraction and required to pay a civil fine of not less than \$250 but not more than \$500. The civil fine imposed would be in addition to any fine that might be imposed under section 724 of the Vehicle Code, that section which sets penalties for overweight vehicles.

MCL 257.716

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:***For:***

The bill would eliminate the emergency permit process for heavy duty towing services, and replace it with a restricted, 12-month permit. Heavy duty towing services often exceed weight and size restrictions when they remove disabled vehicles from the roadway, since the disabled vehicle, itself, is usually at the maximum weight and size allowed on Michigan roadways. Removing such vehicles quickly is important for commerce. Further, a heavy duty towing service should not, by definition, be considered to be an illegal operation simply because it offers its services to maximum weight vehicles. A 12-month restricted permit acknowledges the legitimacy of heavy duty towing operations. Owners and operators of these towing services should not have to fear tickets and fines as they are assisting the drivers of disabled vehicles.

Against:

This legislation is premature. The emergency permit process established by MDOT has not been used by the towing service industry, and consequently it is premature to conclude that the emergency permit process does not work. The permitting process is designed to ensure safety on state highways and county roads. The wreckers who tow need information that MDOT can share, in order to remove a disabled vehicle in the safest manner possible to the nearest service repair center. For example, certain heavy duty towing services specialize in towing disabled carriers of hazardous products, and the movement of these vehicles should be carefully monitored.

Against:

There are times when a disabled vehicle, in combination with a wrecker, is simply too heavy for the roadbed or bridge over which it must travel. In these instances, towing services should be encouraged to disassemble certain parts of the disabled vehicle--to separate trailers from cabs, for example--and to move the pieces individually. A twelve-month permitting process, rather than an emergency permit issued at the time of each incidence, will likely reduce the likelihood that overweight vehicles will be disassembled.

POSITIONS:

The Michigan Department of Transportation supports the legislation. (3-26-98)

Analyst: J. Hunault

The Michigan Towing Association supports the legislation. (3-26-98)

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.