



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 836 (as enacted)
Sponsor: Senator Tom Casperson
Senate Committee: Transportation
House Committee: Transportation and Infrastructure

PUBLIC ACT 274 of 2018

Date Completed: 2-25-19

RATIONALE

The Michigan Vehicle Code prescribes maximum axle loads and gross vehicle weights for various configurations of vehicles. Except as otherwise provided, the maximum axle load may not exceed a designated number of pounds (known as the normal loading maximum) based on the distance between axles, including a maximum axle load of 13,000 pounds if the spacing between two axles is less than nine feet but more than three-and-a-half feet. Evidently, there was inconsistent local enforcement regarding maximum axle weight distributions, as separate jurisdictions could have levied different penalties under the same scenario, as described below.

Under the Code, when normal loading is in effect, the Michigan Department of Transportation or a local authority may designate certain highways on which the maximum tandem axle assembly loading may not exceed 16,000 pounds for any axle of the assembly. Previously, on a legal combination of vehicles, only one tandem axle assembly was permitted on the designated highways at the gross permissible weight of 16,000 pounds per axle if: 1) there was no other axle within nine feet of any axle of the assembly, and 2) no other tandem axle assembly in the combination of vehicles exceeded a gross weight of 13,000 pounds per axle. Apparently, if a combination of vehicles had been loaded in a way that one axle in a tandem axle assembly surpassed the 13,000-pound limit described above, a local authority could have determined that the vehicle combination no longer met the criteria that allowed a tandem axle assembly to be up to 16,000 pounds per axle. As a result, the vehicle's tandem axle assembly that was loaded according to the 16,000-pound limit was considered overweight.

The Code prescribes civil fines for overweight vehicles based on the number of pounds that exceed the weight limit. Under some circumstances, if a vehicle or combination of vehicles would be legal by a proper distribution of the load upon all of the axles, the violation is subject to a misload fine instead of the per-pound fine. Evidently, if an axle load exceeded 13,000 pounds in a tandem axle assembly, and the local authority considered it to be in violation of 13,000-pound per-axle limit, and not eligible for the 16,000-pound limit, a higher fine might have been calculated. To address this issue, it was suggested that the criteria a vehicle combination must meet to qualify for the 16,000-pounds-per-axle limit be revised.

CONTENT

The bill amended Section 722 of the Michigan Vehicle Code to do the following:

- **Revise a provision allowing a legal combination of vehicles that has one tandem axle at the gross permissible weight of 16,000 pounds per axle to operate on designated highways only if no other tandem axle assembly in the combination exceeds a gross weight of 13,000 pounds per axle.**
- **Exempt school buses from seasonal weight restrictions.**

Previously, as described above, on a legal combination of vehicles, only one tandem axle assembly was permitted on a designated highway at the gross permissible weight of 16,000 pounds per axle if both of the following were met:

- There is no other axle within nine feet of any axle of the assembly.
- No other tandem axle assembly in the combination of vehicles exceeds a gross weight of 13,000 pounds per axle.

The bill instead specifies that a combination of vehicles may operate on designated highways with not more than one tandem axle assembly having a gross weight of 16,000 pounds per axle, if there is no other axle within nine feet of the assembly.

In addition, the Code specifies that, except as otherwise provided, during the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements or pavements with a concrete base is reduced by 25% from the maximum axle load, and the maximum axle loads allowable on all other types of roads during these months are reduced by 35% from the maximum axle loads (seasonal weight restrictions). The maximum wheel load may not exceed 525 pounds per inch of tire width on concrete and concrete base or 450 pounds per inch of tire width on all other roads during the period the seasonal road restrictions are in effect. These provisions do not apply to vehicles transporting agricultural commodities, public utility vehicles on a highway, road, or street under the jurisdiction of a local road agency, or certain vehicles transporting propane. The bill also exempts a school bus from these provisions.

The bill took effect on September 27, 2018.

MCL 257.722

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Previously, Section 722 of the Code allowed a combination of vehicles to contain a tandem axle assembly on designated highways at the gross permissible weight of 16,000 pounds per axle; however, that weight was acceptable only if no other tandem axle assembly in the combination exceeded a gross weight of 13,000 pounds. If a combination of vehicles was misloaded and a separate tandem axle assembly exceeded 13,000 pounds per axle, a local authority could have concluded that the 16,000-pound exception no longer applied. Thus, while the combination of vehicles would have been considered misloaded, the removal of the 16,000-pound tandem axle exception would have made that axle assembly thousands of pounds overweight, which reportedly resulted in greater penalties for noncompliant vehicles.

The penalty imposed for a vehicle or combination of vehicles that exceeds the applicable weight limit in Section 722 depends on how many pounds exceed the maximum axle load. If a court determines that a vehicle or combination of vehicles would meet specified loading conditions by a proper distribution of the load upon all of the axles of the vehicle or vehicle combination, but that one or more axles exceeded the permitted axle weight by 1,000 pounds or less, the court must impose a misload fine of \$200 per axle, up to three axles. However, if one or more axles of the vehicle combination exceeded the permitted axle weight by more than 1,000 pounds, the court must impose a per-pound civil fine in an amount shown in [Table 1](#).

Table 1

Pounds of Excess Load	Penalty Per Excess Pound
1,001-2,000	\$0.03
2,001-3,000	\$0.06
3,001-4,000	\$0.09
4,001-5,000	\$0.12
5,001-10,000	\$0.15
Over 10,000	\$0.20

According to testimony provided before the Senate Committee on Transportation, some local authorities calculated the fine as if the 16,000-pound limit applied, while others took the opposite approach, which resulted in a greater fine. The bill ensures uniform and predictable enforcement of the Code's axle weight restrictions.

Response: By allowing combinations of vehicles to have different distributions of weights across separate axle assemblies, the bill may cause the Michigan Department of Transportation to reevaluate approximately 294 departmental and 1,886 local bridges, to determine if they will withstand the presumed weight distribution changes that will result from the bill's enactment.

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

The bill will have no fiscal impact on the State and may have a minimal negative fiscal impact on local government. A violation of the weight limits in Section 722 is a civil infraction. Under the Michigan Vehicle Code, civil infraction revenue is allocated to public libraries. If the bill reduces the amount of civil fines imposed for violations of Section 722, public libraries will experience a revenue loss.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.