

Commercial Vehicle Enforcement Quarterly

Winter 2013



Public Act 589 of 2012

Public Act 589 of 2012 was signed on January 7, 2013 and takes effect March 28, 2013. This Act changes the definition of implement of husbandry and amends the definition of a trailer and a semi-trailer to exclude implement of husbandry from their definition.

MCL 257.21. "Implement of husbandry" means a vehicle or trailer in use for the exclusive function of serving agricultural, horticultural, or livestock operations. Implement of husbandry includes a farm tractor, self-propelled application-type vehicle, farm wagon, farm trailer, a vehicle or trailer adapted for lifting or carrying another implement of husbandry, or any substantially similar equipment used to transport products necessary for agricultural production.



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MCL 257.59. "Semi-trailer" means every vehicle with or without motive power, other than a pole-trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. Semi-trailer does not include any implement of husbandry.

MCL 257.73. "Trailer" means every vehicle with or without motive power, other than a pole-trailer, designed for carrying property or persons and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. Trailer does not include any implement of husbandry.

The requirement to directly harvest or directly apply has been removed. The term "use for the exclusive function of serving agricultural, horticultural, or livestock operations" has not been defined.

Public Act 589 did not change any of the exemptions implements of husbandry currently enjoy, such as size, weight, and load securement. Also, implements of husbandry are exempt from the Michigan Motor Carrier Safety Act, Public Act 181.

Public Act 498 of 2012

Public Act 498 of 2012 was signed on December 28, 2012 and takes effect March 28, 2013. This Act amends several sections of the Michigan Vehicle Code, including 257.722 and 257.724.

Seasonal weight restrictions will no longer apply to a vehicle delivering propane fuel to a residence if the vehicle's propane tank is filled to not more than 50% of its capacity and the vehicle is traveling at not more than 35 miles per hour. (257.722(8))



P.A. 498 amends section MCLA 257.722(13) to read, "The axle loading maximums under subsections (1), (2), (3), and (4), are increased by 10% for vehicles transporting agricultural commodities or raw timber, excluding farm equipment and fuel, from the place of harvest or farm storage to the first point of delivery on a road in this state. However, the axle loading maximums as increased under this subsection do not alter the gross vehicle weight restrictions set forth in this Act."

If a vehicle or combination of vehicles exceeds 10% on any axle, or exceeds the maximum allowable gross vehicle weight, the vehicle(s) no longer qualify for the 10% tolerance.

MCLA 257.722(14)(c) was added to define, "Farm storage."

Farm storage means any of the following:

(i) An edifice, silo, tank, bin, crib, interstice, or protected enclosed structure, or more than one edifice, silo, tank, bin, crib, interstice, or protected enclosed structure located contiguous to each other.

(ii) An open environment used for the purpose of temporarily storing a crop.

MCLA 257.724(4)(b) was amended to allow courts the option of \$200 per axle, or pennies per pound. However, it requires the court to use pennies per pound if the fine is less than the \$200 per axle fine.

MCLA 257.724(4)(b) "If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that one or more axles of the vehicle exceeded the maximum allowable axle weight by more than 1,000 pounds but less than 4,000 pounds, the court may impose a misload fine of \$200 per axle. Not more than three axles shall be used in calculating the fine to be imposed under this subdivision. This subdivision does not apply to a vehicle subject to the maximum loading provisions of section 722(12) or to a vehicle for which a fine as calculated under the schedule in subsection (3) would be less than the fine as calculated under this subsection."

MCLA 257.724(4)(c) "If the court determines that the motor vehicle or the combination of vehicles would meet the loading conditions specified in a special permit that was issued under section 725 by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that one or more axles of the vehicle exceeded the permitted axle weight by 1,000 pounds or less, the court shall impose a misload fine of \$200 per axle. Not more than three axles shall be used in calculating the fine to be imposed under this subdivision. If the court determines that the load was misloaded, the conditions of the special permit remain valid. The imposition of a fine does not void the special permit."

MCLA 257.724(4)(d), formerly subdivision (c) will change "allowable axle weight" to "permitted axle weight." This does not change the meaning of the subdivision. Allowable and permitted are synonyms.

CDL Drivers and Medical Certificates

Starting January 30, 2012 and no later than January 30, 2014, all CDL holders must provide information to their State Driver's License Authority (SDLA) regarding the type of commercial motor vehicle operation they drive or expect to drive with their CDL. Drivers operating in interstate commerce will be required to submit a current medical examiner's certificate to their SDLA to obtain a "certified" medical status as part of their driving record. CDL holders required to have a "certified" medical status who fail to provide and keep up-to-date their medical examiner's certificate with their SDLA will become "not-certified" and they may lose their CDL. See FMCSR 49 CFR part 383.71(h) and 391.41(a)(2).

All CDL holders must certify with their SDLA what type of driving they intend or expect to do. They can certify interstate non-excepted, interstate excepted, intrastate non-excepted or intrastate excepted.

Non-excepted means a driver is subject to 49 CFR part 391.41 and must obtain a medical examiners certificate or have a waiver or exemption letter.

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Excepted means a driver is not subject to the medical card requirements in 49 CFR part 391.41. Some examples of excepted drivers are apiarian, custom harvest operation, and public transit bus driver.

Enforcement members should start seeing medical status information on CDL driver's records. Currently, all drivers must still possess a valid medical examiners certificate when driving a commercial motor vehicle.

The driving record will indicate either "certified" or "not certified."

Starting January 31, 2014, all interstate non-excepted CDL drivers' medical status must be part of their driving record. After that date, they will no longer be required to possess a medical examiners certificate when driving a CMV, and a medical examiners certificate will only be valid as proof of medical qualification for 15 days from date of issue. After that, if the status on the driving record is "not certified," the driver will be considered medically unqualified.

All drivers of medium duty trucks (non CDL vehicles) and all CDL drivers that certify intrastate non-excepted must continue to carry a medical examiners certificate when driving a commercial motor vehicle as defined in FMCSR 49 CFR part 390.5.

The driving status of an interstate non-excepted driver will show the expiration date of the current medical examiners certificate, any restrictions such as hearing aid or glasses, and the requirement for any variance such as an exemption letter.

A driver who qualifies with a variance, such as a skill performance evaluation or vision exemption will still have a copy of the variance and medical certificate in their possession.

This information is provided as a service by the Michigan State Police, Commercial Vehicle Enforcement Division. Additional information and resources can be found at www.Michigan.gov/msp.

Disclaimer

This publication is distributed to provide updated information about changes to state laws and federal regulations. Please review the appropriate section of law or federal regulation prior to enforcement.