



Smooth Sailing While on Michigan Highways

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Foster Swift Agricultural Law Update

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All drivers on public roads must obey the traffic laws. When you're driving a commercial motor vehicle loaded with farm products for use on your farm, there are additional traffic laws that you will need to obey to keep things running smoothly.

WEIGHT LAWS

Tractors and other farm implements of husbandry moving incidentally on the roads are not subject to the Federal weight laws; however, commercial sized vehicles carrying farm products must follow those laws. All cars and trucks are required to be within legal weight limits whenever they are being driven on the highway.

If police officers, for example, believe a truck is overweight, they can require the driver to pull the truck over to be weighed. If overweight, the driver will have to remove the excess weight and provide for the removal of the unloaded goods.

The officer can issue a citation or order the driver to go to the magistrate who will set the fines for noncompliance. Fines can be \$200 an axle with a maximum of \$600 or can be calculated at a range of 3 cents to 20 cents per pound of excess weight.

A driver who refuses to stop and submit to a weighing is guilty of a misdemeanor, punishable by imprisonment for up to 90 days and/or a fine of not more than \$100.

The axle loading maximum for farm vehicles transporting a farm product simply from the field to a place of storage was increased by 10% under the Right to Farm Act. The allowed increase, however, doesn't apply to vehicles using an interstate highway or a road subject to seasonal weight restrictions. If your truck is over the 10% allowance, you can be assessed a fine applied to the amount of weight that exceeds the loading maximums without the increase.

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PRACTICE AREAS

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During the time of reduced weight under the Seasonal Weight Frost Laws affecting local roads and not state highways, the restrictions may be waived for farm vehicles transporting farm goods if a permit is obtained from the county road commission. The permit, which allows a truck to run with normal weight, must be applied for within 48 hours of the planned travel and must include the route, the date/time of travel and the maximum speed.

SIZE LAWS

The law exempts tractors and implements of husbandry, but not all farm vehicles, from the height, width and length laws. The law does restrict implements of husbandry from crossing the centerline if headlights are needed to see. Projecting loads of more than 3 feet to the front are prohibited. If a load projects more than 4 feet to the rear it must have a flag during the day and a red lantern at night.

Some vehicles can be both implements of husbandry and a motor vehicle but not at the same time. A dump truck, for example, can be fitted with a spreader. If you're traveling to the field to use it as a spreader, it is an implement of husbandry. If, however, you have the bed full of lime and plan to dump it in the field to be spread by another device, it is a motor vehicle. Each has its own set of rules.

If you're stopped by a police officer, the officer will ask how the vehicle is being used—if it is being used as an implement of husbandry, it needs the retro-reflective tape and a Slow Moving Vehicle (SMV) sign. If it is being used as a motor vehicle it is subject to the Motor Vehicle Code. The nature of its use will determine what, if any, citation is issued.

BRAKES

Generally, commercial motor vehicles must have brakes on all wheels. Tractors and implements of husbandry are exempt from all Federal Safety Regulations including brakes. Again, use matters. For example, if you are using your pick-up truck to haul a hay wagon and the total weight is over 10,000 lbs. you need brakes on all wheels.

OTHER CONSIDERATIONS:

- All cattle in the State of Michigan are required to bear Radio Frequency Identification (RFID) tags before they are moved from any property. Two Michigan livestock dealers were heavily fined for transporting calves without tags. One of the dealers also lost his Livestock Dealer's License for 53 months.
- While commercial motor vehicles traveling between the states must meet all the Federal Motor Carrier Safety Regulations, a commercial motor vehicle being driven by a Farm Vehicle Driver is exempted from some of the requirements. For example, farm drivers traveling within the state don't need to keep logbooks or comply with hours of service.



- If traveling interstate, you're not required to maintain a list of violations, document a road test, or maintain driver files. You must, however, comply with the annual vehicle inspection requirements and have a sticker or an inspection form to prove your compliance. Failure to do so can lead to fines and costs.
- Your Commercial Driver's License (CDL) is a privilege that can be removed for violations of the law. This is true even if the violation occurs while driving your own personal car. If you are convicted of a traffic violation that suspends your operator's license, it will also suspend your CDL.

Of course, the best way to avoid any problems is to be informed of the requirements that apply to you. In general, the statutes that apply to you are the Motor Vehicle Code, the Motor Carrier Safety Act and the Motor Carrier Fuel Tax Act.

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