

CMV - Common Trucking Violations

Improper Lane Use – MCL 257.634. “Stay out of the third lane.”

- When driving on roadway with two lanes going in the same direction, stay in the right lane except to pass
- If you are driving a truck with a gross actual weight of 10,000 pounds or more on a roadway with three or more lanes going in the same direction, you must stay in the right two lanes. You can only use that third lane if there is some special safety hazard that forces you to use that third lane, and then you must only use it for as long as it takes to get past the hazard.
- So, when approaching a split in the road where two lanes go right but you need to get into the two lanes going left (e.g., I-96 wb at I-275/M-14), you should not get into the third lane until you are close to the split.

Center Left Turn Lane – MCL 257.642(b). The center left turn lane is for exiting the roadway when making a left turn. It is not to be used as a merge lane to make a left turn when entering the roadway. Most officers let this violation slide because everyone does it, but if you get into an accident while using the center left turn lane to enter the roadway, then you will likely be at fault and given a two-point ticket.

Move Over Law – MCL 653a(1). Under this law, when you approach a stopped emergency vehicle that has a red, blue, white, or amber light, you have to:

- Slow down to at least 10 miles per hour below the posted speed limit and, if you can, move to the next lane over.
- If there is only one lane going in the same direction or if you cannot move over because of traffic or , or some other condition, you must slow down by at least 10 miles per hour below the posted speed limit and proceed with due care and caution.
- Violation: misdemeanor, \$500 fine, 90 days in jail, two points. If the violation causes injury or death, these are two and 15 year felonies.

No CMV License – MCL 257.312e: 49 CFR 383.51(c)(6).

- Violation: Misdemeanor; 2 points.
- Truck and Trailer Combinations. For those with a chauffer’s license, we are seeing a lot of citations for failing to have a CDL when hooking up to a trailer. If you are towing a trailer with a Gross Vehicle Weight Rating (GVWR) of more than 10,000 pounds, then you have to make sure that the combined gross vehicle weight rating of the truck and the trailer, added together, is not more than 26,000 pounds. For example, if you have a truck with a GVWR of 18,000 pounds, you only need a chauffer’s license. With that, you can tow any trailer that has a GVWR of less than 10,000 pounds. But, if you tow a trailer with a GVWR of more than 10,000 pounds, you need a CDL because your combined gross vehicle weight rating will be more than 26,000 pounds.

Overweight – Sullivan & Leavitt handles numerous overweight tickets every year. The rules are complicated and require an analysis of each axle, the circumstances of the

traffic stop, and the methods used to weight the vehicle. Call us for a free consultation if you get an overweight ticket.

CMV Cell phone – MCL 257.602b. This law makes it illegal to read something, type, send a text message, or talk on a hand held mobile phone while operating a CMV. If you use it as a GPS, then it must be in a holder affixed to your vehicle. You can answer the phone if you have hands free and can do so by pushing one button.

If you get into an accident, the first thing the other attorney will do is subpoena your cell phone records to show when you were using the phone.

Violation: 2 points. \$100.00 fine for first offense; \$200 fine for subsequent offenses; 60 days CDL suspension for second offense within 36 months; 120 day CDL suspension for third offense within 120 months (ten years).

Unsecured load, Spilled Load, Untarped load – MCL 257.720. Under this statute, if you are carrying a load in a trailer that is not completely enclosed (other than logs or tubular products), then the load must be either tarped or the load must be securely fastened to the body of the frame with binders strong enough to prevent dropping off or shifting of the load.

Violation: Misd; \$500; 90 days; 2 points.

What is a Serious Safety Defect sufficient to put a driver Out of Service? Police like to write tickets for serious safety defects because it doubles the fine and allows the officer to place the vehicle “out of service.” But the definition of “serious safety defect” is much narrower than officers are using the violation:

As used in this section, “serious safety defect” means a violation of this act or a rule promulgated pursuant to this act relative to **brakes, tires, steering, coupling devices, headlights, taillights, brake lights, and turn signals** that results in the vehicle being placed out of service. [MCL 480.17b(2).]

However, you can be placed “out of service” for many types of problems affecting the safety of your vehicle, even without a finding of a “serious safety defect.”

Signaling When Changing Lanes – MCL 257.648. The Michigan Court of Appeals has interpreted this statute to require that you signal when changing lanes, not just when making a turn.