



# Agricultural Law Update

March 2014

## SPRING BRINGS WEIGHT RESTRICTIONS ON MICHIGAN ROADS

- Dirk H. Beckwith



It may not seem possible, but spring will come to Michigan after this long, cold and snowy winter. When it does, it brings its own set of problems, particularly to Michigan roads. As the ground begins to

thaw, the surface of our roads becomes unstable, buckling and heaving.

To protect the roads, state law designates the months of March, April and May as reduced load months for trucks. The law is called the 'frost law,' referring to the amount of frost remaining in the ground. It is the warming and cooling of the ground that weakens the roads causing the roads to buckle, creating potholes and broken pavement. Heavy trucks and speed increase the damage brought by the change of season.

During those months, trucks traveling on "posted or restricted" roads must lighten their load and reduce their speed. The maximum axle load allowable on concrete pavements is reduced by 25 percent and by 35 percent on all other roads. The maximum wheel load shall not exceed 525 pounds per inch of tire width on concrete and 450 pounds per inch on other roads. The speed on reduced loading roads drops to 35 miles per hour regardless of the posted limit.

Your truck may not be affected by the frost laws. The following vehicles are exempt:

- Vehicles transporting agricultural commodities, which are plants and animals produced by the farmer, but not including trees or lumber.
- Milk Haulers
- Farm Equipment
- Public Utility Vehicles

To receive the exemption, you must request a permit from your local county road department or road commission 48 hours before you travel on the restricted roads if your truck exceeds the weight restrictions. The local authority is required to issue a permit stating the date and time of travel, the route and the maximum speed limit. There is a fee for the permit.

The permit process is a step in the enforcement of seasonal weight restrictions. The laws also allow for fines and costs for violations of the seasonal weight restrictions. (MCL 257.724, 257.716)

The 'frost law' does not apply to all roads. The State posts the restrictions for the roads and highways under its jurisdiction while the local authorities announce the streets and roads under their control affected by the frost law. To discover which roads in your county are affected, you can check with your county road agency or the County Road Association of Michigan: <http://bit.ly/1cgEdNG>. A complete copy of the law (MCL257.722) can be found at <http://1.usa.gov/1cgEyQH>.

For more information please contact Dirk Beckwith at [dbeckwith@fosterswift.com](mailto:dbeckwith@fosterswift.com) or 248.539.9918.

## APPLY BY MARCH 21, 2014 FOR USDA NRCS HONEY BEE INITIATIVE FUNDING

---

The United States Department of Agriculture Natural Resources Conservation Service announced it will provide \$3 million in financial and technical assistance for farmers and ranchers to help improve honey bee health in Michigan, Minnesota, North Dakota, and Wisconsin. Funding will be provided through the Environmental Quality Incentives Program, which will provide technical assistance and funding for cover cropping, Integrated Pest Management, and wild forage establishment/enhancement aimed at helping honey bees. "Honey bee pollination supports an estimated \$15 billion worth of agricultural production, including more than 130 fruits and vegetables that are the foundation of a nutritious diet. The future security of America's food supply depends on healthy honey bees," said Agriculture

Secretary Tom Vilsack in a USDA news release about the new program. Applications need to be submitted by March 21.

For more information, visit your local NRCS office. To view additional information online, visit:

- <http://1.usa.gov/1g6m98w>
- <http://1.usa.gov/1f7yhGy>
- <http://1.usa.gov/1nolxNI>

Do you have any questions regarding your honey bee initiative funding? Contact a Foster Swift attorney specializing in agriculture.

## NEW OFFICERS ELECTED TO MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT

---

On Jan. 14, 2014, the Michigan Commission of Agriculture and Rural Development elected new officers for the 2014-2015 year. Diane Hanson, of Hanson farms in Cornell, was elected chair. Trever Meachum, of High Acres Fruit Farm in Van Buren County, was elected Vice Chair. Fred Walcott, of Valley View Pork, was elected Secretary. On Jan. 30, 2014, Gov. Snyder appointed Dru Montri, of Ten Hens Farm in Bath, to the Commission. Dr. Montri will replace Donald Coe.

View the press release about these elections at:

- <http://1.usa.gov/1n2IMQx>

and this appointment at:

- <http://1.usa.gov/1fLD7KL>

Congratulations to the newly elected officers of the Michigan Commission of Agriculture and Rural Development.

### REMINDERS:

**Crop Insurance:** The deadline to purchase or modify crop insurance for many spring planted crops is Saturday, March 15. For more information on the deadlines visit: [http://www.rma.usda.gov/fields/il\\_rso/2014/miimportantdates.pdf](http://www.rma.usda.gov/fields/il_rso/2014/miimportantdates.pdf). For a list of Crop Insurance Providers for 2014 compiled by USDA Risk Management Agency visit: <http://www3.rma.usda.gov/tools/agents/companies/2014/michiganCI.cfm>

**Grants Application Due:** MDARD has announced new opportunities for Michigan's food and agriculture industry through the Specialty Crop Block Grant Program from the United States Department of Agriculture. Grant proposals must be submitted by Friday, April 11, 2014.

## LITIGATION CORNER

- Liza C. Moore

### WHICH COURT DOES WHAT IN MICHIGAN STATE COURTS?

You might hear people say they are “going to court.” What some people might not realize is that there are many courts, each with different rules, powers, and procedures. This article will give a general overview of some of the different courts in Michigan and what they have the power to decide.

Michigan has state trial courts (District, Circuit, and Probate Courts, plus the Court of Claims) and state appellate courts (the Court of Appeals and Supreme Court), which were created by Michigan’s state Constitution and state laws.

#### **Michigan District Courts (~100 statewide).**

Michigan’s district courts decide civil cases with claims up to \$25,000, misdemeanor criminal cases, and most traffic violations and landlord-tenant disputes.

#### **Michigan Circuit Courts (~57 statewide).**

Michigan’s circuit courts decide civil cases with claims of more than \$25,000 and all felony criminal cases.

#### **Michigan Probate Courts (~78 statewide).**

Michigan’s probate courts handle wills, estates, and trusts, appoint guardians and conservators, and order treatment for mentally ill and developmentally disabled persons.

**Michigan Court of Appeals.** The Michigan Court of Appeals primarily reviews decisions made by the circuit courts. Parties may appeal final decisions of Michigan’s circuit courts, and some probate court and agency orders, to the Court of Appeals as a matter of right with a claim of appeal. Parties must ask permission of the Court of Appeals to appeal other circuit court decisions, and do so by filing applications for leave to appeal. The Court of Appeals has original jurisdiction over some other actions. The Court of Claims, which hears civil cases filed against the State of Michigan and its agencies, is now housed in the Michigan Court of Appeals.

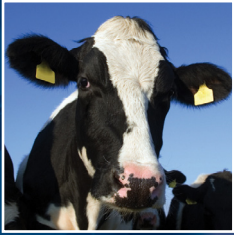
**Michigan Supreme Court.** The Michigan Supreme Court is Michigan’s appellate court of last resort and the Supreme Court chooses which cases it will review. Parties file applications for leave to appeal, usually asking the Court to review decisions made by the Michigan Court of Appeals. Most applications for leave to appeal to the Michigan Supreme Court are not granted.

Each of these courts have their own different rules and procedures, which can be so detailed as to state what size font needs to be used in papers filed with the court. Many circuit courts have their own local rules, and some judges have their own specific procedures they expect the plaintiff and defendant to comply with.

The next Update will give an overview of the federal court system. Meanwhile, remember that if you ever find yourself in a situation where you need to sue someone, or someone has sued you, the first step is to contact your attorney as soon as possible.

### UPCOMING AG EVENTS

- **March 19, 2014**  
Ag Day at the Capitol - <http://bit.ly/KOyoeh>
- **March 19, 2014**  
Export 201: Export Controls - The Updated Government Regulations You Need to Know, Lansing- <http://bit.ly/1e9LiLe>
- **March 20, 2014**  
CANR Honors Banquet, Lansing - <http://bit.ly/1hTaaLs>
- **March 22, 2014**  
FFA Alumni Annual Meeting, Durand MI - <http://bit.ly/1nnLJb5>
- **March 24, 2014**  
MNLA Pesticide Winter Series, Clinton Twp. - <http://bit.ly/1cBqPnW>



# MARCH: A TIME TO CELEBRATE MICHIGAN AGRICULTURE

- Liza C. Moore

This March, join in the many events and programs celebrating the strength and diversity of Michigan agriculture. Gov. Rick Snyder declared March to be Michigan Food and Agriculture Month and Michigan Maple Syrup Month. On March 6, 2014, the House of Representatives adopted House Resolution No. 312 declaring March 2014 as Agricultural Heritage Month in Michigan. March 1 through 8 is the 99th Agriculture and Natural Resources Week at Michigan State University. Thousands of young people in blue jackets will fill East Lansing with their enthusiasm for agriculture during the 86th Michigan FFA State Convention on March 5 through 7. Michigan FFA Alumni will meet on March 22 in Durand. National Agriculture Day is March 25 and Ag Day at the Capitol will be March 19 in Lansing. A press release about Michigan Food and Agriculture Month quotes Governor Snyder as saying: "Michigan's food and agriculture businesses are on the grow – generating \$96 billion in total economic activity each year. Food and agriculture are going to continue to be a rock-star industry for the next 10-20 years because of export opportunities." "As the nation's second most agriculturally diverse state, Michigan offers tremendous business and career opportunities. From veterinarians to starting your own food-based company, the possibilities are

endless," said Jamie Clover Adams, Michigan Department of Agriculture and Rural Development director.

For more information about these events, please visit:

**Food and Agriculture Month:**

- <http://1.usa.gov/1cgFODn>
- <http://1.usa.gov/1dzeBKy>

**Maple Syrup Month:**

- <http://1.usa.gov/1cgGdpc>

**ANR Week:**

- <http://bit.ly/1n2F7SR>

**Michigan FFA Convention:**

- <http://bit.ly/1cgGLLY>

**National Ag Day:**

- <http://bit.ly/1oxovy3>

**Ag Day at the Capitol:**

- <http://bit.ly/KOyoeh>

**Agricultural Heritage Month**

- <http://1.usa.gov/N1a751>

Take time to celebrate your role in this fundamental and growing industry!

**AGRICULTURAL ATTORNEYS:**

**GROUP LEADER**

**Liza C. Moore**  
517.371.8281  
lmoore@fosterswift.com

**Charles E. Barbieri** | 517.371.8155  
**Scott A. Chernich** | 517.371.8133  
**James B. Doezema** | 616.726.2205  
**Julie I. Fershtman** | 248.785.4731  
**Brian G. Goodenough** | 517.371.8147  
**Todd W. Hoppe** | 616.726.2246  
**Charles A. Janssen** | 517.371.8262  
**Ryan E. Lamb** | 616.796.2503

**David M. Lick** | 517.371.8294  
**Steve L. Owen** | 517.371.8282  
**Jean G. Shtokal** | 517.371.8276  
**Patricia J. Scott** | 517.371.8132  
**Scott A. Storey** | 517.371.8159  
**Deanna Swisher** | 517.371.8136  
**Lynwood P. VandenBosch** | 616.726.2201  
**David VanderHaagen** | 517.371.8102

LANSING

FARMINGTON HILLS

GRAND RAPIDS

DETROIT

HOLLAND

Foster Swift Collins & Smith, PC **Agricultural Law Update** is intended for our clients and friends. This newsletter highlights specific areas of law. This communication is not legal advice. The reader should consult an attorney to determine how the information applies to any specific situation.

**IRS Circular 230 Notice:** To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication is not intended to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed in this communication.

Proud supporter  
of

