

# HOUSE BILL No. 5827

May 6, 1998, Introduced by Rep. Leland and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 605, 724, and 909 (MCL 257.605, 257.724, and 257.909), section 724 as amended by 1988 PA 346.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 605. (1) This chapter shall be applicable and uniform  
2 throughout this state and in all political subdivisions and  
3 municipalities in the state. A local authority shall not adopt,  
4 enact, or enforce a local law ~~, charter provision, ordinance,~~  
5 ~~rule, or regulation~~ THAT IS in conflict with this chapter.

6       (2) A local law ~~, charter provision, ordinance, rule, or~~  
7 ~~regulation~~ or portion thereof ~~which~~ THAT imposes a criminal  
8 penalty for an act or omission ~~which~~ THAT is a civil infraction  
9 under this act, or ~~which~~ THAT imposes a criminal penalty or

1 civil sanction in excess of that prescribed in this act, is in  
2 conflict with this act and is void to the extent of the  
3 conflict.

4 (3) PROCEEDS OF A CIVIL FINE IMPOSED BY A LOCAL AUTHORITY  
5 FOR VIOLATION OF A LOCAL LAW REGULATING COMMERCIAL MOTOR VEHICLES  
6 THAT SUBSTANTIALLY CORRESPONDS TO THIS ACT SHALL BE CREDITED TO  
7 THE MICHIGAN TRANSPORTATION FUND.

8 (4) AS USED IN THIS SECTION, "LOCAL LAW" INCLUDES A LOCAL  
9 CHARTER PROVISION, ORDINANCE, RULE, OR REGULATION.

10 Sec. 724. (1) A police officer or a duly authorized agent  
11 of the state transportation department or a county road commis-  
12 sion having reason to believe that the weight of a vehicle and  
13 load is unlawful may require the driver to stop and submit to a  
14 weighing of the vehicle by either portable or stationary scales  
15 approved and sealed by the department of agriculture as a legal  
16 weighing device, and may require that the vehicle be driven to  
17 the nearest weighing station of the state transportation depart-  
18 ment for the purpose of allowing an officer or agent of the state  
19 transportation department or county road commission to determine  
20 whether the conveyance is loaded in conformity with this  
21 chapter.

22 (2) When the officer or agent, upon weighing a vehicle and  
23 load, determines that the weight is unlawful, the officer or  
24 agent may require the driver to stop the vehicle in a suitable  
25 place and remain standing until that portion of the load is  
26 shifted or removed as necessary to reduce the gross axle load  
27 weight of the vehicle to the limit permitted under this chapter.

1 All material unloaded as provided under this subsection shall be  
2 cared for by the owner or operator of the vehicle at the risk of  
3 the owner or operator. A judge or magistrate imposing a civil  
4 fine and costs under this section which are not paid in full  
5 immediately or for which a bond is not immediately posted in  
6 double the amount of the civil fine and costs shall order the  
7 driver or owner to move the vehicle at the driver's own risk to a  
8 place of safekeeping within the jurisdiction of the judge or mag-  
9 istrate, inform the judge or magistrate in writing of the place  
10 of safekeeping, and keep the vehicle until the fine and costs are  
11 paid or sufficient bond is furnished or until the judge or magis-  
12 trate is satisfied that the fine and costs will be paid. The  
13 officer or agent who has determined, after weighing a vehicle and  
14 load, that the weight is unlawful, may require the driver to pro-  
15 ceed to a judge or magistrate within the county. If the judge or  
16 magistrate is satisfied that the probable civil fine and costs  
17 will be paid by the owner or lessee, the judge or magistrate may  
18 allow the driver to proceed, after the load is made legal. If  
19 the judge or magistrate is not satisfied that the owner or  
20 lessee, after a notice and a right to be heard on the merits is  
21 given, will pay the amount of the probable civil fine and costs,  
22 the judge or magistrate may order the vehicle to be impounded  
23 until trial on the merits is completed under conditions set forth  
24 in this section for the impounding of vehicles after the civil  
25 fine and costs have been imposed. Removal of the vehicle, and  
26 forwarding, care, or preservation of the load shall be under the  
27 control of and at the risk of the owner or driver. Vehicles

1 impounded shall be subject to a lien, subject to a prior valid  
2 bona fide lien of prior record, in the amount of the civil fine  
3 and costs and if the civil fine and costs are not paid within 90  
4 days after the seizure, the judge or magistrate shall certify the  
5 unpaid judgment to the prosecuting attorney of the county in  
6 which the violation occurred, who shall proceed to enforce the  
7 lien by foreclosure sale in accordance with procedure authorized  
8 in the case of chattel mortgage foreclosures. When the duly  
9 authorized agent of the state transportation department or county  
10 road commission is performing duties under this chapter, the  
11 agent shall have all the powers conferred upon peace officers by  
12 the general laws of this state.

13       (3) An owner of a vehicle or a lessee of the vehicle of an  
14 owner-operator, or other person, who causes or allows a vehicle  
15 to be loaded and driven or moved on a highway, when the weight of  
16 that vehicle violates section 722 is responsible for a civil  
17 infraction and shall pay a civil fine in an amount equal to 3  
18 cents per pound for each pound of excess load over 1,000 pounds  
19 when the excess is 2,000 pounds or less; 6 cents per pound of  
20 excess load when the excess is over 2,000 pounds but not over  
21 3,000 pounds; 9 cents per pound for each pound of excess load  
22 when the excess is over 3,000 pounds but not over 4,000 pounds;  
23 12 cents per pound for each pound of excess load when the excess  
24 is over 4,000 pounds but not over 5,000 pounds; 15 cents per  
25 pound for each pound of excess load when the excess is over 5,000  
26 pounds but not over 10,000 pounds; and 20 cents per pound for  
27 each pound of excess load when the excess is over 10,000 pounds.

1 However, the court shall have discretionary power as to the  
2 amount of the civil fine within the schedule provided by this  
3 subsection and may impose the civil fine provided in section  
4 907(3) for a civil infraction where, at the time of the viola-  
5 tion, either the motor vehicle, motor vehicle and semitrailer, or  
6 trailer did not exceed the total weight which would be lawful for  
7 each unit by a proper distribution of the load upon the various  
8 axles supporting each unit. AFTER THE DEDUCTION OF COURT COSTS  
9 PERMITTED UNDER SECTION 907(4), A CIVIL FINE IMPOSED UNDER THIS  
10 SUBSECTION SHALL BE CREDITED TO THE MICHIGAN TRANSPORTATION FUND.

11 (4) A driver or owner of a vehicle, truck or truck tractor,  
12 truck or truck tractor with other vehicles in combination, or  
13 special mobile equipment who knowingly fails to stop at or who  
14 knowingly bypasses any scales or weighing station is guilty of a  
15 misdemeanor.

16 (5) An agent or authorized representative of the state  
17 transportation department or a county road commission shall not  
18 stop a truck or vehicle in movement upon a road or highway within  
19 the state for any purpose, unless the agent or authorized repre-  
20 sentative is driving a duly marked vehicle, clearly showing and  
21 denoting the branch of government represented.

22 (6) A driver or owner of a vehicle who knowingly fails to  
23 stop when requested or ordered to do so by a police officer, or a  
24 duly authorized agent of the state transportation department, or  
25 a representative or agent of a county road commission, authorized  
26 to require the driver to stop and submit to a weighing of the

1 vehicle and load by means of a portable scale, is guilty of a  
2 misdemeanor.

3       Sec. 909. (1) ~~—A—~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SEC-  
4 TION, A civil fine which is ordered under section 907 for a vio-  
5 lation of this act or other state statute shall be exclusively  
6 applied to the support of public libraries and county law librar-  
7 ies in the same manner as is provided by law for penal fines  
8 assessed and collected for violation of a penal law of the  
9 state.

10       (2) Subsection (1) is intended to maintain a source of reve-  
11 nue for public libraries which previously received penal fines  
12 for misdemeanor violations of this act which are now civil  
13 infractions.

14       (3) A CIVIL FINE ORDERED UNDER SECTION 907 FOR A VIOLATION  
15 OF THIS ACT BY A COMMERCIAL MOTOR VEHICLE SHALL BE CREDITED TO  
16 THE MICHIGAN TRANSPORTATION FUND.