

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5453

(As amended, November 13, 2014)

<<A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 719, 722, 724, 907, and 909 (MCL 257.719, 257.722,
257.724, 257.907, and 257.909), section 719 as amended by 2012 PA 282,
section 722 as amended by 2012 PA 522, section 724 as amended by 2012
PA 498, section 907 as amended by 2014 PA 303, and section 909 as
amended by 2000 PA 94.>>

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 719. (1) A vehicle unloaded or with load shall not exceed
2 a height of 13 feet 6 inches. The owner of a vehicle that collides
3 with a lawfully established bridge or viaduct is liable for all
4 damage and injury resulting from a collision caused by the height
5 of the vehicle, whether the clearance of the bridge or viaduct is
6 posted or not.
- 7 (2) Lengths described in this subsection shall be known as the

1 normal length maximum. Except as provided in subsection (3), the
2 following vehicles and combinations of vehicles shall not be
3 operated on a highway in this state in excess of these lengths:

4 (a) Subject to subsection (8), any single vehicle: 40 feet; a
5 crib vehicle on which logs are loaded lengthwise of the vehicle:
6 42.5 feet; any single bus or motor home: 45 feet.

7 (b) Articulated buses: 65 feet.

8 (c) Notwithstanding any other provision of this section, a
9 combination of a truck and semitrailer or trailer, or a truck
10 tractor, semitrailer, and trailer, or truck tractor and semitrailer
11 or trailer, designed and used exclusively to transport assembled
12 motor vehicles or bodies, recreational vehicles, or boats: 65 feet.
13 A combination of a truck and semitrailer or trailer, or a truck
14 tractor, semitrailer, and trailer, or a truck tractor and
15 semitrailer or trailer designed and used to transport boats from
16 the manufacturer, or a stinger-steered combination: 75 feet. The
17 load on the combinations of vehicles described in this subdivision
18 may extend an additional 3 feet beyond the front and 4 feet beyond
19 the rear of the combinations of vehicles. Retractable extensions
20 used to support and secure the load that do not extend beyond the
21 allowable overhang for the front and rear shall not be included in
22 determining length of a loaded vehicle or vehicle combination.

23 (d) Truck tractor and semitrailer combinations: no overall
24 length, the semitrailer: 50 feet.

25 (e) Truck and semitrailer or trailer: 59 feet.

26 (f) Except as provided in subdivision (g), truck tractor,
27 semitrailer, and trailer, or truck tractor and 2 semitrailers: 59

1 feet.

2 (g) A truck tractor, semitrailer, and trailer, or a truck
3 tractor and 2 semitrailers, in which no semitrailer or trailer is
4 more than 28-1/2 feet long: 65 feet. This subdivision only applies
5 while the vehicle is being used for a business purpose reasonably
6 related to picking up or delivering a load and only if each
7 semitrailer or trailer is equipped with a device or system capable
8 of mechanically dumping construction materials or dumping
9 construction materials by force of gravity.

10 (h) More than 1 motor vehicle, wholly or partially assembled,
11 in combination, utilizing 1 tow bar or 3 saddle mounts with full
12 mount mechanisms and utilizing the motive power of 1 of the
13 vehicles in combination: 55 feet.

14 (i) A recreational vehicle that has its own motive power, in
15 combination with a trailer: 65 feet or, if the operator of the
16 recreational vehicle has a group commercial motor vehicle
17 designation on his or her operator's or chauffeur's license, 75
18 feet.

19 (3) Notwithstanding subsection (2), the following vehicles and
20 combinations of vehicles shall not be operated on a designated
21 highway of this state in excess of these lengths:

22 (a) Truck tractor and semitrailer combinations: no overall
23 length limit, the semitrailer 53 feet. All semitrailers longer than
24 50 feet shall have a wheelbase of 37.5 to 40.5 feet plus or minus
25 0.5 feet, measured from the kingpin coupling to the center of the
26 rear axle or the center of the rear axle assembly. City, village,
27 or county authorities may prohibit stops of vehicles with a

1 semitrailer longer than 50 feet within their jurisdiction unless
2 the stop occurs along appropriately designated routes, or is
3 necessary for emergency purposes or to reach shippers, receivers,
4 warehouses, and terminals along designated routes.

5 (b) Truck and semitrailer or trailer combinations: 65 feet,
6 except that a person may operate a truck and semitrailer or trailer
7 designed and used to transport saw logs, pulpwood, and tree length
8 poles that does not exceed an overall length of 70 feet or a crib
9 vehicle and semitrailer or trailer designed and used to transport
10 saw logs that does not exceed an overall length of 75 feet. A crib
11 vehicle and semitrailer or trailer designed to and used to
12 transport saw logs shall not exceed a gross vehicle weight of
13 164,000 pounds. A person may operate a truck tractor and
14 semitrailer designed and used to transport saw logs, pulpwood, and
15 tree length wooden poles with a load overhang to the rear of the
16 semitrailer which does not exceed 6 feet if the semitrailer does
17 not exceed 50 feet in length.

18 (c) Notwithstanding subsection (4)(d), a truck tractor with a
19 log slasher unit and a log saw unit: no overall limit if the length
20 of each unit does not exceed 28-1/2 feet, or the overall length of
21 the log slasher unit and the log saw unit, as measured from the
22 front of the first towed unit to the rear of the second towed unit
23 while the units are coupled together, does not exceed 58 feet. The
24 coupling devices of the truck tractor and units set forth in this
25 subdivision shall meet the requirements established under the motor
26 carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

27 (d) Truck tractor and 2 semitrailers, or truck tractor,

1 semitrailer, and trailer combinations: no overall length limit, if
2 the length of each semitrailer or trailer does not exceed 28-1/2
3 feet each, or the overall length of the semitrailer and trailer, or
4 2 semitrailers as measured from the front of the first towed unit
5 to the rear of the second towed unit while the units are coupled
6 together does not exceed 58 feet.

7 (e) More than 1 motor vehicle, wholly or partially assembled,
8 in combination, utilizing 1 tow bar or 3 saddle mounts with full
9 mount mechanisms and utilizing the motive power of 1 of the
10 vehicles in combination: 75 feet.

11 (f) Truck tractor and lowboy semitrailer combinations: no
12 maximum overall length, if the lowboy semitrailer does not exceed
13 59 feet, except as otherwise permitted under this subdivision. A
14 lowboy semitrailer wheelbase shall not exceed 55 feet as measured
15 from the kingpin coupling to the center of the rear axle. A lowboy
16 semitrailer more than 59 feet in length shall not operate with more
17 than any combination of 4 axles on the lowboy unless an oversized
18 load permit is issued by the state transportation department or a
19 local authority with respect to highways under its jurisdiction. As
20 used in this subdivision, "lowboy semitrailer" means a flatbed
21 semitrailer with a depressed section that has the specific purpose
22 of being lowered and raised for loading and unloading.

23 (4) The following combinations and movements are prohibited:

24 (a) A truck shall not haul more than 1 trailer or semitrailer,
25 and a truck tractor shall not haul more than 2 semitrailers or 1
26 semitrailer and 1 trailer in combination at any 1 time, except that
27 a farm tractor may haul 2 wagons or trailers, or garbage and refuse

1 haulers may, during daylight hours, haul up to 4 trailers for
2 garbage and refuse collection purposes, not exceeding in any
3 combination a total length of 55 feet and at a speed limit not to
4 exceed 15 miles per hour.

5 (b) A combination of vehicles or a vehicle shall not have more
6 than 11 axles, except when operating under a valid permit issued by
7 the state transportation department or a local authority with
8 respect to a highway under its jurisdiction.

9 (c) Any combination of vehicles not specifically authorized
10 under this section is prohibited.

11 (d) Except as provided in subsection (3)(c), a combination of
12 2 semitrailers pulled by a truck tractor, unless each semitrailer
13 uses a fifth wheel connecting assembly that conforms to the
14 requirements of the motor carrier safety act of 1963, 1963 PA 181,
15 MCL 480.11 to 480.25.

16 (e) A vehicle or a combination of vehicles shall not carry a
17 load extending more than 3 feet beyond the front of the lead
18 vehicle.

19 (f) A vehicle described in subsections (2)(e) and (3)(e)
20 employing triple saddle mounts unless all wheels that are in
21 contact with the roadway have operating brakes.

22 (5) All combinations of vehicles under this section shall
23 employ connecting assemblies and lighting devices that are in
24 compliance with the motor carrier safety act of 1963, 1963 PA 181,
25 MCL 480.11 to 480.25.

26 (6) The total gross weight of a truck tractor, semitrailer,
27 and trailer combination or a truck tractor and 2 semitrailers

1 combination that exceeds 59 feet in length shall not exceed a ratio
2 of 400 pounds per engine net horsepower delivered to clutch or its
3 equivalent specified in the handbook published by the society of
4 automotive engineers, inc. (SAE), 1977 edition.

5 (7) A person who violates this section is responsible for a
6 civil infraction **AND SHALL PAY A CIVIL FINE OF NOT MORE THAN**
7 **\$500.00**. The owner of the vehicle may be charged with a violation
8 of this section.

9 (8) The provisions in subsections (2)(a) and (3)(b)
10 prescribing the length of a crib vehicle on which logs are loaded
11 lengthwise do not apply unless 23 USC 127(d) is amended to allow
12 crib vehicles carrying logs to be loaded as described in this
13 section.

14 (9) As used in this section:

15 (a) "Designated highway" means a highway approved by the state
16 transportation department or a local authority with respect to a
17 highway under its jurisdiction.

18 (b) "Length" means the total length of a vehicle, or
19 combination of vehicles, including any load the vehicle is
20 carrying. Length does not include devices described in 23 CFR
21 658.16 and 23 CFR part 658, appendix d, 23 CFR 658.16 and 23 CFR
22 part 658, appendix d, as on file with the secretary of state are
23 adopted by reference. A safety or energy conservation device shall
24 be excluded from a determination of length only if it is not
25 designed or used for the carrying of cargo, freight, or equipment.
26 Semitrailers and trailers shall be measured from the front vertical
27 plane of the foremost transverse load supporting structure to the

1 rearmost transverse load supporting structure. Vehicle components
2 not excluded by law shall be included in the measurement of the
3 length, height, and width of the vehicle.

4 (c) "Stinger-steered combinations" means a truck tractor and
5 semitrailer combination in which the fifth wheel is located on a
6 drop frame located behind and below the rearmost axle of the power
7 unit.

<<Sec. 722. (1) Except as otherwise provided in this section,
the maximum axle load shall not exceed the number of pounds designated
in the following provisions that prescribe the distance between axles:

(a) If the axle spacing is 9 feet or more between axles, the
maximum axle load shall not exceed 18,000 pounds for vehicles equipped
with high pressure pneumatic or balloon tires.

(b) If the axle spacing is less than 9 feet between 2 axles but
more than 3-1/2 feet, the maximum axle load shall not exceed 13,000
pounds for high pressure pneumatic or balloon tires.

(c) If the axles are spaced less than 3-1/2 feet apart, the
maximum axle load shall not exceed 9,000 pounds per axle.

(d) Subdivisions (a), (b), and (c) shall be known as the normal
loading maximum.

(2) When normal loading is in effect, the state transportation
department, or a local authority with respect to highways under its
jurisdiction, may designate certain highways, or sections of those
highways, where bridges and road surfaces are adequate for heavier
loading, and revise a designation as needed, on which the maximum
tandem axle assembly loading shall not exceed 16,000 pounds for any
axle of the assembly, if there is no other axle within 9 feet of any
axle of the assembly.

(3) On a legal combination of vehicles, only 1 tandem axle
assembly is permitted on the designated highways at the gross
permissible weight of 16,000 pounds per axle, if there is no other
axle within 9 feet of any axle of the assembly, and if no other tandem
axle assembly in the combination of vehicles exceeds a gross weight of
13,000 pounds per axle. On a combination of truck tractor and semitrailer
having not more than 5 axles, 2 consecutive tandem axle assemblies are
permitted on the designated highways at a gross permissible weight of
16,000 pounds per axle, if there is no other axle within 9 feet of any
axle of the assembly.

(4) Notwithstanding subsection (3), on a combination of truck
tractor and semitrailer having not more than 5 axles, 2 consecutive sets
of tandem axles may carry a gross permissible weight of not to exceed
17,000 pounds on any axle of the tandem axles if there is no other axle
within 9 feet of any axle of the tandem axles and if the first and last
axles of the consecutive sets of tandem axles are not less than 36 feet
apart and the gross vehicle weight does not exceed 80,000 pounds to pick

up and deliver agricultural commodities between the national truck network or special designated highways and any other highway. This subsection is not subject to the maximum axle loads of subsections (1), (2), and (3). For purposes of this subsection, a "tandem axle" means 2 axles spaced more than 40 inches but not more than 96 inches apart or 2 axles spaced more than 3-1/2 feet but less than 9 feet apart. This subsection does not apply during that period when reduced maximum loads are in effect under subsection (8).

(5) The seasonal reductions described under subsection (8) to the loading maximums and gross vehicle weight requirement of subsection (12) do not apply to a person hauling agricultural commodities if the person who picks up or delivers the agricultural commodity either from a farm or to a farm notifies the county road commission for roads under its authority not less than 48 hours before the pickup or delivery of the time and location of the pickup or delivery. The county road commission shall issue a permit to the person and charge a fee that does not exceed the administrative costs incurred. The permit shall contain all of the following:

(a) The designated route or routes of travel for the load.

(b) The date and time period requested by the person who picks up or delivers the agricultural commodities during which the load may be delivered or picked up.

(c) A maximum speed limit of travel, if necessary.

(d) Any other specific conditions agreed to between the parties.

(6) The seasonal reductions described under subsection (8) to the loading maximums and gross vehicle weight requirements of subsection (12) do not apply to public utility vehicles under the following circumstances:

(a) For emergency public utility work on restricted roads, as follows:

(i) If required by the county road commission, the public utility or its subcontractor shall notify the county road commission, as soon as practical, of the location of the emergency public utility work and provide a statement that the vehicles that were used to perform the emergency utility work may have exceeded the loading maximums and gross vehicle weight requirements of subsection (12) as reduced under subsection (8). The notification may be made via facsimile or electronically.

(ii) The public utility vehicle travels to and from the site of the emergency public utility work while on a restricted road at a speed not greater than 35 miles per hour.

(b) For nonemergency public utility work on restricted roads, as follows:

(i) If the county road commission requires, the public utility or its subcontractor shall apply to the county road commission annually for a seasonal truck permit for roads under its authority before seasonal weight restrictions are effective. The county road commission shall issue a seasonal truck permit for each public utility vehicle or vehicle configuration the public utility or subcontractor anticipates

will be utilized for nonemergency public utility work. The county road commission may charge a fee for a seasonal truck permit that does not exceed the administrative costs incurred for the permit. The seasonal truck permit shall contain all of the following:

(A) The seasonal period requested by the public utility or subcontractor during which the permit is valid.

(B) A unique identification number for the vehicle and any vehicle configuration to be covered on the seasonal truck permit requested by the public utility or subcontractor.

(C) A requirement that travel on restricted roads during weight restrictions will be minimized and only utilized when necessary to perform public utility work using the public utility vehicle or vehicle configuration and that nonrestricted roads shall be used for travel when available and for routine travel.

(D) A requirement that in the case of a subcontractor the permit is only valid while the subcontractor vehicle is being operated in the performance of public utility work.

(E) A requirement that a subcontractor vehicle or vehicle configuration shall display signage on the outside of the vehicle to identify the vehicle as operating on behalf of the public utility.

(ii) If the county road commission requires notification, the county road commission shall provide a notification application for the public utility or its subcontractor to use when requesting access to operate on restricted roads and the public utility or its subcontractor shall provide notification to the county road commission, via facsimile or electronically, not later than 24 hours before the time of the intended travel. A subcontractor using a vehicle on a restricted road shall have a copy of any notification provided to a county road commission in the subcontractor's possession while performing the relevant nonemergency work. Notwithstanding this subsection or an agreement under this subsection, if the county road commission determines that the condition of a particular road under its jurisdiction makes it unusable, the county road commission may deny access to all or any part of that road. The denial shall be made and communicated via facsimile or electronically to the public utility or its subcontractor within 24 hours after receiving notification that the public utility or subcontractors intends to perform nonemergency work that requires use of that road. Any notification that is not disapproved within 24 hours after the notice is received by the county road commission is considered approved. The notification application required under this subparagraph may include all of the following information:

(A) The address or location of the nonemergency work.

(B) The date or dates of the nonemergency work.

(C) The route to be taken to the nonemergency work site.

(D) The restricted road or roads intended to be traveled upon to the nonemergency work site or sites.

(E) In the case of a subcontractor, the utility on whose behalf the subcontractor is performing services.

(7) The normal size of tires shall be the rated size as published by the manufacturers, and the maximum wheel load permissible for any wheel shall not exceed 700 pounds per inch of width of tire.

(8) Except as provided in this subsection and subsection (9), during the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements or pavements with a concrete base is reduced by 25% from the maximum axle load as specified in this chapter, and the maximum axle loads allowable on all other types of roads during these months are reduced by 35% from the maximum axle loads as specified. The maximum wheel load shall not exceed 525 pounds per inch of tire width on concrete and concrete base or 450 pounds per inch of tire width on all other roads during the period the seasonal road restrictions are in effect. Subject to subsection (5), this subsection does not apply to vehicles transporting agricultural commodities or, subject to subsection (6), public utility vehicles on a highway, road, or street under the jurisdiction of a local road agency. In addition, this subsection does not 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. The state transportation department and each local authority with highways and streets under its jurisdiction to which the seasonal restrictions prescribed under this subsection apply shall post all of the following information on the homepage of its website or, if a local authority does not have a website, then on the website of a statewide road association of which it is a member:

(a) The dates when the seasonal restrictions are in effect.

(b) The names of the highways and streets and portions of highways and streets to which the seasonal restrictions apply.

(9) The state transportation department for roads under its jurisdiction and a county road commission for roads under its jurisdiction may grant exemptions from seasonal weight restrictions for milk on specified routes when requested in writing. Approval or denial of a request for an exemption shall be given by written notice to the applicant within 30 days after the date of submission of the application. If a request is denied, the written notice shall state the reason for denial and alternate routes for which the permit may be issued. The applicant may appeal to the state transportation commission or the county road commission. These exemptions do not apply on county roads in counties that have negotiated agreements with milk haulers or haulers of other commodities during periods of seasonal load limits before April 14, 1993. This subsection does not limit the ability of these counties to continue to negotiate such agreements.

(10) The state transportation department, or a local authority with respect to highways under its jurisdiction, may suspend the restrictions imposed by this section when and where conditions of the highways or the public health, safety, and welfare warrant suspension, and impose the restricted loading requirements of this section on

designated highways at any other time that the conditions of the highway require.

(11) For the purpose of enforcing this act, the gross vehicle weight of a single vehicle and load or a combination of vehicles and loads shall be determined by weighing individual axles or groups of axles, and the total weight on all the axles shall be the gross vehicle weight. In addition, the gross axle weight shall be determined by weighing individual axles or by weighing a group of axles and dividing the gross weight of the group of axles by the number of axles in the group. For purposes of subsection (12), the overall gross weight on a group of 2 or more axles shall be determined by weighing individual axles or several axles, and the total weight of all the axles in the group shall be the overall gross weight of the group.

(12) The loading maximum in this subsection applies to interstate highways, and the state transportation department, or a local authority with respect to highways under its jurisdiction, may designate a highway, or a section of a highway, for the operation of vehicles having a gross vehicle weight of not more than 80,000 pounds that are subject to the following load maximums:

(a) Twenty thousand pounds on any 1 axle, including all enforcement tolerances.

(b) A tandem axle weight of 34,000 pounds, including all enforcement tolerances.

(c) An overall gross weight on a group of 2 or more consecutive axles equaling:

$$W=500[(LN)/(N-1)+12N+36]$$

where W = overall gross weight on a group of 2 or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of a group of 2 or more consecutive axles, and N = number of axles in the group under consideration; except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart. The gross vehicle weight shall not exceed 80,000 pounds including all enforcement tolerances. Except for 5 axle truck tractor, semitrailer combinations having 2 consecutive sets of tandem axles, vehicles having a gross weight in excess of 80,000 pounds or in excess of the vehicle gross weight determined by application of the formula in this subsection are subject to the maximum axle loads of subsections (1), (2), and (3). As used in this subsection, "tandem axle weight" means the total weight transmitted to the road by 2 or more consecutive axles, the centers of which may be included between parallel transverse vertical planes spaced more than 40 inches but not more than 96 inches apart, extending across the full width of the vehicle. Except as otherwise provided in this section, vehicles transporting agricultural commodities shall have weight load maximums as set forth in this

subsection.

(13) The axle loading maximums under subsections (1), (2), (3), and (4) are increased by 10% for vehicles transporting **SOLID WASTE OR** 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. This subsection does not apply to either of the following:

(a) A vehicle utilizing an interstate highway.

(b) A vehicle utilizing a road that is subject to seasonal weight restrictions under subsection (8) during the time that the seasonal weight restrictions are in effect.

(14) As used in this section:

(a) "Agricultural commodities" means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, mushrooms, fertilizer, livestock bedding, farming equipment, and fuel for agricultural use. The term does not include trees or lumber.

(b) "Emergency public utility work" means work performed to restore public utility service or to eliminate a danger to the public due to a natural disaster, an act of God, or an emergency situation, whether or not a public official has declared an emergency.

(c) "Farm storage" means any of the following:

(i) An edifice, silo, tank, bin, crib, interstice, or protected enclosed structure, or more than 1 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.

(d) "Public utility" means a public utility under the jurisdiction of the public service commission or a transmission company.

(e) "Public utility vehicle" means a vehicle owned or operated by a public utility or operated by a subcontractor on behalf of a public utility.

(F) "SOLID WASTE" MEANS THAT TERM AS DEFINED IN SECTION 11506 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.11506.

(G) ~~(F)~~ "Transmission company" means either an affiliated transmission company or an independent transmission company as those terms are defined in section 2 of the electric transmission line certification act, 1995 PA 30, MCL 460.562.>>

8 Sec. 724. (1) A police officer, a peace officer, or an
9 authorized agent of the state transportation department or a county

10 road commission having reason to believe that the weight of a
11 vehicle and load is unlawful may require the driver to stop and
12 submit to a weighing of the vehicle by either portable or
13 stationary scales approved and sealed as a legal weighing device by
14 a qualified person using testing equipment certified or approved by
15 the department of agriculture and rural development as a legal
16 weighing device and may require that the vehicle be driven to the
17 nearest weigh station of the state transportation department for
18 the purpose of allowing a police officer, peace officer, or agent
19 of the state transportation department or county road commission to
20 determine whether the vehicle 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 agent
24 may require the driver to stop the vehicle in a suitable place and
25 remain standing until that portion of the load is shifted or
26 removed as necessary to reduce the gross axle load weight of the
27 vehicle to the limit permitted under this chapter. All material

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

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

12 (3) Subject to subsection (4), an owner of a vehicle or a
13 lessee of the vehicle of an owner-operator, or other person, who
14 causes or allows a vehicle to be loaded and driven or moved on a
15 highway when the weight of that vehicle violates section 722 is
16 responsible for a civil infraction and shall pay a civil fine in an
17 amount equal to ~~3-6~~ cents per pound for each pound of excess load
18 over 1,000 pounds when the excess is 2,000 pounds or less; ~~6-12~~
19 cents per pound of excess load when the excess is over 2,000 pounds
20 but not over 3,000 pounds; ~~9-18~~ cents per pound for each pound of
21 excess load when the excess is over 3,000 pounds but not over 4,000
22 pounds; ~~12-24~~ cents per pound for each pound of excess load when
23 the excess is over 4,000 pounds but not over 5,000 pounds; ~~15-30~~
24 cents per pound for each pound of excess load when the excess is
25 over 5,000 pounds but not over 10,000 pounds; and ~~20-40~~ cents per
26 pound for each pound of excess load when the excess is over 10,000
27 pounds. If a person operates a vehicle in violation of increased

1 axle loading maximums provided for under section 722(13), the owner
2 or lessee of the vehicle is responsible for a civil infraction and
3 shall pay the civil fine under this subsection that applies to the
4 amount of weight by which the vehicle exceeds the original loading
5 maximum.

6 (4) ~~Beginning January 1, 2006, if~~ **IF** the court determines that
7 the motor vehicle or the combination of vehicles was operated in
8 violation of this section, the court shall impose a fine as
9 follows:

10 (a) If the court determines that the motor vehicle or the
11 combination of vehicles was operated in such a manner that the
12 gross weight of the vehicle or the combination of vehicles would
13 not be lawful by a proper distribution of the load upon all the
14 axles of the vehicle or the combination of vehicles, the court
15 shall impose a fine for the violation according to the schedule
16 provided for in subsection (3).

17 (b) If the court determines that the motor vehicle or the
18 combination of vehicles would be lawful by a proper distribution of
19 the load upon all of the axles of the vehicle or the combination of
20 vehicles, but that 1 or more axles of the vehicle exceeded the
21 maximum allowable axle weight by more than 1,000 pounds but less
22 than 4,000 pounds, the court ~~may~~ **SHALL** impose a misload fine of
23 \$200.00 per axle. Not more than 3 axles shall be used in
24 calculating the fine to be imposed under this subdivision. This
25 subdivision does not apply to a vehicle subject to the maximum
26 loading provisions of section 722(12) or to a vehicle for which a
27 fine as calculated under the schedule in subsection (3) would be

1 less than the fine as calculated under this subsection.

2 (c) If the court determines that the motor vehicle or the
3 combination of vehicles would meet the loading conditions specified
4 in a special permit that was issued under section 725 by a proper
5 distribution of the load upon all of the axles of the vehicle or
6 the combination of vehicles, but that 1 or more axles of the
7 vehicle exceeded the permitted axle weight by 1,000 pounds or less,
8 the court shall impose a misload fine of \$200.00 per axle. **IF THE**
9 **COURT DETERMINES THAT THE MOTOR VEHICLE OR THE COMBINATION OF**
10 **VEHICLES WOULD MEET THE LOADING CONDITIONS SPECIFIED IN A SPECIAL**
11 **PERMIT THAT WAS ISSUED UNDER SECTION 725 BY A PROPER DISTRIBUTION**
12 **OF THE LOAD UPON ALL OF THE AXLES OF THE VEHICLE OR THE COMBINATION**
13 **OF VEHICLES, BUT THAT 1 OR MORE AXLES OF THE VEHICLE EXCEEDED THE**
14 **PERMITTED AXLE WEIGHT BY MORE THAN 1,000 POUNDS, THE COURT SHALL**
15 **IMPOSE A FINE FOR THE VIOLATION ACCORDING TO THE SCHEDULE PROVIDED**
16 **IN SUBSECTION (3) FOR THE AMOUNT OF POUNDS EXCEEDING THE PERMITTED**
17 **AXLE WEIGHT.** Not more than 3 axles shall be used in calculating the
18 fine to be imposed under this subdivision. If the court determines
19 that the load was misloaded, the conditions of the special permit
20 remain valid. The imposition of a fine does not void the special
21 permit.

22 (d) If the court determines that the motor vehicle or the
23 combination of vehicles would be lawful by a proper distribution of
24 the load upon all of the axles of the vehicle or the combination of
25 vehicles, but that 1 or more axles of the vehicle exceeded the
26 permitted axle weight by more than 4,000 pounds, the court shall
27 impose a fine for the violation according to the schedule provided

1 in subsection (3).

2 (5) A driver or owner of a commercial vehicle with other
3 vehicles or trailers in combination, a truck or truck tractor, a
4 truck or truck tractor with other vehicles in combination, or any
5 special mobile equipment who fails to stop at or bypasses any
6 scales or weighing station is guilty of a misdemeanor.

7 (6) An agent or authorized representative of the state
8 transportation department or a county road commission shall not
9 stop a truck or vehicle in movement upon a road or highway within
10 the state for any purpose, unless the agent or authorized
11 representative is driving a duly marked vehicle, clearly showing
12 and denoting the branch of government represented.

13 (7) A driver or owner of a vehicle who knowingly fails to stop
14 when requested or ordered to do so and submit to a weighing by a
15 police officer, a peace officer, or an authorized agent of the
16 state transportation department, or a representative or agent of a
17 county road commission, authorized to require the driver to stop
18 and submit to a weighing of the vehicle and load by means of a
19 portable scale, is guilty of a misdemeanor punishable by
20 imprisonment for not more than 90 days or a fine of not more than
21 \$100.00, or both. A driver or person who dumps his or her load when
22 ordered to submit to a weigh or who otherwise attempts to commit or
23 commits an act to avoid a vehicle weigh is in violation of this
24 section.

25 Sec. 907. (1) A violation of this act, or a local ordinance
26 substantially corresponding to a provision of this act, that is
27 designated a civil infraction shall not be considered a lesser

1 included offense of a criminal offense.

2 (2) If a person is determined under sections 741 to 750 to be
3 responsible or responsible "with explanation" for a civil
4 infraction under this act or a local ordinance substantially
5 corresponding to a provision of this act, the judge or district
6 court magistrate may order the person to pay a civil fine of not
7 more than \$100.00 and costs as provided in subsection (4). However,
8 ~~beginning October 31, 2010,~~ if the civil infraction was a moving
9 violation that resulted in an at-fault collision with another
10 vehicle, a person, or any other object, the civil fine ordered
11 under this section shall be increased by \$25.00 but the total civil
12 fine shall not exceed \$100.00. However, for a violation of section
13 602b, the person shall be ordered to pay costs as provided in
14 subsection (4) and a civil fine of \$100.00 for a first offense and
15 \$200.00 for a second or subsequent offense. For a violation of
16 section 674(1)(s) or a local ordinance substantially corresponding
17 to section 674(1)(s), the person shall be ordered to pay costs as
18 provided in subsection (4) and a civil fine of not less than
19 \$100.00 or more than \$250.00. For a violation of section 676c, the
20 person shall be ordered to pay costs as provided in subsection (4)
21 and a civil fine of \$1,000.00. For a violation of section 328, the
22 civil fine ordered under this subsection shall be not more than
23 \$50.00. For a violation of section 710d, the civil fine ordered
24 under this subsection shall not exceed \$10.00, subject to
25 subsection (12). For a violation of section 710e, the civil fine
26 and court costs ordered under this subsection shall be \$25.00. For
27 a violation of section 682 or a local ordinance substantially

1 corresponding to section 682, the person shall be ordered to pay
2 costs as provided in subsection (4) and a civil fine of not less
3 than \$100.00 or more than \$500.00. For a violation of section 240,
4 the civil fine ordered under this subsection shall be \$15.00. For a
5 violation of section 252a(1), the civil fine ordered under this
6 subsection shall be \$50.00. For a violation of section 676a(3), the
7 civil fine ordered under this section shall be not more than
8 \$10.00. For a first violation of section 319f(1), the civil fine
9 ordered under this section shall be not less than \$2,500.00 or more
10 than \$2,750.00; for a second or subsequent violation, the civil
11 fine shall be not less than \$5,000.00 or more than \$5,500.00. For a
12 violation of section 319g(1)(a), the civil fine ordered under this
13 section shall be not more than \$10,000.00. For a violation of
14 section 319g(1)(g), the civil fine ordered under this section shall
15 be not less than \$2,750.00 or more than \$25,000.00. **FOR A VIOLATION**
16 **OF SECTION 719(7), THE CIVIL FINE ORDERED UNDER THIS SUBSECTION**
17 **SHALL BE NOT MORE THAN \$500.00.** Permission may be granted for
18 payment of a civil fine and costs to be made within a specified
19 period of time or in specified installments, but unless permission
20 is included in the order or judgment, the civil fine and costs
21 shall be payable immediately.

22 (3) Except as provided in this subsection **AND SECTION 719(7),**
23 if a person is determined to be responsible or responsible "with
24 explanation" for a civil infraction under this act or a local
25 ordinance substantially corresponding to a provision of this act
26 while driving a commercial motor vehicle, he or she shall be
27 ordered to pay costs as provided in subsection (4) and a civil fine

1 of not more than \$250.00.

2 (4) If a civil fine is ordered under subsection (2) or (3),
3 the judge or district court magistrate shall summarily tax and
4 determine the costs of the action, which are not limited to the
5 costs taxable in ordinary civil actions, and may include all
6 expenses, direct and indirect, to which the plaintiff has been put
7 in connection with the civil infraction, up to the entry of
8 judgment. Costs shall not be ordered in excess of \$100.00. A civil
9 fine ordered under subsection (2) or (3) shall not be waived unless
10 costs ordered under this subsection are waived. Except as otherwise
11 provided by law, costs are payable to the general fund of the
12 plaintiff.

13 (5) In addition to a civil fine and costs ordered under
14 subsection (2) or (3) and subsection (4) and the justice system
15 assessment ordered under subsection (13), the judge or district
16 court magistrate may order the person to attend and complete a
17 program of treatment, education, or rehabilitation.

18 (6) A district court magistrate shall impose the sanctions
19 permitted under subsections (2), (3), and (5) only to the extent
20 expressly authorized by the chief judge or only judge of the
21 district court district.

22 (7) Each district of the district court and each municipal
23 court may establish a schedule of civil fines, costs, and
24 assessments to be imposed for civil infractions that occur within
25 the respective district or city. If a schedule is established, it
26 shall be prominently posted and readily available for public
27 inspection. A schedule need not include all violations that are

1 designated by law or ordinance as civil infractions. A schedule may
2 exclude cases on the basis of a defendant's prior record of civil
3 infractions or traffic offenses, or a combination of civil
4 infractions and traffic offenses.

5 (8) The state court administrator shall annually publish and
6 distribute to each district and court a recommended range of civil
7 fines and costs for first-time civil infractions. This
8 recommendation is not binding upon the courts having jurisdiction
9 over civil infractions but is intended to act as a normative guide
10 for judges and district court magistrates and a basis for public
11 evaluation of disparities in the imposition of civil fines and
12 costs throughout the state.

13 (9) If a person has received a civil infraction citation for
14 defective safety equipment on a vehicle under section 683, the
15 court shall waive a civil fine, costs, and assessments upon receipt
16 of certification by a law enforcement agency that repair of the
17 defective equipment was made before the appearance date on the
18 citation.

19 (10) A default in the payment of a civil fine or costs ordered
20 under subsection (2), (3), or (4) or a justice system assessment
21 ordered under subsection (13), or an installment of the fine,
22 costs, or assessment, may be collected by a means authorized for
23 the enforcement of a judgment under chapter 40 of the revised
24 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
25 under chapter 60 of the revised judicature act of 1961, 1961 PA
26 236, MCL 600.6001 to 600.6098.

27 (11) If a person fails to comply with an order or judgment

1 issued under this section within the time prescribed by the court,
2 the driver's license of that person shall be suspended under
3 section 321a until full compliance with that order or judgment
4 occurs. In addition to this suspension, the court may also proceed
5 under section 908.

6 (12) The court may waive any civil fine, cost, or assessment
7 against a person who received a civil infraction citation for a
8 violation of section 710d if the person, before the appearance date
9 on the citation, supplies the court with evidence of acquisition,
10 purchase, or rental of a child seating system meeting the
11 requirements of section 710d.

12 (13) In addition to any civil fines or costs ordered to be
13 paid under this section, the judge or district court magistrate
14 shall order the defendant to pay a justice system assessment of
15 \$40.00 for each civil infraction determination, except for a
16 parking violation or a violation for which the total fine and costs
17 imposed are \$10.00 or less. Upon payment of the assessment, the
18 clerk of the court shall transmit the assessment collected to the
19 state treasury to be deposited into the justice system fund created
20 in section 181 of the revised judicature act of 1961, 1961 PA 236,
21 MCL 600.181. An assessment levied under this subsection is not a
22 civil fine for purposes of section 909.

23 (14) If a person has received a citation for a violation of
24 section 223, the court shall waive any civil fine, costs, and
25 assessment, upon receipt of certification by a law enforcement
26 agency that the person, before the appearance date on the citation,
27 produced a valid registration certificate that was valid on the

1 date the violation of section 223 occurred.

2 (15) If a person has received a citation for a violation of
3 section 328(1) for failing to produce a certificate of insurance
4 under section 328(2), the court may waive the fee described in
5 section 328(3)(c) and shall waive any fine, costs, and any other
6 fee or assessment otherwise authorized under this act upon receipt
7 of verification by the court that the person, before the appearance
8 date on the citation, produced valid proof of insurance that was in
9 effect at the time the violation of section 328(1) occurred.

10 Insurance obtained subsequent to the time of the violation does not
11 make the person eligible for a waiver under this subsection.

12 (16) As used in this section, "moving violation" means an act
13 or omission prohibited under this act or a local ordinance
14 substantially corresponding to this act that involves the operation
15 of a motor vehicle and for which a fine may be assessed.

16 Sec. 909. (1) Except as provided in ~~subsection~~ **SUBSECTIONS** (2)
17 **AND (3)**, a civil fine ~~which~~ **THAT** is ordered under section 907 for a
18 violation of this act or other state statute shall be exclusively
19 applied to the support of public libraries and county law libraries
20 in the same manner as ~~is~~ provided by law for penal fines assessed
21 and collected for violation of a penal law of ~~the~~ **THIS** state. A
22 civil fine ordered for a violation of a code or ordinance of a
23 local authority regulating the operation of commercial motor
24 vehicles and substantially corresponding to a provision of this act
25 shall be paid to the county treasurer and ~~shall be~~ allocated as
26 follows:

27 (a) Seventy percent to the local authority in which the

1 citation is issued.

2 (b) Thirty percent for library purposes as provided by law.

3 (2) Subsection (1) is intended to maintain a source of revenue
4 for public libraries ~~which~~**THAT** previously received penal fines for
5 misdemeanor violations of this act ~~which~~**THAT** are now civil
6 infractions.

7 (3) **FIFTY PERCENT OF A CIVIL FINE ORDERED UNDER SECTION 719(7)**
8 **OR 724(3) SHALL BE DISTRIBUTED TO THE MICHIGAN TRANSPORTATION FUND**
9 **CREATED IN SECTION 10 OF 1951 PA 51, MCL 247.660.**

10 Enacting section 1. This amendatory act takes effect 90 days
11 after the date it is enacted into law.