

# HOUSE BILL No. 6073

May 24, 2018, Introduced by Rep. Kosowski and referred to the Committee on Transportation and Infrastructure.

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  
2018 PA 35, section 722 as amended by 2017 PA 80, section 724 as  
amended by 2016 PA 450, section 907 as amended by 2015 PA 126, 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.

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

(a) Subject to subsection (9), any single vehicle: 40 feet; a crib vehicle on which logs are loaded lengthwise of the vehicle: 42.5 feet; any single bus or motor home: 45 feet.

(b) Articulated buses: 65 feet.

(c) Notwithstanding any other provision of this section, a combination of a truck and semitrailer or trailer, or a truck tractor, semitrailer, and trailer, or truck tractor and semitrailer or trailer, designed and used exclusively to transport assembled motor vehicles or bodies, recreational vehicles, or boats: 65 feet. A combination of a truck and semitrailer or trailer, or a truck tractor, semitrailer, and trailer, or a truck tractor and semitrailer or trailer designed and used to transport boats from the manufacturer: 75 feet. A stinger-steered combination: 80 feet. The load on the combinations of vehicles described in this subdivision may extend an additional 3 feet beyond the front and 4 feet beyond the rear of the combinations of vehicles, except that the load on a stinger-steered combination may extend an additional 4 feet beyond the front and 6 feet beyond the rear. Retractable extensions used to support and secure the load that do not extend beyond the allowable overhang for the front and rear shall not be included in determining length of a loaded vehicle or vehicle combination.

(d) Truck tractor and semitrailer combinations: no overall

1 length, the semitrailer: 50 feet.

2 (e) Except as provided in subdivision (j), truck and  
3 semitrailer or trailer: 59 feet.

4 (f) Except as provided in subdivisions (g) and (k), truck  
5 tractor, semitrailer, and trailer, or truck tractor and 2  
6 semitrailers: 59 feet.

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

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

19 (i) A recreational vehicle that has its own motive power, in  
20 combination with a trailer: 65 feet or, if the operator of the  
21 recreational vehicle has a group commercial motor vehicle  
22 designation on his or her operator's or chauffeur's license, 75  
23 feet.

24 (j) Truck and trailer combinations designed and used to  
25 transport agricultural drainage tubing: 75 feet.

26 (k) A towaway trailer transporter combination: 82 feet. As  
27 used in this subdivision, "towaway trailer transportation

combination" means that term as defined in 49 USC 31111.

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

(a) Truck tractor and semitrailer combinations: no overall length limit, the semitrailer 53 feet. City, village, or county authorities may prohibit stops of vehicles with a semitrailer longer than 50 feet within their jurisdiction unless the stop occurs along appropriately designated routes, or is necessary for emergency purposes or to reach shippers, receivers, warehouses, and terminals along designated routes.

(b) Except as provided in subsection (2)(k), truck and semitrailer or trailer combinations: 65 feet, except that a person may operate a truck and semitrailer or trailer designed and used to transport saw logs, pulpwood, and tree length poles that does not exceed an overall length of 70 feet or a crib vehicle and semitrailer or trailer designed and used to transport saw logs that does not exceed an overall length of 75 feet. A crib vehicle and semitrailer or trailer designed to and used to transport saw logs shall not exceed a gross vehicle weight of 164,000 pounds. A person may operate a truck tractor and semitrailer designed and used to transport saw logs, pulpwood, and tree length wooden poles with a load overhang to the rear of the semitrailer which does not exceed 6 feet if the semitrailer does not exceed 50 feet in length.

(c) Notwithstanding subsection (5)(d), a truck tractor with a log slasher unit and a log saw unit: no overall limit if the length of each unit does not exceed 28-1/2 feet, or the overall length of

1 the log slasher unit and the log saw unit, as measured from the  
2 front of the first towed unit to the rear of the second towed unit  
3 while the units are coupled together, does not exceed 58 feet. The  
4 coupling devices of the truck tractor and units set forth in this  
5 subdivision shall meet the requirements established under the motor  
6 carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

7 (d) Except as provided in subsection (2)(k), truck tractor and  
8 2 semitrailers, or truck tractor, semitrailer, and trailer  
9 combinations: no overall length limit, if the length of each  
10 semitrailer or trailer does not exceed 28-1/2 feet each, or the  
11 overall length of the semitrailer and trailer, or 2 semitrailers as  
12 measured from the front of the first towed unit to the rear of the  
13 second towed unit while the units are coupled together does not  
14 exceed 58 feet.

15 (e) More than 1 motor vehicle, wholly or partially assembled,  
16 in combination, utilizing 1 tow bar or 3 saddle mounts with full  
17 mount mechanisms and utilizing the motive power of 1 of the  
18 vehicles in combination: 97 feet.

19 (f) Truck tractor and lowboy semitrailer combinations: no  
20 maximum overall length, if the lowboy semitrailer does not exceed  
21 59 feet, except as otherwise permitted under this subdivision. A  
22 lowboy semitrailer more than 59 feet in length shall not operate  
23 with more than any combination of 4 axles on the lowboy unless an  
24 oversized load permit is issued by the state transportation  
25 department or a local authority with respect to highways under its  
26 jurisdiction. As used in this subdivision, "lowboy semitrailer"  
27 means a flatbed semitrailer with a depressed section that has the

1 specific purpose of being lowered and raised for loading and  
2 unloading.

3 (4) Notwithstanding any other provision of this section, a  
4 combination of a truck and semitrailer, or truck tractor and  
5 semitrailer, used exclusively to transport assembled motor vehicles  
6 or bodies that have a trailer length of 53 feet may have a load  
7 that extends an additional 3 feet beyond the front of the trailer  
8 and 4 feet beyond the rear of the trailer. Retractable extensions  
9 used to support and secure the load that do not extend beyond the  
10 allowable overhang for the front and rear shall not be included in  
11 determining length of a loaded vehicle or vehicle combination. The  
12 total overall length loaded of the combination of vehicles  
13 described in this subsection shall not exceed 79 feet.

14 (5) The following combinations and movements are prohibited:

15 (a) A truck shall not haul more than 1 trailer or semitrailer,  
16 and a truck tractor shall not haul more than 2 semitrailers or 1  
17 semitrailer and 1 trailer in combination at any 1 time, except that  
18 a farm tractor may haul 2 wagons or trailers, or garbage and refuse  
19 haulers may, during daylight hours, haul up to 4 trailers for  
20 garbage and refuse collection purposes, not exceeding in any  
21 combination a total length of 55 feet and at a speed limit not to  
22 exceed 15 miles per hour.

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

27 (c) Any combination of vehicles not specifically authorized

1 under this section is prohibited.

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

7 (e) Except as provided in subsection (2)(c), a vehicle or a  
8 combination of vehicles shall not carry a load extending more than  
9 3 feet beyond the front of the lead vehicle.

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

13 (6) All combinations of vehicles under this section shall  
14 employ connecting assemblies and lighting devices that are in  
15 compliance with the motor carrier safety act of 1963, 1963 PA 181,  
16 MCL 480.11 to 480.25.

17 (7) The total gross weight of a truck tractor, semitrailer,  
18 and trailer combination or a truck tractor and 2 semitrailers  
19 combination that exceeds 59 feet in length shall not exceed a ratio  
20 of 400 pounds per engine net horsepower delivered to clutch or its  
21 equivalent specified in the handbook published by the Society of  
22 Automotive Engineers, Inc. (SAE), 1977 edition.

23 (8) A person who violates this section is responsible for a  
24 civil infraction **AND SHALL PAY A CIVIL FINE OF NOT MORE THAN**  
25 **\$500.00**. The owner of the vehicle may be charged with a violation  
26 of this section.

27 (9) The provisions in subsections (2)(a) and (3)(b)

1 prescribing the length of a crib vehicle on which logs are loaded  
2 lengthwise do not apply unless 23 USC 127(d) is amended to allow  
3 crib vehicles carrying logs to be loaded as described in this  
4 section.

5 (10) As used in this section:

6 (a) "Designated highway" means a highway approved by the state  
7 transportation department or a local authority with respect to a  
8 highway under its jurisdiction.

9 (b) "Length" means the total length of a vehicle, or  
10 combination of vehicles, including any load the vehicle is  
11 carrying. Length does not include devices described in 23 CFR  
12 658.16 and 23 CFR part 658, appendix D, 23 CFR 658.16 and 23 CFR  
13 part 658, appendix D, as on file with the secretary of state are  
14 adopted by reference. A safety or energy conservation device shall  
15 be excluded from a determination of length only if it is not  
16 designed or used for the carrying of cargo, freight, or equipment.  
17 Semitrailers and trailers shall be measured from the front vertical  
18 plane of the foremost transverse load supporting structure to the  
19 rearmost transverse load supporting structure. Vehicle components  
20 not excluded by law shall be included in the measurement of the  
21 length, height, and width of the vehicle.

22 (c) "Stinger-steered combination" means a truck tractor and  
23 semitrailer combination in which the fifth wheel is located on a  
24 drop frame located behind and below the rearmost axle of the power  
25 unit.

26 Sec. 722. (1) Except as otherwise provided in this section,  
27 the maximum axle load shall not exceed the number of pounds



1 designated in the following provisions that prescribe the distance  
2 between axles:

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

6 (b) If the axle spacing is less than 9 feet between 2 axles  
7 but more than 3-1/2 feet, the maximum axle load shall not exceed  
8 13,000 pounds for high pressure pneumatic or balloon tires.

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

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

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

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

1 axle assemblies are permitted on the designated highways at a gross  
2 permissible weight of 16,000 pounds per axle, if there is no other  
3 axle within 9 feet of any axle of the assembly.

4 (4) Notwithstanding subsection (3), on a combination of truck  
5 tractor and semitrailer having not more than 5 axles, 2 consecutive  
6 sets of tandem axles may carry a gross permissible weight of not to  
7 exceed 17,000 pounds on any axle of the tandem axles if there is no  
8 other axle within 9 feet of any axle of the tandem axles and if the  
9 first and last axles of the consecutive sets of tandem axles are  
10 not less than 36 feet apart and the gross vehicle weight does not  
11 exceed 80,000 pounds to pick up and deliver agricultural  
12 commodities between the national truck network or special  
13 designated highways and any other highway. This subsection is not  
14 subject to the maximum axle loads of subsections (1), (2), and (3).  
15 For purposes of this subsection, a "tandem axle" means 2 axles  
16 spaced more than 40 inches but not more than 96 inches apart or 2  
17 axles spaced more than 3-1/2 feet but less than 9 feet apart. This  
18 subsection does not apply during that period when reduced maximum  
19 loads are in effect under subsection (8).

20 (5) The seasonal reductions described under subsection (8) to  
21 the loading maximums and gross vehicle weight requirement of  
22 subsection (12) do not apply to a person hauling agricultural  
23 commodities if the person who picks up or delivers the agricultural  
24 commodity either from a farm or to a farm notifies the county road  
25 commission for roads under its authority not less than 48 hours  
26 before the pickup or delivery of the time and location of the  
27 pickup or delivery. The county road commission shall issue a permit

1 to the person and charge a fee that does not exceed the  
2 administrative costs incurred. The permit shall contain all of the  
3 following:

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

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

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

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

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

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

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

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

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

3 (i) If the county road commission requires, the public utility  
4 or its subcontractor shall apply to the county road commission  
5 annually for a seasonal truck permit for roads under its authority  
6 before seasonal weight restrictions are effective. The county road  
7 commission shall issue a seasonal truck permit for each public  
8 utility vehicle or vehicle configuration the public utility or  
9 subcontractor anticipates will be utilized for nonemergency public  
10 utility work. The county road commission may charge a fee for a  
11 seasonal truck permit that does not exceed the administrative costs  
12 incurred for the permit. The seasonal truck permit shall contain  
13 all of the following:

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

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

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

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

27 (E) A requirement that a subcontractor vehicle or vehicle

1 configuration shall display signage on the outside of the vehicle  
2 to identify the vehicle as operating on behalf of the public  
3 utility.

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

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

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

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

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

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

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

11 (8) Except as provided in this subsection and subsection (9),  
12 during the months of March, April, and May in each year, the  
13 maximum axle load allowable on concrete pavements or pavements with  
14 a concrete base is reduced by 25% from the maximum axle load as  
15 specified in this chapter, and the maximum axle loads allowable on  
16 all other types of roads during these months are reduced by 35%  
17 from the maximum axle loads as specified. The maximum wheel load  
18 shall not exceed 525 pounds per inch of tire width on concrete and  
19 concrete base or 450 pounds per inch of tire width on all other  
20 roads during the period the seasonal road restrictions are in  
21 effect. Subject to subsection (5), this subsection does not apply  
22 to vehicles transporting agricultural commodities or, subject to  
23 subsection (6), public utility vehicles on a highway, road, or  
24 street under the jurisdiction of a local road agency. In addition,  
25 this subsection does not apply to a vehicle delivering propane fuel  
26 to a residence if the vehicle's propane tank is filled to not more  
27 than 50% of its capacity and the vehicle is traveling at not more

1 than 35 miles per hour. The state transportation department and  
2 each local authority with highways and streets under its  
3 jurisdiction to which the seasonal restrictions prescribed under  
4 this subsection apply shall post all of the following information  
5 on the homepage of its website or, if a local authority does not  
6 have a website, then on the website of a statewide road association  
7 of which it is a member:

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

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

11 (9) The state transportation department for roads under its  
12 jurisdiction and a county road commission for roads under its  
13 jurisdiction may grant exemptions from seasonal weight restrictions  
14 for milk on specified routes when requested in writing. Approval or  
15 denial of a request for an exemption shall be given by written  
16 notice to the applicant within 30 days after the date of submission  
17 of the application. If a request is denied, the written notice  
18 shall state the reason for denial and alternate routes for which  
19 the permit may be issued. The applicant may appeal to the state  
20 transportation commission or the county road commission. These  
21 exemptions do not apply on county roads in counties that have  
22 negotiated agreements with milk haulers or haulers of other  
23 commodities during periods of seasonal load limits before April 14,  
24 1993. This subsection does not limit the ability of these counties  
25 to continue to negotiate such agreements.

26 (10) The state transportation department, or a local authority  
27 with respect to highways under its jurisdiction, may suspend the

1 restrictions imposed by this section when and where conditions of  
2 the highways or the public health, safety, and welfare warrant  
3 suspension, and impose the restricted loading requirements of this  
4 section on designated highways at any other time that the  
5 conditions of the highway require.

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

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

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

26 (b) A tandem axle weight of 34,000 pounds, including all  
27 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**

1 **WASTE**, agricultural commodities, or raw timber, excluding farm  
2 equipment and fuel, from the place of harvest or farm storage to  
3 the first point of delivery on a road in this state. However, the  
4 axle loading maximums as increased under this subsection do not  
5 alter the gross vehicle weight restrictions set forth in this act.  
6 This subsection does not apply to either of the following:

7 (a) A vehicle utilizing an interstate highway.

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

11 (14) Notwithstanding any other provision of this section, a  
12 vehicle that has a gross weight of 80,000 pounds or less and that  
13 is operated by an engine that is fueled wholly or partially by  
14 compressed or liquefied natural gas may exceed the axle loading  
15 maximums under subsections (1), (2), (3), and (4) and the weight  
16 load maximums under subsection (12) by an amount equal to the  
17 difference between the weight of the vehicle attributable to the  
18 natural gas tank and fueling system carried by that vehicle and the  
19 weight of a comparable diesel tank and fueling system. The amount  
20 by which a vehicle described in this subsection may exceed the axle  
21 loading maximums under subsections (1), (2), (3), and (4) and the  
22 weight load maximums under subsection (12) shall not exceed 2,000  
23 pounds.

24 (15) As used in this section:

25 (a) "Agricultural commodities" means those plants and animals  
26 useful to human beings produced by agriculture and includes, but is  
27 not limited to, forages and sod crops, grains and feed crops, field

1 crops, dairy and dairy products, poultry and poultry products,  
2 cervidae, livestock, including breeding and grazing, equine, fish,  
3 and other aquacultural products, bees and bee products, berries,  
4 herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock,  
5 mushrooms, fertilizer, livestock bedding, farming equipment, fuel  
6 for agricultural use, and maple sap. Agricultural commodities do  
7 not include trees or lumber.

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

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

14 (i) An edifice, silo, tank, bin, crib, interstice, or  
15 protected enclosed structure, or more than 1 edifice, silo, tank,  
16 bin, crib, interstice, or protected enclosed structure located  
17 contiguous to each other.

18 (ii) An open environment used for the purpose of temporarily  
19 storing a crop.

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

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

26 **(F) "SOLID WASTE" MEANS THAT TERM AS DEFINED IN SECTION 11506**  
27 **OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA**

1 451, MCL 324.11506.

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

6 Sec. 724. (1) A police officer, a peace officer, or an  
7 authorized agent of the state transportation department or a county  
8 road commission having reason to believe that the weight of a  
9 vehicle and load is unlawful may require the driver to stop and  
10 submit to a weighing of the vehicle by either portable or  
11 stationary scales approved and sealed as a legal weighing device by  
12 a qualified person using testing equipment certified or approved by  
13 the department of agriculture and rural development as a legal  
14 weighing device and may require that the vehicle be driven to the  
15 nearest weigh station of the state transportation department for  
16 the purpose of allowing a police officer, peace officer, or agent  
17 of the state transportation department or county road commission to  
18 determine whether the vehicle is loaded in conformity with this  
19 chapter.

20 (2) When the officer or agent, upon weighing a vehicle and  
21 load, determines that the weight is unlawful, the officer or agent  
22 may require the driver to stop the vehicle in a suitable place and  
23 remain standing until that portion of the load is shifted or  
24 removed as necessary to reduce the gross axle load weight of the  
25 vehicle to the limit permitted under this chapter. All material  
26 unloaded as provided under this subsection shall be cared for by  
27 the owner or operator of the vehicle at the risk of the owner or

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

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

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

1 shall pay the civil fine under this subsection that applies to the  
2 amount of weight by which the vehicle exceeds the original loading  
3 maximum.

4 (4) If the court determines that the motor vehicle or the  
5 combination of vehicles was operated in violation of this section,  
6 the court shall impose a fine as follows:

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

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

26 (c) If the court determines that the motor vehicle or the  
27 combination of vehicles would meet the loading conditions specified

1 in a special permit that was issued under section 725 by a proper  
2 distribution of the load upon all of the axles of the vehicle or  
3 the combination of vehicles, but that 1 or more axles of the  
4 vehicle exceeded the permitted axle weight by 1,000 pounds or less,  
5 the court shall impose a misload fine of \$200.00 per axle. If the  
6 court determines that the motor vehicle or the combination of  
7 vehicles would meet the loading conditions specified in a special  
8 permit that was issued under section 725 by a proper distribution  
9 of the load upon all of the axles of the vehicle or the combination  
10 of vehicles, but that 1 or more axles of the vehicle exceeded the  
11 permitted axle weight by more than 1,000 pounds, the court shall  
12 impose a fine for the violation according to the schedule provided  
13 in subsection (3) for the amount of pounds exceeding the permitted  
14 axle weight. Not more than 3 axles shall be used in calculating the  
15 fine to be imposed under this subdivision. If the court determines  
16 that the load was misloaded, the conditions of the special permit  
17 remain valid. The imposition of a fine does not void the special  
18 permit.

19 (d) If the court determines that the motor vehicle or the  
20 combination of vehicles would be lawful by a proper distribution of  
21 the load upon all of the axles of the vehicle or the combination of  
22 vehicles, but that 1 or more axles of the vehicle exceeded the  
23 permitted axle weight by at least 4,000 pounds but no more than  
24 8,000 pounds, the court shall impose a misload fine of \$400.00 per  
25 axle. Not more than 3 axles shall be used in calculating the fine  
26 to be imposed under this subdivision.

27 (e) If the court determines that the motor vehicle or the



1 combination of vehicles would be lawful by a proper distribution of  
2 the load upon all of the axles of the vehicle or the combination of  
3 vehicles, but that 1 or more axles of the vehicle exceeded the  
4 permitted axle weight by more than 8,000 pounds, the court shall  
5 impose a fine for the violation according to the schedule provided  
6 in subsection (3).

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

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

18 (7) A driver or owner of a vehicle who knowingly fails to stop  
19 when requested or ordered to do so and submit to a weighing by a  
20 police officer, a peace officer, or an authorized agent of the  
21 state transportation department, or a representative or agent of a  
22 county road commission, authorized to require the driver to stop  
23 and submit to a weighing of the vehicle and load by means of a  
24 portable scale, is guilty of a misdemeanor punishable by  
25 imprisonment for not more than 90 days or a fine of not more than  
26 \$100.00, or both. A driver or person who dumps his or her load when  
27 ordered to submit to a weigh or who otherwise attempts to commit or

1 commits an act to avoid a vehicle weigh is in violation of this  
2 section.

3       Sec. 907. (1) A violation of this act, or a local ordinance  
4 substantially corresponding to a provision of this act, that is  
5 designated a civil infraction shall not be considered a lesser  
6 included offense of a criminal offense.

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

1 section 710d, the civil fine ordered under this subsection shall  
2 not exceed \$10.00, subject to subsection (12). For a violation of  
3 section 710e, the civil fine and court costs ordered under this  
4 subsection shall be \$25.00. For a violation of section 682 or a  
5 local ordinance substantially corresponding to section 682, the  
6 person shall be ordered to pay costs as provided in subsection (4)  
7 and a civil fine of not less than \$100.00 or more than \$500.00. For  
8 a violation of section 240, the civil fine ordered under this  
9 subsection shall be \$15.00. For a violation of section 252a(1), the  
10 civil fine ordered under this subsection shall be \$50.00. For a  
11 violation of section 676a(3), the civil fine ordered under this  
12 section shall be not more than \$10.00. For a first violation of  
13 section 319f(1), the civil fine ordered under this section shall be  
14 not less than \$2,500.00 or more than \$2,750.00; for a second or  
15 subsequent violation, the civil fine shall be not less than  
16 \$5,000.00 or more than \$5,500.00. For a violation of section  
17 319g(1)(a), the civil fine ordered under this section shall be not  
18 more than \$10,000.00. For a violation of section 319g(1)(g), the  
19 civil fine ordered under this section shall be not less than  
20 \$2,750.00 or more than \$25,000.00. **FOR A VIOLATION OF SECTION 719,**  
21 **THE CIVIL FINE ORDERED UNDER THIS SUBSECTION SHALL BE NOT MORE THAN**  
22 **\$500.00.** Permission may be granted for payment of a civil fine and  
23 costs to be made within a specified period of time or in specified  
24 installments, but unless permission is included in the order or  
25 judgment, the civil fine and costs shall be payable immediately.  
26 (3) Except as provided in this subsection **AND SECTION 719(8),**  
27 if a person is determined to be responsible or responsible "with

1 explanation" for a civil infraction under this act or a local  
2 ordinance substantially corresponding to a provision of this act  
3 while driving a commercial motor vehicle, he or she shall be  
4 ordered to pay costs as provided in subsection (4) and a civil fine  
5 of not more than \$250.00.

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

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

22 (6) A district court magistrate shall impose the sanctions  
23 permitted under subsections (2), (3), and (5) only to the extent  
24 expressly authorized by the chief judge or only judge of the  
25 district court district.

26 (7) Each district of the district court and each municipal  
27 court may establish a schedule of civil fines, costs, and

1 assessments to be imposed for civil infractions that occur within  
2 the respective district or city. If a schedule is established, it  
3 shall be prominently posted and readily available for public  
4 inspection. A schedule need not include all violations that are  
5 designated by law or ordinance as civil infractions. A schedule may  
6 exclude cases on the basis of a defendant's prior record of civil  
7 infractions or traffic offenses, or a combination of civil  
8 infractions and traffic offenses.

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

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

23 (10) A default in the payment of a civil fine or costs ordered  
24 under subsection (2), (3), or (4) or a justice system assessment  
25 ordered under subsection (13), or an installment of the fine,  
26 costs, or assessment, may be collected by a means authorized for  
27 the enforcement of a judgment under chapter 40 of the revised

1   judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or  
2   under chapter 60 of the revised judicature act of 1961, 1961 PA  
3   236, MCL 600.6001 to 600.6098.

4           (11) If a person fails to comply with an order or judgment  
5   issued under this section within the time prescribed by the court,  
6   the driver's license of that person shall be suspended under  
7   section 321a until full compliance with that order or judgment  
8   occurs. In addition to this suspension, the court may also proceed  
9   under section 908.

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

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

27          (14) If a person has received a citation for a violation of

1 section 223, the court shall waive any civil fine, costs, and  
2 assessment, upon receipt of certification by a law enforcement  
3 agency that the person, before the appearance date on the citation,  
4 produced a valid registration certificate that was valid on the  
5 date the violation of section 223 occurred.

6 (15) If a person has received a citation for a violation of  
7 section 328(1) for failing to produce a certificate of insurance  
8 under section 328(2), the court may waive the fee described in  
9 section 328(3)(c) and shall waive any fine, costs, and any other  
10 fee or assessment otherwise authorized under this act upon receipt  
11 of verification by the court that the person, before the appearance  
12 date on the citation, produced valid proof of insurance that was in  
13 effect at the time the violation of section 328(1) occurred.  
14 Insurance obtained subsequent to the time of the violation does not  
15 make the person eligible for a waiver under this subsection.

16 (16) If a person is determined to be responsible or  
17 responsible "with explanation" for a civil infraction under this  
18 act or a local ordinance substantially corresponding to a provision  
19 of this act and the civil infraction arises out of the ownership or  
20 operation of a commercial quadricycle, he or she shall be ordered  
21 to pay costs as provided in subsection (4) and a civil fine of not  
22 more than \$500.00.

23 (17) As used in this section, "moving violation" means an act  
24 or omission prohibited under this act or a local ordinance  
25 substantially corresponding to this act that involves the operation  
26 of a motor vehicle and for which a fine may be assessed.

27 Sec. 909. (1) Except as provided in ~~subsection~~ **SUBSECTIONS** (2)

1 **AND (3)**, a civil fine ~~which-THAT~~ is ordered under section 907 for a  
 2 violation of this act or other state statute shall be exclusively  
 3 applied to the support of public libraries and county law libraries  
 4 in the same manner as ~~is~~ provided by law for penal fines assessed  
 5 and collected for violation of a penal law of ~~the-THIS~~ state. A  
 6 civil fine ordered for a violation of a code or ordinance of a  
 7 local authority regulating the operation of commercial motor  
 8 vehicles and substantially corresponding to a provision of this act  
 9 shall be paid to the county treasurer and ~~shall be~~ allocated as  
 10 follows:

11 (a) Seventy percent to the local authority in which the  
 12 citation is issued.

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

14 (2) Subsection (1) is intended to maintain a source of revenue  
 15 for public libraries ~~which-THAT~~ previously received penal fines for  
 16 misdemeanor violations of this act ~~which-THAT~~ are now civil  
 17 infractions.

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

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