

# HOUSE BILL No. 6259

November 13, 1990, Introduced by Rep. Profit and referred to the Committee on Transportation.

A bill to amend section 724 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended by Act No. 346 of the Public Acts of 1988, being section 257.724 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 724 of Act No. 300 of the Public Acts of  
2 1949, as amended by Act No. 346 of the Public Acts of 1988, being  
3 section 257.724 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 724. (1) A police officer or a duly authorized agent  
6 of the state transportation department or a county road commis-  
7 sion having reason to believe that the weight of a vehicle and  
8 load is unlawful may require the driver to stop and submit to a  
9 weighing of the vehicle by either portable or stationary scales

1 approved and sealed by the department of agriculture as a legal  
2 weighing device, and may require that the vehicle be driven to  
3 the nearest weighing station of the state transportation depart-  
4 ment for the purpose of allowing an officer or agent of the state  
5 transportation department or county road commission to determine  
6 whether the conveyance is loaded in conformity with this  
7 chapter.

8       (2) When the officer or agent, upon weighing a vehicle and  
9 load, determines that the weight is unlawful, the officer or  
10 agent may require the driver to stop the vehicle in a suitable  
11 place and remain standing until that portion of the load is  
12 shifted or removed as necessary to reduce the gross axle load  
13 weight of the vehicle to the limit permitted under this chapter.  
14 All material unloaded as provided under this subsection shall be  
15 cared for by the owner or operator of the vehicle at the risk of  
16 the owner or operator. A judge or magistrate imposing a civil  
17 fine and costs under this section which are not paid in full  
18 immediately or for which a bond is not immediately posted in  
19 double the amount of the civil fine and costs shall order the  
20 driver or owner to move the vehicle at the driver's own risk to a  
21 place of safekeeping within the jurisdiction of the judge or mag-  
22 istrate, inform the judge or magistrate in writing of the place  
23 of safekeeping, and keep the vehicle until the fine and costs are  
24 paid or sufficient bond is furnished or until the judge or magis-  
25 trate is satisfied that the fine and costs will be paid. The  
26 officer or agent who has determined, after weighing a vehicle and  
27 load, that the weight is unlawful, may require the driver to

1 proceed to a judge or magistrate within the county. If the judge  
2 or magistrate is satisfied that the probable civil fine and costs  
3 will be paid by the owner or lessee, the judge or magistrate may  
4 allow the driver to proceed, after the load is made legal. If  
5 the judge or magistrate is not satisfied that the owner or  
6 lessee, after a notice and a right to be heard on the merits is  
7 given, will pay the amount of the probable civil fine and costs,  
8 the judge or magistrate may order the vehicle to be impounded  
9 until trial on the merits is completed under conditions set forth  
10 in this section for the impounding of vehicles after the civil  
11 fine and costs have been imposed. Removal of the vehicle, and  
12 forwarding, care, or preservation of the load shall be under the  
13 control of and at the risk of the owner or driver. Vehicles  
14 impounded shall be subject to a lien, subject to a prior valid  
15 bona fide lien of prior record, in the amount of the civil fine  
16 and costs and if the civil fine and costs are not paid within 90  
17 days after the seizure, the judge or magistrate shall certify the  
18 unpaid judgment to the prosecuting attorney of the county in  
19 which the violation occurred, who shall proceed to enforce the  
20 lien by foreclosure sale in accordance with procedure authorized  
21 in the case of chattel mortgage foreclosures. When ~~the duty~~ AN  
22 authorized agent of the state transportation department or county  
23 road commission is performing duties under this chapter, the  
24 agent shall have all the powers conferred upon peace officers by  
25 the general laws of this state.

26 (3) An owner of a vehicle or a lessee of the vehicle of an  
27 owner-operator, or other person, who causes or allows a vehicle

1 to be loaded and driven or moved on a highway, when the weight of  
2 that vehicle violates section 722 is responsible for a civil  
3 infraction and shall pay a civil fine in an amount equal to 3  
4 cents per pound for each pound of excess load over 1,000 pounds  
5 when the excess is 2,000 pounds or less; 6 cents per pound of  
6 excess load when the excess is over 2,000 pounds but not over  
7 3,000 pounds; 9 cents per pound for each pound of excess load  
8 when the excess is over 3,000 pounds but not over 4,000 pounds;  
9 12 cents per pound for each pound of excess load when the excess  
10 is over 4,000 pounds but not over 5,000 pounds; 15 cents per  
11 pound for each pound of excess load when the excess is over 5,000  
12 pounds but not over 10,000 pounds; and 20 cents per pound for  
13 each pound of excess load when the excess is over 10,000 pounds.  
14 However, the court shall have discretionary power as to the  
15 amount of the civil fine within the schedule provided by this  
16 subsection and may impose the civil fine provided in section  
17 907(3) for a civil infraction where, at the time of the viola-  
18 tion, either the motor vehicle, motor vehicle and semitrailer, or  
19 trailer did not exceed the total weight which would be lawful for  
20 each unit by a proper distribution of the load upon the various  
21 axles supporting each unit. IN ADDITION TO ANY FINES AND COSTS  
22 ORDERED TO BE PAID UNDER THIS SUBSECTION, THE JUDGE, DISTRICT  
23 COURT REFEREE, OR DISTRICT COURT MAGISTRATE SHALL LEVY AN ASSESS-  
24 MENT OF \$50.00 FOR EACH CIVIL INFRACTION DETERMINATION. UPON  
25 PAYMENT OF THE ASSESSMENT, THE CLERK OF THE COURT SHALL TRANSMIT  
26 THE ASSESSMENT LEVIED TO THE TREASURER OF THE UNIT OF GOVERNMENT  
27 HAVING JURISDICTION OVER THE HIGHWAY ON WHICH THE VIOLATION

1 OCCURRED FOR USE AS OTHER HIGHWAY FUNDS ARE USED PURSUANT TO ACT  
2 NO. 51 OF THE PUBLIC ACTS OF 1951, BEING SECTIONS 247.651 TO  
3 247.675 OF THE MICHIGAN COMPILED LAWS.

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

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

15 (6) A driver or owner of a vehicle who knowingly fails to  
16 stop when requested or ordered to do so by a police officer, or  
17 ~~a duly~~ AN authorized agent of the state transportation depart-  
18 ment, or a representative or agent of a county road commission,  
19 authorized to require the driver to stop and submit to a weighing  
20 of the vehicle and load by means of a portable scale, is guilty  
21 of a misdemeanor.