

HOUSE BILL No. 5901

June 2, 1998, Introduced by Rep. Whyman and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 722 and 724 (MCL 257.722 and 257.724), section 722 as amended by 1993 PA 22 and section 724 as amended by 1988 PA 346.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 722. (1) The maximum axle load shall not exceed the
2 number of pounds designated in the following provisions which
3 prescribe the distance between axles:

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

7 (b) When the axle spacing is less than 9 feet between 2
8 axles but more than 3-1/2 feet, the maximum axle load shall not

1 exceed 13,000 pounds for high pressure pneumatic or balloon
2 tires.

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

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

7 (2) When normal loading is in effect, the state transporta-
8 tion department and local authorities with respect to highways
9 under their jurisdiction may designate certain highways, or sec-
10 tions of those highways, where bridges and road surfaces are ade-
11 quate for heavier loading, which designation may be revised as
12 needed, on which the maximum tandem axle assembly loading shall
13 not exceed 16,000 pounds for any axle of the assembly, if there
14 is no other axle within 9 feet of any axle of the assembly.

15 (3) Except as provided in subsection (8), on a legal combi-
16 nation of vehicles, only 1 tandem axle assembly shall be permit-
17 ted on the designated highways at the gross permissible weight of
18 16,000 pounds per axle, if there is no other axle within 9 feet
19 of any axle of the assembly, and if no other tandem axle assembly
20 in the combination of vehicles exceeds a gross weight of 13,000
21 pounds per axle. When the maximum gross weight of a combination
22 of vehicles with load does not exceed 73,280 pounds, 2 tandem
23 axle assemblies shall be permitted on the designated highways at
24 a gross permissible weight of 16,000 pounds per axle, if there is
25 no other axle within 9 feet of any axle of the assembly.

26 (4) The normal size of tires shall be the rated size as
27 published by the manufacturers, and the maximum wheel load

1 permissible for any wheel shall not exceed 700 pounds per inch of
2 width of tire.

3 (5) During the months of March, April, and May in each year,
4 the maximum axle load allowable on concrete pavements, or pave-
5 ments with a concrete base, shall be reduced by 25% from the max-
6 imum axle load as specified in this chapter, and the maximum axle
7 loads allowable on all other types of roads during these months
8 shall be reduced by 35% from the maximum axle loads as
9 specified. The maximum wheel load shall not exceed 525 pounds
10 per inch of tire width on concrete and concrete base or 450
11 pounds per inch of tire width on all other roads during the
12 period the seasonal road restrictions are in effect. Upon
13 receipt of a written application and good cause being shown, the
14 state transportation department, for roads under their jurisdic-
15 tion, and county road commissions, for roads under their juris-
16 diction, may permit exemptions from seasonal weight restrictions
17 for milk on specified routes when requested. Approval or denial
18 of a request for an exemption shall be given by written notice to
19 the applicant within 30 days after the date of submission of the
20 application. If a request is denied, the written notice shall
21 state the reason for denial and alternate routes for which the
22 permit may be issued. The applicant shall have the right to
23 appeal to the state transportation commission or the county road
24 commission. These exemptions shall not apply on county roads in
25 counties which have negotiated agreements with milk haulers, or
26 haulers of other commodities, during periods of seasonal load
27 limits in years prior to ~~the effective date of this 1993~~

1 ~~amendatory act~~ APRIL 14, 1993. ~~This 1993 amendatory act shall~~
2 THE 1993 PA 22 AMENDMENTS TO THIS ACT DO not limit the ability of
3 these counties to continue to negotiate such agreements.

4 (6) The state transportation department, or a local author-
5 ity with respect to highways under its jurisdiction, may suspend
6 the restrictions imposed by this section when and where, in its
7 discretion, conditions of the highways or the public health,
8 safety, and welfare so warrant, and may impose the restricted
9 loading requirements of this section on designated highways at
10 any other time that the conditions of the highway may require.

11 (7) For the purpose of enforcement of this act, the gross
12 vehicle weight of a single vehicle and load or a combination of
13 vehicles and loads, shall be determined, EXCEPT AS OTHERWISE PRO-
14 VIDED IN THIS SUBSECTION, by weighing individual axles or groups
15 of axles, and the total weight on all the axles shall be the
16 gross vehicle weight. In addition, the gross axle weight shall
17 be determined by weighing individual axles or by weighing a group
18 of axles and dividing the gross weight of the group of axles by
19 the number of axles in the group. Pursuant to subsection (8),
20 the overall gross weight on a group of 2 or more axles shall be
21 determined by weighing individual axles or several axles, and the
22 total weight of all the axles in the group shall be the overall
23 gross weight of the group. THE GROSS VEHICLE WEIGHT OF A VEHICLE
24 USED TO HAUL RUBBISH FOR WHICH A PERMIT WAS ISSUED BY THE STATE
25 TRANSPORTATION DEPARTMENT UNDER SECTION 725 SHALL BE DETERMINED
26 BY WEIGHING THE COMBINATION OF AXLES ALLOWED BY THE PERMIT ISSUED
27 BY THE STATE TRANSPORTATION DEPARTMENT UNDER SECTION 725.

1 (8) The loading maximum in this subsection shall apply to
 2 interstate highways, and the state transportation department, or
 3 a local authority with respect to highways under its jurisdic-
 4 tion, may designate a highway, or a section of a highway, for the
 5 operation of vehicles having a gross vehicle weight of not more
 6 than 80,000 pounds which are subject to the following load
 7 maximums:

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

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

12 (c) An overall gross weight on a group of 2 or more consecu-
 13 tive axles equaling:

14

$$15 \quad \quad \quad W = 500 \quad \left(\frac{LN}{N-1} + 12N + 36 \right) \\ 16$$

17 where W = overall gross weight on a group of 2 or more consecu-

18 tive axles to the nearest 500 pounds, L = distance in feet

19 between the extreme of a group of 2 or more consecutive axles,

20 and N = number of axles in the group under consideration; except

21 that 2 consecutive sets of tandem axles may carry a gross load of

22 34,000 pounds each if the first and last axles of the consecutive

23 sets of tandem axles are not less than 36 feet apart. The gross

24 vehicle weight shall not exceed 80,000 pounds including all

25 enforcement tolerances. Except for 5 axle truck tractor, semi-

26 trailer combinations having 2 consecutive sets of tandem axles,

27 vehicles having a gross weight in excess of 80,000 pounds or in

28 excess of the vehicle gross weight determined by application of

1 the formula in this subsection shall be subject to the maximum
2 axle loads of subsections (1), (2), and (3). As used in this
3 subsection, "tandem axle weight" means the total weight transmit-
4 ted to the road by 2 or more consecutive axles, the centers of
5 which may be included between parallel transverse vertical planes
6 spaced more than 40 inches, but not more than 96 inches, apart,
7 extending across the full width of the vehicle.

8 Sec. 724. (1) A police officer or a duly authorized agent
9 of the state transportation department or a county road commis-
10 sion having reason to believe that the weight of a vehicle and
11 load is unlawful may require the driver to stop and submit to a
12 weighing of the vehicle by either portable or stationary scales
13 approved and sealed by the department of agriculture as a legal
14 weighing device, and may require that the vehicle be driven to
15 the nearest weighing station of the state transportation depart-
16 ment for the purpose of allowing an officer or agent of the state
17 transportation department or county road commission to determine
18 whether the conveyance 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
22 agent may require the driver to stop the vehicle in a suitable
23 place and remain standing until that portion of the load is
24 shifted or removed as necessary to reduce the gross axle load
25 weight OR PERMITTED COMBINATION AXLE WEIGHT of the vehicle, AS
26 APPLICABLE, to the limit permitted under this chapter. All
27 material unloaded as provided under this subsection shall be

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

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

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

1 HAUL RUBBISH FOR WHICH A PERMIT WAS ISSUED BY THE STATE
2 TRANSPORTATION DEPARTMENT UNDER SECTION 725 SHALL BE BASED UPON
3 THE EXCESS LOAD OVER THE PERMITTED COMBINATION OF AXLES WEIGHT.
4 However, the court shall have discretionary power as to the
5 amount of the civil fine within the schedule provided by this
6 subsection and may impose the civil fine provided in section
7 907(3) for a civil infraction where, at the time of the viola-
8 tion, either the motor vehicle, motor vehicle and semitrailer, or
9 trailer did not exceed the total weight which would be lawful for
10 each unit by a proper distribution of the load upon the various
11 axles supporting each unit.

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

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

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

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