

**OVERWEIGHT VEHICLES; REVISE
FINES**

House Bill 4584
Sponsor: Rep. Ron Jelinek
Committee: Transportation

Complete to 9-7-01

A SUMMARY OF HOUSE BILL 4584 AS INTRODUCED 4-17-01

House Bill 4584 would amend the Michigan Vehicle Code to allow state police officers to stop vehicles they suspect to be carrying overweight loads, and also revise fine procedures for violations of the weight restriction laws.

Currently under the law, a police officer or a duly authorized agent of the Department of Transportation who has reason to believe that the weight of a vehicle and load is unlawful may require the driver to stop and submit to a weighing of the vehicle by either portable or stationary scales, and may require that the vehicle be driven to the nearest department weighing station so that an officer or agent of the department or a county road agency can determine whether or not the combined vehicle and load weight exceeds standards. Under House Bill 4584, a motor carrier officer of the Department of State Police could also stop a suspected overweight vehicle and require it be driven to the nearest weigh station; however, the bill would delete the explicit requirement that only an officer or agent of the department or a county road commission could determine its weight status. Instead, the bill refers more generally to "officer or agent."

In addition, under current law, when an officer or agent determines the weight is unlawful, he or she may require the driver to stop the vehicle in a suitable place and remain standing until the load is shifted or removed, as necessary to reduce the gross axle load weight, and the law specifies that all material unloaded must be cared for by the owner or operator of the vehicle who assumes its risk. Further, the law specifies that a judge or magistrate imposing a civil fine and costs that are not paid in full immediately, or for which a bond is not immediately posted in double the amount of the civil fine and costs, must order the driver or owner to move the vehicle at the driver's own risk to a safe place within the judge's jurisdiction, inform the judge of that location in writing, and keep the vehicle until the fine and costs are paid or sufficient bond is furnished. House Bill 4584 would modify this process to allow an officer to demand from the driver a bond of \$200 plus the amount of the fine, and would delete reference to a bond "in double the amount of the civil fine and costs." The bill also would delete the explicit references to "judge or magistrate," and refer instead to "court."

The law specifies that when the duly authorized agent of the transportation department or county road commission is performing duties under the code, that agent has all the powers conferred on peace officers by the general laws of the state. House Bill 4584 would retain this provision and extend the reference to motor carrier officers of the Department of State Police.

Currently the law specifies that an owner of a vehicle, or a lessee of the vehicle of an owner-operator, or other person who causes or allows a vehicle to be loaded and driven or

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moved on a highway when the weight of that vehicle violates the law, is responsible for a civil infraction and must pay a civil fine. [The law specifies the amount of the fine in pennies per pound of excess weight. The fines are attached to six categories starting at 2,000 pounds or less and ending at 10,000 pounds or more, and the rate ranges from three cents to 20 cents, generally increasing in increments of three cents, depending on the amount a vehicle exceeds the state standards.] House Bill 4584 would retain the fine structure, but would specify in addition that any other person or “entity” who causes or allows a violation of the law would be “jointly and severally” responsible for the civil infraction and fine. Further, current law specifies that a driver or owner of a vehicle who knowingly fails to stop at, or who knowingly bypasses, any scales or weighing station is guilty of a misdemeanor. House Bill 4584 would retain this provision but also specify that the misdemeanor is punishable by imprisonment for not more than one year or by a fine of not less than \$500, or more than \$1,000, or both.

In addition, House Bill 4584 would require motor carrier officers of the Department of State Police to drive duly marked vehicles, and would specify that a driver or owner who knowingly failed to stop when requested to do so would be guilty of a misdemeanor punishable by imprisonment for not more than one year, or by a fine of not less than \$500 or more than \$1,000, or both. However, House Bill 4584 specifies that a person responsible or responsible “with explanation” for a civil infraction violation of this section, or of section 722 [which concerns all wheel and axle loads restrictions, and seasonal weight exemptions and violations] would not be assessed costs of more than \$200. Violations of these sections would also be explicitly exempt from a \$100 civil infraction fine cap which is found at section 907(4) of the bill.

MCL 257.724 and 257.907

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