

HOUSE BILL No. 4583

April 17, 2001, Introduced by Reps. Jelinek, Julian, Richardville, Pumford, Lipsey, Pappageorge, LaSata, Stallworth and Gosselin and referred to the Committee on Agriculture and Resource Management.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 724. (1) A police officer or a duly authorized agent
2 of the state transportation department or a county road commis-
3 sion having reason to believe that the weight of a vehicle and
4 load is unlawful may require the driver to stop and submit to a
5 weighing of the vehicle by either portable or stationary scales
6 approved and sealed by the department of agriculture as a legal
7 weighing device, and may require that the vehicle be driven to
8 the nearest weighing station of the state transportation
9 department for the purpose of allowing an officer or agent of the
10 state transportation department or county road commission to

1 determine whether the conveyance is loaded in conformity with
2 this chapter.

3 (2) ~~When~~ SUBJECT TO SUBSECTION (7), WHEN the officer or
4 agent, upon weighing a vehicle and load, determines that the
5 weight is unlawful, the officer or agent may require the driver
6 to stop the vehicle in a suitable place and remain standing until
7 that portion of the load is shifted or removed as necessary to
8 reduce the gross axle load weight of the vehicle to the limit
9 permitted under this chapter. All material unloaded as provided
10 under this subsection shall be cared for by the owner or operator
11 of the vehicle at the risk of the owner or operator. A judge or
12 magistrate imposing a civil fine and costs under this section
13 which are not paid in full immediately or for which a bond is not
14 immediately posted in double the amount of the civil fine and
15 costs shall order the driver or owner to move the vehicle at the
16 driver's own risk to a place of safekeeping within the jurisdic-
17 tion of the judge or magistrate, inform the judge or magistrate
18 in writing of the place of safekeeping, and keep the vehicle
19 until the fine and costs are paid or sufficient bond is furnished
20 or until the judge or magistrate is satisfied that the fine and
21 costs will be paid. The officer or agent who has determined,
22 after weighing a vehicle and load, that the weight is unlawful,
23 may require the driver to proceed to a judge or magistrate within
24 the county. If the judge or magistrate is satisfied that the
25 probable civil fine and costs will be paid by the owner or
26 lessee, the judge or magistrate may allow the driver to proceed,
27 after the load is made legal. If the judge or magistrate is not

1 satisfied that the owner or lessee, after a notice and a right to
2 be heard on the merits is given, will pay the amount of the prob-
3 able civil fine and costs, the judge or magistrate may order the
4 vehicle to be impounded until trial on the merits is completed
5 under conditions set forth in this section for the impounding of
6 vehicles after the civil fine and costs have been imposed.

7 Removal of the vehicle, and forwarding, care, or preservation of
8 the load shall be under the control of and at the risk of the
9 owner or driver. Vehicles impounded shall be subject to a lien,
10 subject to a prior valid bona fide lien of prior record, in the
11 amount of the civil fine and costs and if the civil fine and
12 costs are not paid within 90 days after the seizure, the judge or
13 magistrate shall certify the unpaid judgment to the prosecuting
14 attorney of the county in which the violation occurred, who shall
15 proceed to enforce the lien by foreclosure sale in accordance
16 with procedure authorized in the case of chattel mortgage
17 foreclosures. When the duly authorized agent of the state trans-
18 portation department or county road commission is performing
19 duties under this chapter, the agent shall have all the powers
20 conferred upon peace officers by the general laws of this state.

21 (3) ~~An~~ SUBJECT TO SUBSECTION (7), AN owner of a vehicle or
22 a lessee of the vehicle of an owner-operator, or other person,
23 who causes or allows a vehicle to be loaded and driven or moved
24 on a highway, when the weight of that vehicle violates section
25 722 is responsible for a civil infraction and shall pay a civil
26 fine in an amount equal to 3 cents per pound for each pound of
27 excess load over 1,000 pounds when the excess is 2,000 pounds or

1 less; 6 cents per pound of excess load when the excess is over
2 2,000 pounds but not over 3,000 pounds; 9 cents per pound for
3 each pound of excess load when the excess is over 3,000 pounds
4 but not over 4,000 pounds; 12 cents per pound for each pound of
5 excess load when the excess is over 4,000 pounds but not over
6 5,000 pounds; 15 cents per pound for each pound of excess load
7 when the excess is over 5,000 pounds but not over 10,000 pounds;
8 and 20 cents per pound for each pound of excess load when the
9 excess is over 10,000 pounds. However, the court shall have dis-
10 cretionary power as to the amount of the civil fine within the
11 schedule provided by this subsection and may impose the civil
12 fine provided in section 907(3) for a civil infraction where, at
13 the time of the violation, either the motor vehicle, motor vehi-
14 cle and semitrailer, or trailer did not exceed the total weight
15 which would be lawful for each unit by a proper distribution of
16 the load upon the various axles supporting each unit.

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

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

1 (6) A driver or owner of a vehicle who knowingly fails to
2 stop when requested or ordered to do so by a police officer, or a
3 duly authorized agent of the state transportation department, or
4 a representative or agent of a county road commission, authorized
5 to require the driver to stop and submit to a weighing of the
6 vehicle and load by means of a portable scale, is guilty of a
7 misdemeanor.

8 (7) IF THE VEHICLE BEING SUBJECTED TO WEIGHING PURSUANT TO
9 THIS SECTION IS DETERMINED TO BE A VEHICLE CONTAINING A FARM PRO-
10 DUCT THAT WAS LOADED ONTO THE VEHICLE DIRECTLY FROM A FARM FIELD
11 OR A FARM STORAGE FACILITY, THE POLICE OFFICER OR AGENT OF THE
12 STATE TRANSPORTATION DEPARTMENT OR COUNTY ROAD COMMISSION THAT
13 WEIGHED THE VEHICLE SHALL NOT ISSUE A CITATION TO THE DRIVER OR
14 THE OWNER UNLESS THE WEIGHT LIMIT APPLICABLE TO THAT VEHICLE IS
15 EXCEEDED BY MORE THAN 10%.