

# SENATE BILL No. 20

January 8, 2003, Introduced by Senator JELINEK and referred to the Committee on Transportation.

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  
3 commission having reason to believe that the weight of a vehicle  
4 and load is unlawful may require the driver to stop and submit to  
5 a 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

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

3       (2) ~~When~~ **Subject to subsection (7), if** 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  
17 jurisdiction of the judge or magistrate, inform the judge or  
18 magistrate in writing of the place of safekeeping, and keep the  
19 vehicle until the fine and costs are paid or sufficient bond is  
20 furnished or until the judge or magistrate is satisfied that the  
21 fine and costs will be paid. The officer or agent who has  
22 determined, after weighing a vehicle and load, that the weight is  
23 unlawful, may require the driver to proceed to a judge or  
24 magistrate within the county. If the judge or magistrate is  
25 satisfied that the probable civil fine and costs will be paid by  
26 the owner or lessee, the judge or magistrate may allow the driver  
27 to proceed, after the load is made legal. If the judge or

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

22 (3) ~~An~~ **Subject to subsection (7), an** owner of a vehicle or  
23 a lessee of the vehicle of an owner-operator, or other person,  
24 who causes or allows a vehicle to be loaded and driven or moved  
25 on a highway, when the weight of that vehicle violates section  
26 722 is responsible for a civil infraction and shall pay a civil  
27 fine in an amount equal to 3 cents per pound for each pound of

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

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

24 (5) An agent or authorized representative of the state  
25 transportation department or a county road commission shall not  
26 stop a truck or vehicle in movement upon a road or highway within  
27 the state for any purpose, unless the agent or authorized

1 representative is driving a duly marked vehicle, clearly showing  
2 and denoting the branch of government represented.

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

10 (7) If the vehicle being subjected to weighing pursuant to  
11 this section is determined to be a vehicle containing a farm  
12 product that was loaded onto the vehicle directly from a farm  
13 field or a farm storage facility, the police officer or agent of  
14 the state transportation department or county road commission  
15 that weighed the vehicle shall not issue a citation to the driver  
16 or the owner unless the weight limit applicable to that vehicle  
17 is exceeded by more than 10%.