



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 492 (Substitute S-1 as passed by the Senate)  
Sponsor: Senator Alan Sanborn  
Committee: Transportation

Date Completed: 7-16-07

### **RATIONALE**

Under the Michigan Vehicle Code, if the owner or driver of a vehicle causes or allows the vehicle to be loaded and driven or moved on a highway when the weight of the vehicle exceeds limits specified by law, he or she must pay a fine based on the weight of the excess load and its distribution. If the person does not immediately pay the fine or post bond in double the amount of the fine, the vehicle must be impounded. Some people believe that there is no reason for the amount of a bond to be double the amount of the actual fine, and have suggested that the driver or owner of an overweight vehicle should be able to post a bond in the amount of the fine.

civil infraction and must pay a civil fine based on the weight of the excess load and its distribution.

If a judge or magistrate imposes a civil fine and costs that are not paid in full immediately or for which a bond is not posted immediately in double the amount of the civil fine and costs, the judge or magistrate must order the driver or owner to move the vehicle to a place of safekeeping within the judge's or magistrate's jurisdiction, inform him or her in writing of that place of safekeeping, and keep the vehicle until the fine and costs are paid or sufficient bond is furnished, or until the judge or magistrate is satisfied that the fine and costs will be paid.

### **CONTENT**

**The bill would amend the Michigan Vehicle Code to do the following:**

- **Permit the driver or owner of a vehicle, if he or she did not pay the full amount of civil fines and costs owed for a violation of vehicle weight limits, to post a bond in the amount owed, rather than double the amount.**
- **Require a scale used to weigh a vehicle to be approved and sealed as a legal weighing device by a qualified person using testing equipment that was certified or approved by the Michigan Department of Agriculture.**

Under the bill, a bond would have to be in the amount of the fines and costs, rather than double that amount.

Currently, if a police officer, a peace officer, or an authorized agent of the Michigan Department of Transportation or a county road commission believes that the weight of a vehicle and load is unlawful, the officer or agent may require the driver to stop and submit to a weighing of the vehicle by portable or stationary scales approved and sealed by the Department of Agriculture as a legal weighing device. Under the bill, the scales would have to be approved and sealed as a legal weighing device by a qualified person using testing equipment certified or approved by the Department of Agriculture as a legal weighing device.

Under the Code, an owner of a vehicle, a lessee of the vehicle of an owner-operator, or another person, who causes or allows a vehicle to be loaded and driven or moved on a highway when the weight of the vehicle exceeds specified limits, is responsible for a

MCL 257.724

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

In order to plead not guilty to a weight violation, a truck driver or owner must post a bond for double the amount of the fine and costs of the violation. This places an unreasonable burden on the driver or owner while he or she contests the violation. Regardless of the outcome, the driver or owner must wait for his or her money to be returned. Because the person never will owe more than the amount of the fine, a bond in double the amount is unnecessary. The bill would require a bond in the amount of a fine, so the monetary burden on a driver or owner would be minimized.

Legislative Analyst: Craig Laurie

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government. Bonds in weight violation cases are returned to the companies involved after the civil fines and costs are covered, and are generally not held in interest-earning accounts.

Fiscal Analyst: Stephanie Yu

A0708\492a

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.