

Legislative Analysis



FAILURE TO STOP AT WEIGH STATION: CHANGE FROM MISDEMEANOR TO CIVIL INFRACTION AND EXEMPT COMMERCIAL VEHICLES

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House Bill 5090 as introduced
Sponsor: Rep. Scott VanSingel
Committee: Transportation and Infrastructure
Complete to 2-26-18

SUMMARY:

House Bill 5090 would amend the Michigan Vehicle Code to change bypassing or failing to stop at a weigh station or scales from a misdemeanor to a civil infraction. The bill would also remove “commercial vehicle with other vehicles or trailers in combination” from the provision.

Currently, under Section 724(5), if the driver or owner of a commercial vehicle with other vehicles or trailers in combination, a truck or truck tractor, a truck or truck tractor with other vehicles in combination, or any special mobile equipment bypasses or fails to stop at any scales or weighing station, the driver or owner is guilty of misdemeanor.

The bill would make a driver or owner of any of the vehicles listed in Section 724(5) who bypasses or fails to stop at any scales or weighing station responsible for a civil infraction, instead of guilty of a misdemeanor.

The bill would also remove “commercial vehicle with other vehicles or trailers in combination” from the scope of Section 724(5). Under Section 7 of the Michigan Vehicle Code, “commercial vehicle” means a motor vehicle used to transport passengers for hire, a motor vehicle constructed or used to transport goods or merchandise, or a motor vehicle designed and used to draw another vehicle that is not constructed to carry a load or any part of the weight of a vehicle or load being drawn. However, commercial vehicle does not include a limousine, a taxicab, or a personal vehicle operated by a transportation network company driver (e.g., Uber or Lyft).

It is our understanding that the intent of removing the phrase “commercial vehicle with other vehicles or trailers in combination” from the scope of Section 724(5) is to exempt certain dual-axle vehicles (e.g., pickup trucks) towing utility trailers from the section’s weighing requirements.

(The bill does not amend Section 724(7), which currently indicates that a driver or owner who knowingly fails to stop and submit to a weighing when requested to do so by an authorized agent is guilty of a misdemeanor. In addition, under Section 724(7), a driver or person who dumps his or her load when ordered to submit to a weigh or who otherwise commits or attempts to commit an act to avoid a vehicle weigh is in violation of the section.)

The bill would take effect 90 days after its enactment.

MCL 257.724

FISCAL IMPACT:

In changing the penalty for bypassing or failing to stop at a weigh station from a misdemeanor to a civil infraction, House Bill 5090 would impact costs to local county jails, revenue going to public libraries, and revenue deposited into the state's Justice System Fund. Costs to local county jails and revenue going to public libraries would be reduced, as misdemeanor convictions would be replaced with civil infraction penalties. The costs of incarceration in a local county jail vary by jurisdiction, so the exact savings to locals cannot be determined. In turn, there would be an increase in revenue collected from the payment of civil infraction penalties, which is deposited into the state Justice System Fund. That revenue supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. We do not have a practical way to determine the number of citations written annually for bypassing or failing to stop at a weigh station. We do not have a practical way to estimate the current number of misdemeanor convictions or revenue from fines, as compared to future civil infraction revenue.

(For additional information on Michigan's regulation of truck size, weight, and load, see the House Fiscal Agency's February 6, 2018 Fiscal Focus:

[Fiscal Focus - Transport Permits and the Regulation of Vehicle Size, Weight, and Load](#))

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