

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

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House Bill 5090 as reported from committee
Sponsor: Rep. Scott VanSingel
Committee: Transportation and Infrastructure
Complete to 3-9-18

(Enacted as Public Act 651 of 2018)

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 the 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, rather than 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). That is, these vehicles would no longer be required to stop routinely at weigh stations or other scales (see **Brief Discussion**, below).

Commercial vehicle is defined in Section 7 of the Code to mean 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. 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).

The bill would take effect 90 days after its enactment.

MCL 257.724

BRIEF DISCUSSION:

According to committee testimony, removing “commercial vehicle with other vehicles or trailers in combination” from the scope of Section 724(5) will exempt from the section’s weighing requirements certain dual-axle vehicles (e.g., pickup trucks or vans) that are towing utility trailers or another vehicle. (The familiar example offered in committee testimony was that of a pickup truck and trailer operated by a lawn-care company.) These vehicle combinations, according to testimony from a representative of the Department of State Police,

are rarely near their maximum weight, let alone in violation of weight limits, so removing them from a requirement to stop routinely to be weighed would not adversely affect Michigan's roads. For companies that operate such vehicle combinations, the requirement to stop can be burdensome, particularly if their primary base of operation is located near a weighing station.

Moreover, an officer who does suspect that such a vehicle combination is being operated in violation of applicable weight limits would still retain his or her authority to have it weighed. Section 724(7) indicates that a person who knowingly fails to stop and submit to a weighing when requested to do so by an authorized agent is guilty of a misdemeanor, and also that a person who dumps his or her load when ordered to submit to a weigh, or otherwise attempts to avoid a weigh, is in violation of the section. The bill would not amend those provisions.

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.

POSITIONS:

A representative of the Michigan Department of State Police testified in support of the bill. (2-27-18)

The National Federation of Independent Business indicated support for the bill. (3-6-18)

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