

HOUSE BILL NO. 5510

November 02, 2021, Introduced by Reps. Meerman and Steven Johnson 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 2018 PA 651.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 724. (1) A police officer, a peace officer, or an
2 authorized agent of the state transportation department or a county
3 road commission having reason to believe that the weight of a
4 vehicle and load is unlawful may require the driver to stop and
5 submit to a weighing of the vehicle by either portable or

1 stationary scales approved and sealed as a legal weighing device by
2 a qualified person using testing equipment certified or approved by
3 the department of agriculture and rural development as a legal
4 weighing device and may require that the vehicle be driven to the
5 nearest weigh station of the state transportation department for
6 the purpose of allowing a police officer, peace officer, or agent
7 of the state transportation department or county road commission to
8 determine whether the vehicle is loaded in conformity with this
9 chapter.

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

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

25 (3) Subject to subsection (4), an owner of a vehicle or a
26 lessee of the vehicle of an owner-operator, or other person, who
27 causes or allows a vehicle to be loaded and driven or moved on a
28 highway when the weight of that vehicle violates section 722 is
29 responsible for a civil infraction and must pay a civil fine in an

1 amount equal to 3 cents per pound for each pound of excess load
2 over 1,000 pounds when the excess is 2,000 pounds or less; 6 cents
3 per pound of excess load when the excess is over 2,000 pounds but
4 not over 3,000 pounds; 9 cents per pound for each pound of excess
5 load when the excess is over 3,000 pounds but not over 4,000
6 pounds; 12 cents per pound for each pound of excess load when the
7 excess is over 4,000 pounds but not over 5,000 pounds; 15 cents per
8 pound for each pound of excess load when the excess is over 5,000
9 pounds but not over 10,000 pounds; and 20 cents per pound for each
10 pound of excess load when the excess is over 10,000 pounds. If a
11 person operates a vehicle in violation of increased axle loading
12 maximums provided for under section 722(13), the owner or lessee of
13 the vehicle is responsible for a civil infraction and must pay the
14 civil fine under this subsection that applies to the amount of
15 weight by which the vehicle exceeds the original loading maximum.

16 (4) If the court determines that the motor vehicle or the
17 combination of vehicles was operated in violation of this section,
18 the court must impose a fine as follows:

19 (a) If the court determines that the motor vehicle or the
20 combination of vehicles was operated in such a manner that the
21 gross weight of the vehicle or the combination of vehicles would
22 not be lawful by a proper distribution of the load ~~upon-on~~ all the
23 axles of the vehicle or the combination of vehicles, the court must
24 impose a fine for the violation according to the schedule provided
25 for in subsection (3).

26 (b) If the court determines that the motor vehicle or the
27 combination of vehicles would be lawful by a proper distribution of
28 the load ~~upon-on~~ all of the axles of the vehicle or the combination
29 of vehicles, but that 1 or more axles of the vehicle exceeded the

1 maximum allowable axle weight by more than 1,000 pounds but less
2 than 4,000 pounds, the court must impose a misload fine of \$200.00
3 per axle. Not more than 3 axles ~~shall~~**must** be used in calculating
4 the fine to be imposed under this subdivision. This subdivision
5 does not apply to a vehicle subject to the maximum loading
6 provisions of section 722(12) or to a vehicle for which a fine as
7 calculated under the schedule in subsection (3) would be less than
8 the fine as calculated under this subsection.

9 (c) If the court determines that the motor vehicle or the
10 combination of vehicles would meet the loading conditions specified
11 in a special permit that was issued under section 725 by a proper
12 distribution of the load ~~upon~~**on** all of the axles of the vehicle or
13 the combination of vehicles, but that 1 or more axles of the
14 vehicle exceeded the permitted axle weight by 1,000 pounds or less,
15 the court must impose a misload fine of \$200.00 per axle. If the
16 court determines that the motor vehicle or the combination of
17 vehicles would meet the loading conditions specified in a special
18 permit that was issued under section 725 by a proper distribution
19 of the load ~~upon~~**on** all of the axles of the vehicle or the
20 combination of vehicles, but that 1 or more axles of the vehicle
21 exceeded the permitted axle weight by more than 1,000 pounds, the
22 court must impose a fine for the violation according to the
23 schedule provided in subsection (3) for the amount of pounds
24 exceeding the permitted axle weight. Not more than 3 axles ~~shall~~
25 **must** be used in calculating the fine to be imposed under this
26 subdivision. If the court determines that the load was misloaded,
27 the conditions of the special permit remain valid. The imposition
28 of a fine does not void the special permit.

29 (d) If the court determines that the motor vehicle or the

1 combination of vehicles would be lawful by a proper distribution of
2 the load ~~upon~~**on** all of the axles of the vehicle or the combination
3 of vehicles, but that 1 or more axles of the vehicle exceeded the
4 permitted axle weight by at least 4,000 pounds but no more than
5 8,000 pounds, the court must impose a misload fine of \$400.00 per
6 axle. Not more than 3 axles ~~shall~~**must** be used in calculating the
7 fine to be imposed under this subdivision.

8 (e) If the court determines that the motor vehicle or the
9 combination of vehicles would be lawful by a proper distribution of
10 the load ~~upon~~**on** all of the axles of the vehicle or the combination
11 of vehicles, but that 1 or more axles of the vehicle exceeded the
12 permitted axle weight by more than 8,000 pounds, the court must
13 impose a fine for the violation according to the schedule provided
14 in subsection (3).

15 (5) A driver or owner of a truck or truck tractor, a truck or
16 truck tractor with other vehicles in combination, or any special
17 mobile equipment who fails to stop at or bypasses any scales or
18 ~~weighing~~**weigh** station is responsible for a civil infraction.

19 **(6) Notwithstanding subsection (5) and except as otherwise**
20 **provided in subsection (1), a driver or owner of a truck or truck**
21 **tractor, a truck or truck tractor with other vehicles in**
22 **combination, or any special mobile equipment is not required to**
23 **stop at a weigh station if the ramp to the weigh station is full.**

24 **(7) ~~(6)~~**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~~**on** a road or highway
27 within the state for any purpose, unless the agent or authorized
28 representative is driving a duly marked vehicle, clearly showing
29 and denoting the branch of government represented.

1 (8) ~~(7)~~—A driver or owner of a vehicle who knowingly fails to
2 stop when requested or ordered to do so and submit to a weighing by
3 a police officer, a peace officer, or an authorized agent of the
4 state transportation department, or a representative or agent of a
5 county road commission, authorized to require the driver to stop
6 and submit to a weighing of the vehicle and load by means of a
7 portable scale, is guilty of a misdemeanor punishable by
8 imprisonment for not more than 90 days or a fine of not more than
9 \$100.00, or both. A driver or person who dumps his or her load when
10 ordered to submit to a weigh or who otherwise attempts to commit or
11 commits an act to avoid a vehicle weigh is in violation of this
12 section.