



SENATE BILL No. 63

January 17, 1995, Introduced by Senator BERRYMAN and referred to the Committee on Transportation and Tourism.

A bill to amend section 724 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended by Act No. 346 of the Public Acts of 1988, being section 257.724 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 724 of Act No. 300 of the Public Acts of
2 1949, as amended by Act No. 346 of the Public Acts of 1988, being
3 section 257.724 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 724. (1) A police officer or a duly authorized agent
6 of the state transportation department or a county road commis-
7 sion having reason to believe that the weight of a vehicle and
8 load is unlawful may require the driver to stop and submit to a
9 weighing of the vehicle by either portable or stationary scales

1 approved and sealed by the department of agriculture as a legal
2 weighing device, and may require that the vehicle be driven to
3 the nearest weighing station of the state transportation depart-
4 ment for the purpose of allowing an officer or agent of the state
5 transportation department or county road commission to determine
6 whether the conveyance is loaded in conformity with this
7 chapter.

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

1 driver to proceed to a judge or magistrate within the county. If
2 the judge or magistrate is satisfied that the probable civil fine
3 and costs will be paid by the owner or lessee, the judge or mag-
4 istrate may allow the driver to proceed, after the load is made
5 legal. If the judge or magistrate is not satisfied that the
6 owner or lessee, after a notice and a right to be heard on the
7 merits is given, will pay the amount of the probable civil fine
8 and costs, the judge or magistrate may order the vehicle AND LOAD
9 to be impounded until trial on the merits is completed under con-
10 ditions set forth in this section for the impounding of vehicles
11 AND LOAD after the civil fine and costs have been imposed.

12 Removal of the vehicle, and forwarding, care, or preservation of
13 the load shall be under the control of and at the risk of the
14 owner or driver. Vehicles AND LOAD impounded shall be subject to
15 a lien, subject to a prior valid bona fide lien of prior record,
16 in the amount of the civil fine and costs and if the civil fine
17 and costs are not paid within 90 days after the seizure, the
18 judge or magistrate shall certify the unpaid judgment to the
19 prosecuting attorney of the county in which the violation
20 occurred, who shall proceed to enforce the lien by foreclosure
21 sale in accordance with procedure authorized in the case of chat-
22 tel mortgage foreclosures. When the duly authorized agent of the
23 state transportation department or county road commission is per-
24 forming duties under this chapter, the agent shall have all the
25 powers conferred upon peace officers by the general laws of this
26 state.

1 (3) An owner of a vehicle or a lessee of the vehicle of an
2 owner-operator, or other person, who causes or allows a vehicle
3 to be loaded and driven or moved on a highway, when the weight of
4 that vehicle violates section 722 is responsible for a civil
5 infraction and shall pay a civil fine in an amount equal to 3
6 cents per pound for each pound of excess load over 1,000 pounds
7 when the excess is 2,000 pounds or less; 6 cents per pound of
8 excess load when the excess is over 2,000 pounds but not over
9 3,000 pounds; 9 cents per pound for each pound of excess load
10 when the excess is over 3,000 pounds but not over 4,000 pounds;
11 12 cents per pound for each pound of excess load when the excess
12 is over 4,000 pounds but not over 5,000 pounds; 15 cents per
13 pound for each pound of excess load when the excess is over 5,000
14 pounds but not over 10,000 pounds; and 20 cents per pound for
15 each pound of excess load when the excess is over 10,000 pounds.
16 However, the court shall have discretionary power as to the
17 amount of the civil fine within the schedule provided by this
18 subsection and may impose the civil fine provided in section
19 907(3) for a civil infraction where, at the time of the viola-
20 tion, either the motor vehicle, motor vehicle and semitrailer, or
21 trailer did not exceed the total weight which would be lawful for
22 each unit by a proper distribution of the load upon the various
23 axles supporting each unit.

24 (4) A driver or owner of a vehicle, truck or truck tractor,
25 truck or truck tractor with other vehicles in combination, or
26 special mobile equipment who knowingly fails to stop at or who

1 knowingly bypasses any scales or weighing station is guilty of a
2 misdemeanor.

3 (5) An agent or authorized representative of the state
4 transportation department or a county road commission shall not
5 stop a truck or vehicle in movement upon a road or highway within
6 the state for any purpose, unless the agent or authorized repre-
7 sentative is driving a duly marked vehicle, clearly showing and
8 denoting the branch of government represented.

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