

SENATE BILL No. 80

January 28, 2003, Introduced by Senators BASHAM and LELAND 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 1988 PA 346.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SENATE BILL No. 80

1 Sec. 724. (1) A police officer or a duly authorized agent
2 of the state transportation department or a county road
3 commission having reason to believe that the weight of a vehicle
4 and load is unlawful may require the driver to stop and submit to
5 a weighing of the vehicle by either portable or stationary scales
6 approved and sealed by the department of agriculture as a legal
7 weighing device, and may require that the vehicle be driven to
8 the nearest weighing station of the state transportation
9 department for the purpose of allowing an officer or agent of the
10 state transportation department or county road commission to

1 determine whether the conveyance is loaded in conformity with
2 this chapter. **The state transportation department shall ensure**
3 **that adequate staff is maintained within the department so that**
4 **weighing stations remain open 24 hours every day of the week.**

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

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

23 (3) An owner of a vehicle or a lessee of the vehicle of an
24 owner-operator, or other person, who causes or allows a vehicle
25 to be loaded and driven or moved on a highway, when the weight of
26 that vehicle violates section 722 is responsible for a civil
27 infraction and shall pay a civil fine in an amount equal to 3

1 cents per pound for each pound of excess load over 1,000 pounds
2 when the excess is 2,000 pounds or less; 6 cents per pound of
3 excess load when the excess is over 2,000 pounds but not over
4 3,000 pounds; 9 cents per pound for each pound of excess load
5 when the excess is over 3,000 pounds but not over 4,000 pounds;
6 12 cents per pound for each pound of excess load when the excess
7 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
10 each pound of excess load when the excess is over 10,000 pounds.
11 However, the court shall have discretionary power as to the
12 amount of the civil fine within the schedule provided by this
13 subsection and may impose the civil fine provided in section
14 907(3) for a civil infraction where, at the time of the
15 violation, either the motor vehicle, motor vehicle and
16 semitrailer, or trailer did not exceed the total weight ~~which~~
17 **that** would be lawful for each unit by a proper distribution of
18 the load upon the various axles supporting each unit.

19 (4) A driver or owner of a vehicle, truck or truck tractor,
20 truck or truck tractor with other vehicles in combination, or
21 special mobile equipment who knowingly fails to stop at or who
22 knowingly bypasses any scales or weighing station is guilty of a
23 misdemeanor.

24 (5) 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 a road or highway within
27 the state for any purpose, unless the agent or authorized

1 representative is driving a duly marked vehicle, clearly showing
2 and denoting the branch of government represented.

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