

SUBSTITUTE FOR
HOUSE BILL NO. 4858
(As amended June 22, 2005)

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 683, 723, and 724 (MCL 257.683, 257.723, and
257.724), section 683 as amended by 2000 PA 97, section 723 as
amended by 2003 PA 152, and section 724 as amended by 2004 PA 420,
and by adding section 312g; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 312G. A PERSON SHALL NOT TRANSPORT OR REQUIRE, PERMIT, OR
 [KNOWINGLY]
2 ALLOW TO BE TRANSPORTED A HAZARDOUS MATERIAL FOR WHICH A PLACARD IS
3 REQUIRED UNDER 49 CFR PARTS 100 TO 199 IN A COMMERCIAL MOTOR
4 VEHICLE IF THE OPERATOR OF THE VEHICLE DOES NOT HAVE A HAZARDOUS
5 MATERIAL ENDORSEMENT ON HIS OR HER OPERATOR'S OR CHAUFFEUR'S
6 LICENSE. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
7 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR

1 **A FINE OF NOT MORE THAN \$500.00, OR BOTH.**

2 Sec. 683. (1) A person shall not drive or move or the owner
3 shall not cause or knowingly permit to be driven or moved on a
4 highway a vehicle or combination of vehicles ~~which~~ **THAT** is in
5 such an unsafe condition as to endanger a person, or ~~which~~ **THAT**
6 does not contain those parts or is not at all times equipped with
7 lamps and other equipment in proper condition and adjustment as
8 required in sections 683 to ~~714a~~ **711**, or ~~which~~ **THAT** is equipped
9 in a manner in violation of sections 683 to ~~714a~~ **711**. A person
10 shall not do an act forbidden or fail to perform an act required
11 under sections 683 to ~~714a~~ **711**.

12 (2) A police officer on reasonable grounds shown may stop a
13 motor vehicle and inspect the motor vehicle, and if a defect in
14 equipment is found, the officer may issue the driver a citation for
15 a violation of a provision of sections 683 to ~~714a~~ **711**.

16 (3) In order to be classified as a motor carrier enforcement
17 officer, a police officer must have training equal to the minimum
18 training requirements, including any annual training updates,
19 established by the department of state police for an officer of the
20 motor carrier division of the department of state police. A police
21 officer who has received training equal to these minimum training
22 requirements before the effective date of this section is
23 considered a motor carrier enforcement officer for purposes of this
24 act.

25 (4) Sections 683 to ~~714a~~ **711** shall not prohibit the use of
26 additional parts and accessories on a vehicle ~~which~~ **THAT** are not
27 inconsistent with those sections.

1 (5) The provisions of sections 683 to ~~714a~~ 711 with respect
2 to equipment on vehicles shall not apply to implements of
3 husbandry, road machinery, road rollers, or farm tractors, except
4 as specifically provided in sections 683 to ~~714a~~ 711.

5 (6) Except as otherwise provided in section 698 or 707d, a
6 person who violates a provision of sections 683 to ~~714a~~ 711 with
7 respect to equipment on vehicles is responsible for a civil
8 infraction.

9 Sec. 723. (1) All ~~motor trucks or truck tractors, except as~~
10 ~~provided in subsection (4), of more than 5,000 pounds registered~~
11 ~~weight and all~~ towing or platform bed wrecker road service
12 vehicles in operation upon the public highways of this state shall
13 have the name, city, and state or the registered logo or emblem of
14 the registered owner of the vehicle, and lessee of the vehicle if
15 the vehicle is being operated under lease, painted or permanently
16 attached on each side of the ~~cab on a motor truck or truck tractor~~
17 **VEHICLE** in letters of not less than 3 inches in height, not lower
18 than the bottom edge of the door. ~~—, except that motor trucks with~~
19 ~~closed van bodies may place the information on each side of the van~~
20 ~~body not lower than the bottom edge of the cab door.—~~ This
21 information shall be in sharp color contrast to the background.

22 (2) ~~Except for towing or platform bed wrecker road service~~
23 ~~vehicles, the identification requirements of subsection (1) may be~~
24 ~~met through the use of removable devices which meet the~~
25 ~~requirements of subsection (1). These devices shall be of durable~~
26 ~~construction and securely attached to each side of the motor truck~~
27 ~~or truck tractor. The removable devices shall be attached so that~~

1 ~~the identification is in a horizontal position.~~ **A WRECKER IN**
 2 **COMPLIANCE WITH THE IDENTIFICATION REQUIREMENTS OF THE FEDERAL**
 3 **MOTOR CARRIER SAFETY REGULATIONS, 49 CFR PARTS 390-399, IS**
 4 **CONSIDERED TO BE IN COMPLIANCE WITH THIS SECTION.**

5 ~~—— (3) Motor vehicles subject to this section shall have 2 years~~
 6 ~~after the effective date of this subsection to be in compliance~~
 7 ~~with the marking location as required in subsection (1).~~

8 ~~—— (4) This section shall not apply to a truck eligible for and~~
 9 ~~registered under a farm or manufacturer license plate.~~

10 (3) ~~(5)~~ A person who violates this section is responsible
 11 for a civil infraction.

12 Sec. 724. (1) A police officer, **A PEACE OFFICER**, or ~~a duly~~
 13 **AN** authorized agent of the state transportation department or a
 14 county road commission having reason to believe that the weight of
 15 a vehicle and load is unlawful may require the driver to stop and
 16 submit to a weighing of the vehicle by either portable or
 17 stationary scales approved and sealed by the department of
 18 agriculture as a legal weighing device ~~—~~ and may require that the
 19 vehicle be driven to the nearest ~~weighing~~ **WEIGH** station of the
 20 state transportation department for the purpose of allowing ~~an~~ **A**
 21 **POLICE** officer, **PEACE OFFICER**, or agent of the state transportation
 22 department or county road commission to determine whether the
 23 ~~conveyance~~ **VEHICLE** is loaded in conformity with this chapter.

24 (2) When the officer or agent, upon weighing a vehicle and
 25 load, determines that the weight is unlawful, the officer or agent
 26 may require the driver to stop the vehicle in a suitable place and
 27 remain standing until that portion of the load is shifted or

1 removed as necessary to reduce the gross axle load weight of the
2 vehicle to the limit permitted under this chapter. All material
3 unloaded as provided under this subsection shall be cared for by
4 the owner or operator of the vehicle at the risk of the owner or
5 operator. A judge or magistrate imposing a civil fine and costs
6 under this section ~~which~~ **THAT** are not paid in full immediately or
7 for which a bond is not immediately posted in double the amount of
8 the civil fine and costs shall order the driver or owner to move
9 the vehicle at the driver's own risk to a place of safekeeping
10 within the jurisdiction of the judge or magistrate, inform the
11 judge or magistrate in writing of the place of safekeeping, and
12 keep the vehicle until the fine and costs are paid or sufficient
13 bond is furnished or until the judge or magistrate is satisfied
14 that the fine and costs will be paid. The officer or agent who has
15 determined, after weighing a vehicle and load, that the weight is
16 unlawful, may require the driver to proceed to a judge or
17 magistrate within the county. If the judge or magistrate is
18 satisfied that the probable civil fine and costs will be paid by
19 the owner or lessee, the judge or magistrate may allow the driver
20 to proceed, after the load is made legal. If the judge or
21 magistrate is not satisfied that the owner or lessee, after a
22 notice and a right to be heard on the merits is given, will pay the
23 amount of the probable civil fine and costs, the judge or
24 magistrate may order the vehicle to be impounded until trial on the
25 merits is completed under conditions set forth in this section for
26 the impounding of vehicles after the civil fine and costs have been
27 imposed. Removal of the vehicle, and forwarding, care, or

1 preservation of the load shall be under the control of and at the
2 risk of the owner or driver. Vehicles impounded shall be subject to
3 a lien, subject to a prior valid bona fide lien of prior record, in
4 the amount of the civil fine and costs and if the civil fine and
5 costs are not paid within 90 days after the seizure, the judge or
6 magistrate shall certify the unpaid judgment to the prosecuting
7 attorney of the county in which the violation occurred, who shall
8 proceed to enforce the lien by foreclosure sale in accordance with
9 procedure authorized in the case of chattel mortgage foreclosures.
10 When the duly authorized agent of the state transportation
11 department or county road commission is performing duties under
12 this chapter, the agent ~~shall have~~ **HAS** all the powers conferred
13 upon peace officers by the general laws of this state.

14 (3) Subject to subsection (4), an owner of a vehicle or a
15 lessee of the vehicle of an owner-operator, or other person, who
16 causes or allows a vehicle to be loaded and driven or moved on a
17 highway, when the weight of that vehicle violates section 722 is
18 responsible for a civil infraction and shall pay a civil fine in an
19 amount equal to 3 cents per pound for each pound of excess load
20 over 1,000 pounds when the excess is 2,000 pounds or less; 6 cents
21 per pound of excess load when the excess is over 2,000 pounds but
22 not over 3,000 pounds; 9 cents per pound for each pound of excess
23 load when the excess is over 3,000 pounds but not over 4,000
24 pounds; 12 cents per pound for each pound of excess load when the
25 excess is over 4,000 pounds but not over 5,000 pounds; 15 cents per
26 pound for each pound of excess load when the excess is over 5,000
27 pounds but not over 10,000 pounds; and 20 cents per pound for each

1 pound of excess load when the excess is over 10,000 pounds.

2 (4) ~~If~~ **BEGINNING JANUARY 1, 2006, IF** the court determines
3 that the motor vehicle or the combination of vehicles was operated
4 in violation of this section, the court shall impose a fine as
5 follows:

6 (a) If the court determines that the motor vehicle or the
7 combination of vehicles was operated in such a manner that the
8 gross weight of the vehicle or the combination of vehicles would
9 not be lawful by a proper distribution of the load upon all the
10 axles of the vehicle or the combination of vehicles, the court
11 shall impose a fine for the violation according to the schedule
12 provided for in subsection (3).

13 (b) If the court determines that the motor vehicle or the
14 combination of vehicles would be lawful by a proper distribution of
15 the load upon all of the axles of the vehicle or the combination of
16 vehicles, but that 1 or more axles of the vehicle exceeded the
17 maximum allowable axle weight by 4,000 pounds or less, the court
18 shall impose a misload fine of \$200.00 per axle. Not more than 3
19 axles shall be used in calculating the fine to be imposed under
20 this subdivision. This subdivision does not apply to a vehicle
21 subject to the maximum loading provisions of section 722(11) or to
22 a vehicle found to be in violation of a special permit issued under
23 section 725.

24 (c) If the court determines that the motor vehicle or the
25 combination of vehicles would be lawful by a proper distribution of
26 the load upon all of the axles of the vehicle or the combination of
27 vehicles, but that 1 or more axles of the vehicle exceeded the

1 maximum allowable axle weight by more than 4,000 pounds, the court
2 shall impose a fine for the violation according to the schedule
3 provided ~~for~~ in subsection (3).

4 (5) A driver or owner of a **COMMERCIAL** vehicle **WITH OTHER**
5 **VEHICLES OR TRAILERS IN COMBINATION**, A truck or truck tractor, A
6 truck or truck tractor with other vehicles in combination, or **ANY**
7 special mobile equipment who ~~knowingly~~ fails to stop at or ~~who~~
8 ~~knowingly~~ bypasses any scales or weighing station is guilty of a
9 misdemeanor.

10 (6) An agent or authorized representative of the state
11 transportation department or a county road commission shall not
12 stop a truck or vehicle in movement upon a road or highway within
13 the state for any purpose, unless the agent or authorized
14 representative is driving a duly marked vehicle, clearly showing
15 and denoting the branch of government represented.

16 (7) A driver or owner of a vehicle who knowingly fails to stop
17 when requested or ordered to do so **AND SUBMIT TO A WEIGHING** by a
18 police officer, **A PEACE OFFICER**, or ~~a duly~~ **AN** authorized agent of
19 the state transportation department, or a representative or agent
20 of a county road commission, authorized to require the driver to
21 stop and submit to a weighing of the vehicle and load by means of a
22 portable scale, is guilty of a misdemeanor **PUNISHABLE BY**
23 **IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN**
24 **\$100.00, OR BOTH. A DRIVER OR PERSON WHO DUMPS HIS OR HER LOAD WHEN**
25 **ORDERED TO SUBMIT TO A WEIGH OR WHO OTHERWISE ATTEMPTS TO COMMIT OR**
26 **COMMITTS AN ACT TO AVOID A VEHICLE WEIGH IS IN VIOLATION OF THIS**
27 **SECTION.**

1 Enacting section 1. Sections 714a and 714b of the Michigan
2 vehicle code, 1949 PA 300, MCL 257.714a and 257.714b, are repealed.

3 Enacting section 2. This amendatory act does not take effect
4 unless all of the following bills of the 93rd Legislature are
5 enacted into law:

6 (a) House Bill No. 4582.

7 (b) House Bill No. 4857.