

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4858

(As amended, October 5, 2005)

<<A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 683, 723, 724, 806 and 819a (MCL 257.683, 257.723,
257.724, 257.806, and 257.819a), section 683 as amended by 2000 PA 97,
sections 723 and 806 as amended and section 819a as added 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

1 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR
2 A FINE OF NOT MORE THAN \$500.00, OR BOTH.

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

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

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

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

1 inconsistent with those sections.

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

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

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

25 (2) Except for towing or platform bed wrecker road service
26 vehicles, the identification requirements of subsection (1) may be
27 met through the use of removable devices which meet the

1 requirements of subsection (1). These devices shall be of durable
 2 construction and securely attached to each side of the motor truck
 3 or truck tractor. The removable devices shall be attached so that
 4 the identification is in a horizontal position.

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).~~ **A VEHICLE**
 8 **IN COMPLIANCE WITH THE IDENTIFICATION REQUIREMENTS OF THE FEDERAL**
 9 **MOTOR CARRIER SAFETY REGULATIONS, 49 CFR PARTS 390-399, IS**
 10 **CONSIDERED TO BE IN COMPLIANCE WITH THIS SECTION.**

11 (4) This section ~~shall~~ **DOES** not apply to a truck eligible
 12 for and registered under a farm or manufacturer license plate, **THAT**
 13 **HAS A GROSS VEHICLE WEIGHT OF LESS THAN 10,000 POUNDS.**

14 (5) A person who violates this section is responsible for a
 15 civil infraction.

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

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

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

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

1 pounds; 12 cents per pound for each pound of excess load when the
2 excess is over 4,000 pounds but not over 5,000 pounds; 15 cents per
3 pound for each pound of excess load when the excess is over 5,000
4 pounds but not over 10,000 pounds; and 20 cents per pound for each
5 pound of excess load when the excess is over 10,000 pounds.

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

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

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

1 (c) If the court determines that the motor vehicle or the
2 combination of vehicles would be lawful by a proper distribution of
3 the load upon all of the axles of the vehicle or the combination of
4 vehicles, but that 1 or more axles of the vehicle exceeded the
5 maximum allowable axle weight by more than 4,000 pounds, the court
6 shall impose a fine for the violation according to the schedule
7 provided ~~for~~ in subsection (3).

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

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

20 (7) A driver or owner of a vehicle who knowingly fails to stop
21 when requested or ordered to do so **AND SUBMIT TO A WEIGHING** by a
22 police officer, **A PEACE OFFICER,** or ~~a duly~~ **AN** authorized agent of
23 the state transportation department, or a representative or agent
24 of a county road commission, authorized to require the driver to
25 stop and submit to a weighing of the vehicle and load by means of a
26 portable scale, is guilty of a misdemeanor **PUNISHABLE BY**
27 **IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN**

1 \$100.00, OR BOTH. A DRIVER OR PERSON WHO DUMPS HIS OR HER LOAD WHEN
 2 ORDERED TO SUBMIT TO A WEIGH OR WHO OTHERWISE ATTEMPTS TO COMMIT OR
 3 COMMITS AN ACT TO AVOID A VEHICLE WEIGH IS IN VIOLATION OF THIS
 4 SECTION.

<<Sec. 806. (1) Until October 1, 2009, a fee of \$10.00 shall accompany each application for a certificate of title required by this act or for a duplicate of a certificate of title. An additional fee of \$5.00 shall accompany an application if the applicant requests that the application be given special expeditious treatment. A \$3.00 service fee shall be collected, in addition to the other fees collected under this subsection, for each title issued. The \$5.00 expeditious treatment fee collected on and after October 1, 2004 through September 30, ~~2005~~ 2006 shall be deposited into the transportation administration collection fund created under section 810b. The \$5.00 expeditious treatment fee collected on and after October 1, ~~2005~~ 2006 shall be deposited into the Michigan transportation fund established under section 10 of 1951 PA 51, MCL 247.660. The \$3.00 service fee shall be deposited into the transportation administration collection fund created under section 810b.

(2) A fee of \$10.00 shall accompany an application for a special identifying number as provided in section 230.

(3) In addition to paying the fees required by subsection (1), until December 31, 2007, each person who applies for a certificate of title, a salvage vehicle certificate of title, or a scrap certificate of title, under this act shall pay a tire disposal surcharge of \$1.50 for each certificate of title or duplicate of a certificate of title that person receives. The secretary of state shall deposit money received under this subsection into the scrap tire regulatory fund created in section 16908 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.16908.>>

5 Sec. 819a. (1) The traffic law enforcement and safety fund is
 6 created within the state treasury.

7 (2) The state treasurer may receive money or other assets from
 8 any source for deposit into the fund. The state treasurer shall
 9 direct the investment of the fund. The state treasurer shall credit
 10 to the fund interest and earnings from fund investments.

11 (3) Money in the fund at the close of the fiscal year shall
 12 remain in the fund and shall not lapse to the general fund.

13 (4) ~~Beginning October 1, 2004, of the funds deposited to the~~
 14 ~~fund as described in subsection (2), \$1,800,000.00 shall annually~~
 15 ~~be transferred~~ **THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE MAY**
 16 **TRANSFER ANY AMOUNT IN THE FUND** to the trooper recruit school fund
 17 created under section 819b.

House Bill No. 4858 as amended October 5, 2005

18 (5) Except as otherwise provided in subsection (4), the
19 department of state police shall expend money from the fund, upon
20 appropriation, only for 1 or more of the following purposes:

21 (a) To enhance enforcement of traffic laws.

22 (b) To enhance the ability to provide safety on the streets
23 and highways of this state.

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

26 Enacting section 2. This amendatory act does not take effect
27 unless all of the following bills of the 93rd Legislature are

1 enacted into law:

2 (a) House Bill No. 4852.

3 (b) House Bill No. 4857.