

Act No. 173
Public Acts of 1989
Approved by the Governor
August 21, 1989
Filed with the Secretary of State
August 22, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Senators Barcia and DeGrow

ENROLLED SENATE BILL No. 127

AN ACT to amend sections 42, 631, and 726c of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of vehicles operated upon the public highways of this state or any other place open to the general public and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," section 42 as amended and section 726c as added by Act No. 74 of the Public Acts of 1984, being sections 257.42, 257.631, and 257.726c of the Michigan Compiled Laws; and to repeal certain acts and parts of acts.

The People of the State of Michigan enact:

Section 1. Sections 42, 631, and 726c of Act No. 300 of the Public Acts of 1949, section 42 as amended and section 726c as added by Act No. 74 of the Public Acts of 1984, being sections 257.42, 257.631, and 257.726c of the Michigan Compiled Laws, are amended to read as follows:

Sec. 42. "Police officer" means any of the following:

(a) Every sheriff or sheriff's deputy; village or township marshal; officer of the police department of any city, village, or township; any officer of the Michigan state police; or any peace officer who is trained and certified pursuant to the Michigan law enforcement officers training council act of 1965, Act No. 203 of the Public Acts of 1965, being sections 28.601 to 28.616 of the Michigan Compiled Laws.

(b) For purposes of enforcing sections 215, 255, 631(1), 717, 719, 719a, 720, 722, 724, 725, and 726, any duly authorized agent of a county road commission meeting the requirements of section 726c. However, an authorized agent of a county road commission shall only enforce sections 215 and 255 with respect to commercial vehicles.

Sec. 631. (1) A person shall not drive a vehicle upon a public bridge, causeway, or viaduct at a speed or with a load which is greater than the maximum speed or load which can be maintained with safety to the structure, when the structure is signposted as provided in this section. A person who violates this subsection is responsible for a civil infraction.

(2) A person who drives or moves a vehicle or combination of vehicles, or the owner or lessee of a vehicle who causes or allows such a vehicle or combination of vehicles to be loaded and driven or moved, upon a public bridge, causeway, or viaduct when the gross weight of the vehicle or combination of vehicles exceeds the limitations established and signposted pursuant to this section is responsible for a civil infraction and shall be assessed a civil fine as set forth in this subsection. This subsection shall not apply to either of the following:

(a) implements of husbandry operated upon a public bridge, causeway, or viaduct.

(b) The use of a public bridge, causeway, or viaduct by a vehicle or combination of vehicles for a function essential to a farm operation otherwise reasonably inaccessible to vehicles performing the essential agricultural function.

(3) The civil fine assessed under subsection (2) shall be determined as follows:

(a) In the amount equal to 4 cents per pound for each pound of excess load when the excess is more than 2,500 pounds but not more than 3,000 pounds.

(b) In the amount equal to 6 cents per pound for each pound of excess load when the excess is more than 3,000 pounds but not more than 4,000 pounds.

(c) In the amount equal to 8 cents per pound for each pound of excess load when the excess is more than 4,000 pounds but not more than 5,000 pounds.

(d) In the amount equal to 10 cents per pound for each pound of excess load when the excess is more than 5,000 pounds.

(4) For the purpose of this section, the gross weight of a vehicle or combination of vehicles shall be determined as prescribed in section 722(7).

(5) The department of transportation, county road commission, or other authority having jurisdiction of a public bridge, causeway, or viaduct may conduct an investigation of that bridge, causeway, or viaduct. If it is found after investigation that the structure cannot with safety to itself withstand vehicles traveling at the speed or carrying a load otherwise permissible under this chapter, the department, commission, or other authority shall determine and declare the maximum speed of vehicles or load which the structure can withstand, and shall cause or permit suitable signs stating that maximum speed and load limitations to be erected and maintained not more than 50 feet from each end of the structure, and also at a suitable distance from each end of the bridge to enable vehicles to take a different route.

(6) The findings and determination of the department of transportation, county road commission, or other local authority, shall be conclusive evidence of the maximum speed and load which can with safety be maintained on a public bridge, causeway, or viaduct.

Sec. 726c. (1) A duly authorized agent of a county road commission when enforcing sections 215, 255, 631(1), 717, 719, 719a, 720, 722, 724, 725, and 726 shall wear a shoulder patch which shall be clearly visible and shall identify the branch of government represented.

(2) A duly authorized agent of a county road commission shall not carry a firearm while enforcing sections 215, 255, 631(1), 717, 719, 719a, 720, 722, 724, 725, and 726 unless he or she meets the requirements of the Michigan law enforcement officers training council act of 1965, Act No. 203 of the Public Acts of 1965, being sections 28.601 to 28.616 of the Michigan Compiled Laws.

Section 2. (1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved

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Governor.