

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5424

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 627, 688, 722, and 724 (MCL 257.627,
257.688, 257.722, and 257.724), section 627 as amended by 2006 PA
85, section 688 as amended by 2006 PA 14, section 722 as amended
by 2009 PA 146, and section 724 as amended by 2009 PA 169, and by
adding section 30c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 30C. "MODIFIED AGRICULTURE VEHICLE" MEANS A VEHICLE
2 THAT SATISFIES BOTH OF THE FOLLOWING CONDITIONS:
3 (A) IT HAS BEEN MODIFIED FROM ITS ORIGINAL USE SO THAT THE
4 TRANSPORT OF AGRICULTURAL COMMODITIES IS THE VEHICLE'S PRIMARY
5 PURPOSE.

1 (B) IT IS CERTIFIED BY THE UNITED STATES DEPARTMENT OF
2 TRANSPORTATION AND UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
3 FOR ROAD USE BEFORE BEING MODIFIED AS DESCRIBED IN SUBDIVISION
4 (A).

5 Sec. 627. (1) A person operating a vehicle on a highway
6 shall operate that vehicle at a careful and prudent speed not
7 greater than nor less than is reasonable and proper, having due
8 regard to the traffic, surface, and width of the highway and of
9 any other condition then existing. A person shall not operate a
10 vehicle upon a highway at a speed greater than that which will
11 permit a stop within the assured, clear distance ahead.

12 (2) Except in those instances where a lower speed is
13 specified in this chapter or the speed is unsafe ~~pursuant to~~
14 **UNDER** subsection (1), it is prima facie lawful for the operator
15 of a vehicle to operate that vehicle at a speed not exceeding the
16 following, except when this speed would be unsafe:

17 (a) 25 miles per hour on all highways in a business
18 district. ~~as that term is defined in section 5.~~

19 (b) 25 miles per hour in public parks unless a different
20 speed is fixed and duly posted.

21 (c) 25 miles per hour on all highways or parts of highways
22 within the boundaries of land platted under the land division
23 act, 1967 PA 288, MCL 560.101 to 560.293, or the condominium act,
24 1978 PA 59, MCL 559.101 to 559.276, unless a different speed is
25 fixed and posted.

26 (d) 25 miles per hour on a highway segment with 60 or more
27 vehicular access points within 1/2 mile.

1 (e) 35 miles per hour on a highway segment with not less
2 than 45 vehicular access points but no more than 59 vehicular
3 access points within 1/2 mile.

4 (f) 45 miles per hour on a highway segment with not less
5 than 30 vehicular access points but no more than 44 vehicular
6 access points within 1/2 mile.

7 (3) It is prima facie unlawful for a person to exceed the
8 speed limits prescribed in subsection (2), except as provided in
9 section 629.

10 (4) A person operating a vehicle in a mobile home park as
11 defined in section 2 of the mobile home commission act, 1987 PA
12 96, MCL 125.2302, shall operate that vehicle at a careful and
13 prudent speed, not greater than a speed that is reasonable and
14 proper, having due regard for the traffic, surface, width of the
15 roadway, and all other conditions existing, and not greater than
16 a speed that permits a stop within the assured clear distance
17 ahead. It is prima facie unlawful for the operator of a vehicle
18 to operate that vehicle at a speed exceeding 15 miles an hour in
19 a mobile home park as defined in section 2 of the mobile home
20 commission act, 1987 PA 96, MCL 125.2302.

21 (5) A person operating a passenger vehicle drawing another
22 vehicle or trailer shall not exceed the posted speed limit.

23 (6) Except as otherwise provided in this subsection, a
24 person operating a truck with a gross weight of 10,000 pounds or
25 more, a truck-tractor, a truck-tractor with a semi-trailer or
26 trailer, or a combination of these vehicles shall not exceed a
27 speed of 55 miles per hour on highways, streets, or freeways and

1 shall not exceed a speed of 35 miles per hour during the period
2 when reduced loadings are being enforced in accordance with this
3 chapter. However, a person operating a school bus, a truck, a
4 truck-tractor, or a truck-tractor with a semi-trailer or trailer
5 described in this subsection shall not exceed a speed of 60 miles
6 per hour on a freeway if the maximum speed limit on that freeway
7 is 70 miles per hour. **A PERSON OPERATING A MODIFIED AGRICULTURE**
8 **VEHICLE SHALL NOT EXCEED A SPEED OF 45 MILES PER HOUR.**

9 (7) Except as otherwise provided in subsection (6), a person
10 operating a school bus shall not exceed the speed of 55 miles per
11 hour.

12 (8) The maximum rates of speeds allowed under this section
13 are subject to the maximum rate established under section 629b.

14 (9) A person operating a vehicle on a highway, when entering
15 and passing through a work zone described in section 79d(a) where
16 a normal lane or part of the lane of traffic has been closed due
17 to highway construction, maintenance, or surveying activities,
18 shall not exceed a speed of 45 miles per hour unless a different
19 speed limit is determined for that work zone by the state
20 transportation department, a county road commission, or a local
21 authority, based on accepted engineering practice. The state
22 transportation department, a county road commission, or a local
23 authority shall post speed limit signs in each work zone
24 described in section 79d(a) that indicate the speed limit in that
25 work zone and shall identify that work zone with any other
26 traffic control devices necessary to conform to the Michigan
27 manual of uniform traffic control devices. A person shall not

1 exceed a speed limit established under this section or a speed
2 limit established under section 628 or 629.

3 (10) Subject to subsections (1) and (2)(c), speed limits
4 established ~~pursuant to~~ **UNDER** this section are not valid unless
5 properly posted. In the absence of a properly posted sign, the
6 speed limit in effect shall be the general speed limit ~~pursuant~~
7 ~~to~~ **UNDER** section 628(1).

8 (11) Nothing in this section prevents the establishment of
9 an absolute speed limit ~~pursuant to~~ **UNDER** section 628. Subject to
10 subsection (1), an absolute speed limit established ~~pursuant to~~
11 **UNDER** section 628 supersedes a prima facie speed limit
12 established ~~pursuant to~~ **UNDER** this section.

13 (12) Nothing in this section shall be construed as
14 justification to deny a traffic and engineering investigation.

15 (13) As used in this section, "vehicular access point" means
16 a driveway or intersecting roadway.

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

19 Sec. 688. (1) In addition to other equipment required in
20 this chapter, the following vehicles shall be equipped as
21 provided in this section under the conditions stated in section
22 687:

23 (a) On every bus or truck, whatever its size, there shall be
24 on the rear, 2 red reflectors, 1 on each side, and 1 red or amber
25 stop light.

26 (b) On every bus or truck 80 inches or more in overall
27 width, in addition to the requirements in subdivision (a), the

- 1 following:
- 2 (i) On the front, 2 clearance lamps, 1 at each side.
- 3 (ii) On the rear, 2 clearance lamps, 1 at each side.
- 4 (iii) On each side, 2 side marker lamps, 1 at or near the
5 front and 1 at or near the rear.
- 6 (iv) On each side, 2 reflectors, 1 at or near the front and 1
7 at or near the rear.
- 8 (v) Three identification lamps, mounted on the vertical
9 centerline of the vehicle or the vertical centerline of the cab
10 where different from the centerline of the vehicle, except that,
11 ~~where~~ **IF** the cab is not more than 42 inches wide at the front
12 roofline, a single lamp at the center of the cab ~~shall be~~
13 ~~considered to comply with~~ **SATISFIES** the requirements for
14 identification lamps. The identification lamps or their mounts
15 shall not extend below the top of the vehicle windshield.
- 16 (c) On every truck tractor, the following:
- 17 (i) On the front, 2 clearance lamps, 1 at each side.
- 18 (ii) On the rear, 1 stop light.
- 19 (d) On every trailer, pickup camper, or semitrailer having a
20 gross weight in excess of 3,000 pounds, the following:
- 21 (i) On the front, 2 clearance lamps, 1 at each side.
- 22 (ii) On each side, 2 side marker lamps, 1 at or near the
23 front and 1 at or near the rear.
- 24 (iii) On each side, 2 reflectors, 1 at or near the front and 1
25 at or near the rear.
- 26 (iv) On the rear, 2 clearance lamps, 1 at each side, also 2
27 reflectors, 1 at each side, and 1 stop light.

1 (e) On every poletrailer, the following:

2 (i) On each side, 1 side marker lamp and 1 clearance lamp
3 which may be in combination, to show to the front, side, or rear.

4 (ii) On the rear of the poletrailer or load, 2 reflectors, 1
5 on each side.

6 (f) On every trailer, pickup camper, or semitrailer weighing
7 3,000 pounds gross or less, on the rear, 2 reflectors, 1 on each
8 side if any trailer or semitrailer is so loaded or is of such
9 dimensions as to obscure the stop light on the towing vehicle,
10 then such vehicle shall also be equipped with 1 stop light.

11 (g) Subject to subsection (3), when operated on the highway,
12 every vehicle ~~which~~**THAT** has a maximum potential speed of 25
13 miles an hour, implement of husbandry, farm tractor, **MODIFIED**
14 **AGRICULTURE VEHICLE**, or special mobile equipment shall be
15 identified with a reflective device as follows:

16 (i) An equilateral triangle in shape, at least 16 inches wide
17 at the base and at least 14 inches in height: with a dark red
18 border, at least 1-3/4 inches wide of highly reflective beaded
19 material.

20 (ii) A center triangle, at least 12-1/4 inches on each side
21 of yellow-orange fluorescent material.

22 (2) The device described in ~~subdivision (g)~~**SUBSECTION**
23 **(1) (G)** shall be mounted on the rear of the vehicle, broad base
24 down, not less than 3 feet nor more than 5 feet above the ground
25 and as near the center of the vehicle as possible. The use of
26 this reflective device is restricted to use on slow moving
27 vehicles specified in this section, and use of such reflective

1 device on any other type of vehicle or stationary object on the
2 highway is prohibited. On the rear, at each side, red reflectors
3 or reflectorized material visible from all distances within 500
4 to 50 feet to the rear when directly in front of lawful upper
5 beams of headlamps.

6 (3) An implement of husbandry manufactured on or after
7 January 1, 2007 shall comply with section 684a.

8 Sec. 722. (1) The maximum axle load shall not exceed the
9 number of pounds designated in the following provisions that
10 prescribe the distance between axles:

11 (a) If the axle spacing is 9 feet or more between axles, the
12 maximum axle load shall not exceed 18,000 pounds for vehicles
13 equipped with high pressure pneumatic or balloon tires.

14 (b) If the axle spacing is less than 9 feet between 2 axles
15 but more than 3-1/2 feet, the maximum axle load shall not exceed
16 13,000 pounds for high pressure pneumatic or balloon tires.

17 (c) If the axles are spaced less than 3-1/2 feet apart, the
18 maximum axle load shall not exceed 9,000 pounds per axle.

19 (d) Subdivisions (a), (b), and (c) shall be known as the
20 normal loading maximum.

21 (2) When normal loading is in effect, the state
22 transportation department, or a local authority with respect to
23 highways under its jurisdiction, may designate certain highways,
24 or sections of those highways, where bridges and road surfaces
25 are adequate for heavier loading, and revise a designation as
26 needed, on which the maximum tandem axle assembly loading shall
27 not exceed 16,000 pounds for any axle of the assembly, if there

1 is no other axle within 9 feet of any axle of the assembly.

2 (3) On a legal combination of vehicles, only 1 tandem axle
3 assembly ~~shall be~~ **IS** permitted on the designated highways at the
4 gross permissible weight of 16,000 pounds per axle, if there is
5 no other axle within 9 feet of any axle of the assembly, and if
6 no other tandem axle assembly in the combination of vehicles
7 exceeds a gross weight of 13,000 pounds per axle. On a
8 combination of truck tractor and semitrailer having not more than
9 5 axles, 2 consecutive tandem axle assemblies ~~shall be~~ **ARE**
10 permitted on the designated highways at a gross permissible
11 weight of 16,000 pounds per axle, if there is no other axle
12 within 9 feet of any axle of the assembly.

13 (4) Notwithstanding subsection (3), on a combination of
14 truck tractor and semitrailer having not more than 5 axles, 2
15 consecutive sets of tandem axles may carry a gross permissible
16 weight of not to exceed 17,000 pounds on any axle of the tandem
17 axles if there is no other axle within 9 feet of any axle of the
18 tandem axles and if the first and last axles of the consecutive
19 sets of tandem axles are not less than 36 feet apart and the
20 gross vehicle weight does not exceed 80,000 pounds to pick up and
21 deliver agricultural commodities between the national truck
22 network or special designated highways and any other highway.
23 This subsection is not subject to the maximum axle loads of
24 subsections (1), (2), and (3). For purposes of this subsection, a
25 "tandem axle" means 2 axles spaced more than 40 inches but not
26 more than 96 inches apart or 2 axles spaced more than 3-1/2 feet
27 but less than 9 feet apart. This subsection does not apply during

1 that period when reduced maximum loads are in effect under
2 subsection (8).

3 (5) The seasonal reductions described under subsection (8)
4 to the loading maximums and gross vehicle weight requirement of
5 subsection (12) do not apply to a person hauling agricultural
6 commodities if the person who picks up or delivers the
7 agricultural commodity either from a farm or to a farm notifies
8 the county road commission for roads under its authority not less
9 than 48 hours before the pickup or delivery of the time and
10 location of the pickup or delivery. The county road commission
11 shall issue a permit to the person and charge a fee that does not
12 exceed the administrative costs incurred. The permit shall
13 contain all of the following:

14 (a) The designated route or routes of travel for the load.

15 (b) The date and time period requested by the person who
16 picks up or delivers the agricultural commodities during which
17 the load may be delivered or picked up.

18 (c) A maximum speed limit of travel, if necessary.

19 (d) Any other specific conditions agreed to between the
20 parties.

21 (6) The seasonal reductions described under subsection (8)
22 to the loading maximums and gross vehicle weight requirements of
23 subsection (12) do not apply to public utility vehicles under the
24 following circumstances:

25 (a) For emergency public utility work on restricted roads,
26 as follows:

27 (i) If required by the county road commission, the public

1 utility or its subcontractor shall notify the county road
2 commission, as soon as practical, of the location of the
3 emergency public utility work and provide a statement that the
4 vehicles that were used to perform the emergency utility work may
5 have exceeded the loading maximums and gross vehicle weight
6 requirements of subsection (12) as reduced under subsection (8).
7 The notification may be made via facsimile or electronically.

8 (i) The public utility vehicle travels to and from the site
9 of the emergency public utility work while on a restricted road
10 at a speed not greater than 35 miles per hour.

11 (b) For nonemergency public utility work on restricted
12 roads, as follows:

13 (i) If the county road commission requires, the public
14 utility or its subcontractor shall apply to the county road
15 commission annually for a seasonal truck permit for roads under
16 its authority before seasonal weight restrictions are effective.
17 The county road commission shall issue a seasonal truck permit
18 for each public utility vehicle or vehicle configuration the
19 public utility or subcontractor anticipates will be utilized for
20 nonemergency public utility work. The county road commission may
21 charge a fee for a seasonal truck permit that does not exceed the
22 administrative costs incurred for the permit. The seasonal truck
23 permit shall contain all of the following:

24 (A) The seasonal period requested by the public utility or
25 subcontractor during which the permit is valid.

26 (B) A unique identification number for the vehicle and any
27 vehicle configuration to be covered on the seasonal truck permit

1 requested by the public utility or subcontractor.

2 (C) A requirement that travel on restricted roads during
3 weight restrictions will be minimized and only utilized when
4 necessary to perform public utility work using the public utility
5 vehicle or vehicle configuration and that nonrestricted roads
6 shall be used for travel when available and for routine travel.

7 (D) A requirement that in the case of a subcontractor the
8 permit is only valid while the subcontractor vehicle is being
9 operated in the performance of public utility work.

10 (E) A requirement that a subcontractor vehicle or vehicle
11 configuration shall display signage on the outside of the vehicle
12 to identify the vehicle as operating on behalf of the public
13 utility.

14 (ii) If the county road commission requires notification, the
15 county road commission shall provide a notification application
16 for the public utility or its subcontractor to use when
17 requesting access to operate on restricted roads and the public
18 utility or its subcontractor shall provide notification to the
19 county road commission, via facsimile or electronically, not
20 later than 24 hours before the time of the intended travel. A
21 subcontractor using a vehicle on a restricted road shall have a
22 copy of any notification provided to a county road commission in
23 the subcontractor's possession while performing the relevant
24 nonemergency work. Notwithstanding this subsection or an
25 agreement under this subsection, if the county road commission
26 determines that the condition of a particular road under its
27 jurisdiction makes it unusable, the county road commission may

1 deny access to all or any part of that road. The denial shall be
2 made and communicated via facsimile or electronically to the
3 public utility or its subcontractor within 24 hours after
4 receiving notification that the public utility or subcontractors
5 intends to perform nonemergency work that requires use of that
6 road. Any notification that is not disapproved within 24 hours
7 after the notice is received by the county road commission is
8 considered approved. The notification application required under
9 this subparagraph may include all of the following information:

10 (A) The address or location of the nonemergency work.

11 (B) The date or dates of the nonemergency work.

12 (C) The route to be taken to the nonemergency work site.

13 (D) The restricted road or roads intended to be traveled
14 upon to the nonemergency work site or sites.

15 (E) In the case of a subcontractor, the utility on whose
16 behalf the subcontractor is performing services.

17 (7) The normal size of tires shall be the rated size as
18 published by the manufacturers, and the maximum wheel load
19 permissible for any wheel shall not exceed 700 pounds per inch of
20 width of tire.

21 (8) Except as provided in this subsection and subsection

22 (9), during the months of March, April, and May in each year, the
23 maximum axle load allowable on concrete pavements or pavements
24 with a concrete base is reduced by 25% from the maximum axle load
25 as specified in this chapter, and the maximum axle loads
26 allowable on all other types of roads during these months are
27 reduced by 35% from the maximum axle loads as specified. The

1 maximum wheel load shall not exceed 525 pounds per inch of tire
2 width on concrete and concrete base or 450 pounds per inch of
3 tire width on all other roads during the period the seasonal road
4 restrictions are in effect. Subject to subsection (5), this
5 subsection does not apply to vehicles transporting agricultural
6 commodities or, subject to subsection (6), public utility
7 vehicles on a highway, road, or street under the jurisdiction of
8 a local road agency. The state transportation department and each
9 local authority with highways and streets under its jurisdiction
10 to which the seasonal restrictions prescribed under this
11 subsection apply shall post all of the following information on
12 the homepage of its website or, if a local authority does not
13 have a website, then on the website of a statewide road
14 association of which it is a member:

15 (a) The dates when the seasonal restrictions are in effect.

16 (b) The names of the highways and streets and portions of
17 highways and streets to which the seasonal restrictions apply.

18 (9) The state transportation department for roads under its
19 jurisdiction and a county road commission for roads under its
20 jurisdiction may grant exemptions from seasonal weight
21 restrictions for milk on specified routes when requested in
22 writing. Approval or denial of a request for an exemption shall
23 be given by written notice to the applicant within 30 days after
24 the date of submission of the application. If a request is
25 denied, the written notice shall state the reason for denial and
26 alternate routes for which the permit may be issued. The
27 applicant may appeal to the state transportation commission or

1 the county road commission. These exemptions do not apply on
2 county roads in counties that have negotiated agreements with
3 milk haulers or haulers of other commodities during periods of
4 seasonal load limits before April 14, 1993. This subsection does
5 not limit the ability of these counties to continue to negotiate
6 such agreements.

7 (10) The state transportation department, or a local
8 authority with respect to highways under its jurisdiction, may
9 suspend the restrictions imposed by this section when and where
10 conditions of the highways or the public health, safety, and
11 welfare warrant suspension, and impose the restricted loading
12 requirements of this section on designated highways at any other
13 time that the conditions of the highway require.

14 (11) For the purpose of enforcing this act, the gross
15 vehicle weight of a single vehicle and load or a combination of
16 vehicles and loads shall be determined by weighing individual
17 axles or groups of axles, and the total weight on all the axles
18 shall be the gross vehicle weight. In addition, the gross axle
19 weight shall be determined by weighing individual axles or by
20 weighing a group of axles and dividing the gross weight of the
21 group of axles by the number of axles in the group. For purposes
22 of subsection (12), the overall gross weight on a group of 2 or
23 more axles shall be determined by weighing individual axles or
24 several axles, and the total weight of all the axles in the group
25 shall be the overall gross weight of the group.

26 (12) The loading maximum in this subsection applies to
27 interstate highways, and the state transportation department, or

1 a local authority with respect to highways under its
 2 jurisdiction, may designate a highway, or a section of a highway,
 3 for the operation of vehicles having a gross vehicle weight of
 4 not more than 80,000 pounds that are subject to the following
 5 load maximums:

6 (a) Twenty thousand pounds on any 1 axle, including all
 7 enforcement tolerances.

8 (b) A tandem axle weight of 34,000 pounds, including all
 9 enforcement tolerances.

10 (c) An overall gross weight on a group of 2 or more
 11 consecutive axles equaling:

$$12 \quad \frac{W = 500}{\frac{LN}{N-1} + 12N + 36}$$

$$13 \quad \frac{LN}{N-1} + 12N + 36$$

14 $W = 500 [(LN) / (N-1) + 12N + 36]$

15 where W = overall gross weight on a group of 2 or more
 16 consecutive axles to the nearest 500 pounds, L = distance in feet
 17 between the extreme of a group of 2 or more consecutive axles,
 18 and N = number of axles in the group under consideration; except
 19 that 2 consecutive sets of tandem axles may carry a gross load of
 20 34,000 pounds each if the first and last axles of the consecutive
 21 sets of tandem axles are not less than 36 feet apart. The gross
 22 vehicle weight shall not exceed 80,000 pounds including all
 23 enforcement tolerances. Except for 5 axle truck tractor,
 24 semitrailer combinations having 2 consecutive sets of tandem
 25 axles, vehicles having a gross weight in excess of 80,000 pounds
 26 or in excess of the vehicle gross weight determined by

1 application of the formula in this subsection are subject to the
2 maximum axle loads of subsections (1), (2), and (3). As used in
3 this subsection, "tandem axle weight" means the total weight
4 transmitted to the road by 2 or more consecutive axles, the
5 centers of which may be included between parallel transverse
6 vertical planes spaced more than 40 inches but not more than 96
7 inches apart, extending across the full width of the vehicle.
8 Except as otherwise provided in this section, vehicles
9 transporting agricultural commodities shall have weight load
10 maximums as set forth in this subsection.

11 (13) THE AXLE LOADING MAXIMUMS UNDER SUBSECTIONS (1), (2),
12 (3), AND (4) ARE INCREASED BY 10% FOR VEHICLES TRANSPORTING A
13 FARM PRODUCT AS DEFINED IN SECTION 2 OF THE MICHIGAN RIGHT TO
14 FARM ACT, 1981 PA 93, MCL 286.472, FROM THE PLACE OF HARVEST OR
15 STORAGE TO THE FIRST POINT OF DELIVERY ON A ROAD IN THIS STATE.
16 HOWEVER, THE AXLE LOADING MAXIMUMS AS INCREASED UNDER THIS
17 SUBSECTION DO NOT ALTER THE GROSS VEHICLE WEIGHT RESTRICTIONS SET
18 FORTH IN THIS ACT. THIS SUBSECTION DOES NOT APPLY TO EITHER OF
19 THE FOLLOWING:

20 (A) A VEHICLE UTILIZING AN INTERSTATE HIGHWAY.

21 (B) A VEHICLE UTILIZING A ROAD THAT IS SUBJECT TO SEASONAL
22 WEIGHT RESTRICTIONS UNDER SUBSECTION (8) DURING THE TIME THAT THE
23 SEASONAL WEIGHT RESTRICTIONS ARE IN EFFECT.

24 (14) ~~(13)~~—As used in this section:

25 (a) "Agricultural commodities" means those plants and
26 animals useful to human beings produced by agriculture and
27 includes, but is not limited to, forages and sod crops, grains

1 and feed crops, field crops, dairy and dairy products, poultry
2 and poultry products, cervidae, livestock, including breeding and
3 grazing, equine, fish, and other aquacultural products, bees and
4 bee products, berries, herbs, fruits, vegetables, flowers, seeds,
5 grasses, nursery stock, mushrooms, fertilizer, livestock bedding,
6 farming equipment, and fuel for agricultural use. The term does
7 not include trees or lumber.

8 (b) "Emergency public utility work" means work performed to
9 restore public utility service or to eliminate a danger to the
10 public due to a natural disaster, an act of God, or an emergency
11 situation, whether or not a public official has declared an
12 emergency.

13 (c) "Public utility" means a public utility under the
14 jurisdiction of the public service commission or a transmission
15 company.

16 (d) "Public utility vehicle" means a vehicle owned or
17 operated by a public utility or operated by a subcontractor on
18 behalf of a public utility.

19 (e) "Transmission company" means either an affiliated
20 transmission company or an independent transmission company as
21 those terms are defined in section 2 of the electric transmission
22 line certification act, 1995 PA 30, MCL 460.562.

23 Sec. 724. (1) A police officer, a peace officer, or an
24 authorized agent of the state transportation department or a
25 county road commission having reason to believe that the weight
26 of a vehicle and load is unlawful may require the driver to stop
27 and submit to a weighing of the vehicle by either portable or

1 stationary scales approved and sealed as a legal weighing device
2 by a qualified person using testing equipment certified or
3 approved by the department of agriculture **AND RURAL DEVELOPMENT**
4 as a legal weighing device and may require that the vehicle be
5 driven to the nearest weigh station of the state transportation
6 department for the purpose of allowing a police officer, peace
7 officer, or agent of the state transportation department or
8 county road commission to determine whether the vehicle is loaded
9 in conformity with this chapter.

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

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

1 (3) Subject to subsection (4), an owner of a vehicle or a
2 lessee of the vehicle of an owner-operator, or other person, who
3 causes or allows a vehicle to be loaded and driven or moved on a
4 highway —when the weight of that vehicle violates section 722 is
5 responsible for a civil infraction and shall pay a civil fine in
6 an amount equal to 3 cents per pound for each pound of excess
7 load over 1,000 pounds when the excess is 2,000 pounds or less; 6
8 cents per pound of excess load when the excess is over 2,000
9 pounds but not over 3,000 pounds; 9 cents per pound for each
10 pound of excess load when the excess is over 3,000 pounds but not
11 over 4,000 pounds; 12 cents per pound for each pound of excess
12 load when the excess is over 4,000 pounds but not over 5,000
13 pounds; 15 cents per pound for each pound of excess load when the
14 excess is over 5,000 pounds but not over 10,000 pounds; and 20
15 cents per pound for each pound of excess load when the excess is
16 over 10,000 pounds. **IF A PERSON OPERATES A VEHICLE IN VIOLATION**
17 **OF INCREASED AXLE LOADING MAXIMUMS PROVIDED FOR UNDER SECTION**
18 **722(13), THE OWNER OR LESSEE OF THE VEHICLE IS RESPONSIBLE FOR A**
19 **CIVIL INFRACTION AND SHALL PAY THE CIVIL FINE UNDER THIS**
20 **SUBSECTION THAT APPLIES TO THE AMOUNT OF WEIGHT BY WHICH THE**
21 **VEHICLE EXCEEDS THE ORIGINAL LOADING MAXIMUM.**

22 (4) Beginning January 1, 2006, if the court determines that
23 the motor vehicle or the combination of vehicles was operated in
24 violation of this section, the court shall impose a fine as
25 follows:

26 (a) If the court determines that the motor vehicle or the
27 combination of vehicles was operated in such a manner that the

1 gross weight of the vehicle or the combination of vehicles would
2 not be lawful by a proper distribution of the load upon all the
3 axles of the vehicle or the combination of vehicles, the court
4 shall impose a fine for the violation according to the schedule
5 provided for in subsection (3).

6 (b) If the court determines that the motor vehicle or the
7 combination of vehicles would be lawful by a proper distribution
8 of the load upon all of the axles of the vehicle or the
9 combination of vehicles, but that 1 or more axles of the vehicle
10 exceeded the maximum allowable axle weight by 4,000 pounds or
11 less, the court shall impose a misload fine of \$200.00 per axle.
12 Not more than 3 axles shall be used in calculating the fine to be
13 imposed under this subdivision. This subdivision does not apply
14 to a vehicle subject to the maximum loading provisions of section
15 722(12) or to a vehicle found to be in violation of a special
16 permit issued under section 725.

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

24 (5) A driver or owner of a commercial vehicle with other
25 vehicles or trailers in combination, a truck or truck tractor, a
26 truck or truck tractor with other vehicles in combination, or any
27 special mobile equipment who fails to stop at or bypasses any

1 scales or weighing station is guilty of a misdemeanor.

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

8 (7) A driver or owner of a vehicle who knowingly fails to
9 stop when requested or ordered to do so and submit to a weighing
10 by a police officer, a peace officer, or an authorized agent of
11 the state transportation department, or a representative or agent
12 of a county road commission, authorized to require the driver to
13 stop and submit to a weighing of the vehicle and load by means of
14 a portable scale, is guilty of a misdemeanor punishable by
15 imprisonment for not more than 90 days or a fine of not more than
16 \$100.00, or both. A driver or person who dumps his or her load
17 when ordered to submit to a weigh or who otherwise attempts to
18 commit or commits an act to avoid a vehicle weigh is in violation
19 of this section.