

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.724 Stopping vehicle for weighing; shifting or removing load; civil fine and costs; moving vehicle to place of safekeeping; impoundment; lien; foreclosure sale; powers of authorized agent; unlawful weight as civil infraction; fine; driving duly marked vehicle; failure to stop as misdemeanor.

Sec. 724.

(1) A police officer, a peace officer, or an authorized agent of the state transportation department or a county road commission having reason to believe that the weight of a vehicle and load is unlawful may require the driver to stop and submit to a weighing of the vehicle by either portable or stationary scales approved and sealed as a legal weighing device by a qualified person using testing equipment certified or approved by the department of agriculture and rural development as a legal weighing device and may require that the vehicle be driven to the nearest weigh station of the state transportation department for the purpose of allowing a police officer, peace officer, or agent of the state transportation department or county road commission to determine whether the vehicle is loaded in conformity with this chapter.

(2) When the officer or agent, upon weighing a vehicle and load, determines that the weight is unlawful, the officer or agent may require the driver to stop the vehicle in a suitable place and remain standing until that portion of the load is shifted or removed as necessary to reduce the gross axle load weight of the vehicle to the limit permitted under this chapter. All material unloaded as provided under this subsection shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator. A judge or magistrate imposing a civil fine and costs under this section that are not paid in full immediately or for which a bond is not immediately posted in the amount of the civil fine and costs shall order the driver or owner to move the vehicle at the driver's own risk to a place of safekeeping within the jurisdiction of the judge or magistrate, inform the judge or magistrate in writing of the place of safekeeping, and keep the vehicle until the fine and costs are paid or sufficient bond is furnished or until the judge or magistrate is satisfied that the fine and costs will be paid. The officer or agent who has determined, after weighing a vehicle and load, that the weight is unlawful, may require the driver to proceed to a judge or magistrate within the county. If the judge or magistrate is satisfied that the probable civil fine and costs will be paid by the owner or lessee, the judge or magistrate may allow the driver to proceed, after the load is made legal. If the judge or magistrate is not satisfied that the owner or lessee, after a notice and a right to be heard on the merits is given, will pay the amount of the probable civil fine and costs, the judge or magistrate may order the vehicle to be impounded until trial on the merits is completed under conditions set forth in this section for the impounding of vehicles after the civil fine and costs have been imposed. Removal of the vehicle, and forwarding, care, or preservation of the load shall be under the control of and at the risk of the owner or driver. Vehicles impounded are subject to a lien, subject to a prior valid bona fide lien of prior record, in the amount of the civil fine and costs and if the civil fine and costs are not paid within 90 days after the seizure, the judge or magistrate must certify the unpaid judgment to the prosecuting attorney of the county in which the violation occurred, who shall proceed to enforce the lien by foreclosure sale in accordance with procedure authorized in the case of chattel mortgage foreclosures. When the duly authorized agent of the state transportation department or county road commission is performing duties under this chapter, the agent has all the powers conferred upon peace officers by the general laws of this state.

(3) Subject to subsection (4), an owner of a vehicle or a lessee of the vehicle of an owner-operator, or other person, who causes or allows a vehicle to be loaded and driven or moved on a highway when the weight of that vehicle violates section 722 is responsible for a civil infraction and must pay a civil fine in an amount equal to 3 cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; 6 cents per pound of excess load when the excess is over 2,000 pounds but not over 3,000 pounds; 9 cents per pound for each pound of excess load when the excess is over 3,000 pounds but not over 4,000 pounds; 12 cents per pound for each pound of excess load when the excess is over 4,000 pounds but not over 5,000 pounds; 15 cents per pound for each pound of excess load when the excess is over 5,000 pounds but not over 10,000 pounds; and 20 cents per pound for each pound of excess load when the excess is over 10,000 pounds. If a person operates a vehicle in violation of increased axle loading maximums provided for under section 722(13), the owner or lessee of the vehicle is responsible for a civil infraction and must pay the civil fine under this subsection that applies to the amount of weight by which the vehicle exceeds the original loading maximum.

(4) If the court determines that the motor vehicle or the combination of vehicles was operated in violation of this section, the court must impose a fine as follows:

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

(b) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the maximum allowable axle weight by more than 1,000 pounds but less than 4,000 pounds, the court must impose a misload fine of \$200.00 per axle. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision. This subdivision does not apply to a vehicle subject to the maximum loading provisions of section 722(12) or to a vehicle for which a fine as calculated under the schedule in subsection (3) would be less than the fine as calculated under this subsection.

(c) If the court determines that the motor vehicle or the combination of vehicles would meet the loading conditions specified in a special permit that was issued under section 725 by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by 1,000 pounds or less, the court must impose a misload fine of \$200.00 per axle. If the court determines that the motor vehicle or the combination of vehicles would meet the loading conditions specified in a special permit that was issued under section 725 by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by more than 1,000 pounds, the court must impose a fine for the violation according to the schedule provided in subsection (3) for the amount of pounds exceeding the permitted axle weight. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision. If the court determines that the load was misloaded, the conditions of the special permit remain valid. The imposition of a fine does not void the special permit.

(d) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by at least 4,000 pounds but no more than 8,000 pounds, the court must impose a misload fine of \$400.00 per axle. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision.

(e) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by more than 8,000 pounds, the court must impose a fine for the violation according to the schedule provided in subsection (3).

(5) A driver or owner of a truck or truck tractor, a truck or truck tractor with other vehicles in combination, or any special mobile equipment who fails to stop at or bypasses any scales or weighing station is responsible for a civil infraction.

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

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

History: 1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 233, Eff. Sept. 28, 1951 ;-- Am. 1952, Act 13, Imd. Eff. Feb. 28, 1952 ;-- Am. 1955, Act 209, Imd. Eff. June 17, 1955 ;-- Am. 1964, Act 222, Eff. Aug. 28, 1964 ;-- Am. 1967, Act 277, Eff. Nov. 2, 1967 ;-- Am. 1968, Act 135, Imd. Eff. June 11, 1968 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1989 ;-- Am. 2004, Act 420, Eff. Jan. 1, 2006 ;-- Am. 2005, Act 179, Imd. Eff. Oct. 20, 2005 ;-- Am. 2009, Act 169, Imd. Eff. Dec. 14, 2009 ;-- Am. 2012, Act 252, Imd. Eff. July 2, 2012 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2016, Act 450, Eff. Apr. 5, 2017 ;-- Am. 2018, Act 651, Eff. Mar. 29, 2019