

# HOUSE BILL No. 6281

November 5, 1998, Introduced by Rep. Profit and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 605 and 716 (MCL 257.605 and 257.716), section 716 as amended by 1980 PA 311.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 605. (1) This chapter shall be applicable and uniform  
2 throughout this state and in all political subdivisions and  
3 municipalities in the state. A local authority shall not adopt,  
4 enact, or enforce a local law ~~, charter provision, ordinance,~~  
5 ~~rule, or regulation~~ THAT IS in conflict with this chapter.

6       (2) A local law ~~, charter provision, ordinance, rule, or~~  
7 ~~regulation~~ or portion thereof ~~which~~ THAT imposes a criminal  
8 penalty for an act or omission ~~which~~ THAT is a civil infraction  
9 under this act, or ~~which~~ THAT imposes a criminal penalty or

1 civil sanction in excess of that prescribed in this act, is in  
2 conflict with this act and is void to the extent of the  
3 conflict.

4 (3) PROCEEDS OF A CIVIL FINE IMPOSED BY A LOCAL AUTHORITY  
5 FOR VIOLATION OF A LOCAL LAW REGULATING COMMERCIAL MOTOR VEHICLE  
6 EQUIPMENT AND SUBSTANTIALLY CORRESPONDING TO SECTIONS 683 TO 725A  
7 SHALL BE PAID TO THE COUNTY TREASURER AND APPLIED EXCLUSIVELY FOR  
8 PUBLIC LIBRARIES AND COUNTY LAW LIBRARIES IN THE SAME MANNER AS  
9 IS PROVIDED BY LAW FOR PENAL FINES ASSESSED AND COLLECTED FOR  
10 VIOLATION OF A PENAL LAW OF THIS STATE.

11 (4) AS USED IN THIS SECTION, "LOCAL LAW" INCLUDES A LOCAL  
12 CHARTER PROVISION, ORDINANCE, RULE, OR REGULATION.

13 Sec. 716. (1) Unless specifically declared to be a civil  
14 infraction, it is a misdemeanor for a person to drive or move or  
15 for the owner to cause or permit to be driven or moved on a high-  
16 way a vehicle or vehicles of a size or weight exceeding the limi-  
17 tations stated in this chapter or otherwise in violation of this  
18 chapter. ~~, and the~~ THE maximum size and weight specified in  
19 this chapter shall be lawful throughout this state. ~~, and local~~  
20 ~~authorities~~ A LOCAL AUTHORITY shall not alter those size and  
21 weight limitations except as express authority is granted in this  
22 chapter.

23 (2) The provisions of this chapter governing size, weight,  
24 and load shall not apply to a fire apparatus, ~~or~~ to an imple-  
25 ment of husbandry incidentally moved upon a highway, or to a  
26 vehicle operated under the terms of a special permit issued as  
27 provided in this chapter.

1 (3) The state transportation department ~~, pursuant to Act~~  
2 ~~No. 306 of the Public Acts of 1969, as amended,~~ may promulgate  
3 rules PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969  
4 PA 306, MCL 24.201 TO 24.328, permitting and regulating the oper-  
5 ation of a vehicle or vehicles of a size or weight ~~which~~  
6 ~~exceeds~~ THAT EXCEED the size or weight limitations in this  
7 chapter. The rules may restrict or proscribe the conditions of  
8 operation of a vehicle or vehicles of a size or weight ~~which~~  
9 ~~exceeds~~ THAT EXCEED the size or weight limitations in this chap-  
10 ter, if the restriction or proscription is necessary to protect  
11 the public safety or to prevent undue damage to a road foundation  
12 or surface, a structure, or an installation. The rules may pro-  
13 vide for a reasonable inspection fee for an inspection of a vehi-  
14 cle or vehicles to determine whether their sizes and weights are  
15 in conformance with this act, and may require other security nec-  
16 essary to compensate for damage caused by the vehicle or vehicles  
17 described in this subsection.

18 (4) A GARBAGE OR REFUSE HAULER THAT EXCEEDS THE WEIGHT LIM-  
19 TATIONS IN THIS CHAPTER MAY BE OPERATED UPON A HIGHWAY OVER WHICH  
20 A LOCAL AUTHORITY HAS JURISDICTION IF THE LOCAL AUTHORITY ADOPTS  
21 AN ORDINANCE OR RESOLUTION ALLOWING SUCH MOVEMENT AND ISSUES A  
22 PERMIT ALLOWING SUCH MOVEMENT AS PROVIDED BY SECTION 725.