



Senate Fiscal Agency  
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BILL



ANALYSIS

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Senate Bill 433 (as reported without amendment)  
Sponsor: Senator Alan Sanborn  
Committee: Transportation

(as enacted)

Date Completed: 5-7-09

### **RATIONALE**

The Michigan Vehicle Code prescribes weight limits for a vehicle driven or moved on a highway in the State, and requires a person who violates those restrictions to pay a fine based on the weight of the excess load and its distribution. If the person does not immediately pay the fine or post bond in double the amount of the fine, the vehicle must be impounded. Some people believe that there is no reason for the amount of a bond to be double the amount of the actual fine, and have suggested that the driver or owner of an overweight vehicle should be able to post a bond in the amount of the fine.

### **CONTENT**

**The bill would amend the Michigan Vehicle Code to permit the driver or owner of a vehicle, if he or she did not pay the full amount of civil fines and costs owed for a violation of vehicle weight limits, to post a bond in the amount owed, rather than double the amount as currently required.**

Under the Code, an owner of a vehicle, a lessee of the vehicle of an owner-operator, or another person who causes or allows a vehicle to be loaded and driven or moved on a highway when the weight of the vehicle exceeds limits specified in the Code, is responsible for a civil infraction and must pay a civil fine based on the weight of the excess load and the distribution of the load.

If a judge or magistrate imposes a civil fine and costs that are not paid in full immediately or for which a bond is not posted immediately in double the amount of

the civil fine and costs, the judge or magistrate must order the driver or owner to move the vehicle to a place of safekeeping within the judge's or magistrate's jurisdiction, inform him or her in writing of that 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.

Under the bill, a bond would have to be in the amount of the fines and costs, rather than double that amount.

Currently, if a police officer, a peace officer, or an authorized agent of the Michigan Department of Transportation or a county road commission believes that the weight of a vehicle and load is unlawful, the officer or agent may require the driver to stop and submit to a weighing of the vehicle by portable or stationary scales approved and sealed by the Michigan Department of Agriculture (MDA) as a legal weighing device. Under the bill, the scales would have to be approved and sealed as a legal weighing device by a qualified person using testing equipment certified or approved by the MDA as a legal weighing device.

MCL 257.724

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

In order to plead not guilty to a weight violation, a truck driver or owner must post a bond in double the amount of the fine and costs for the violation. This places an unreasonable burden on the driver or owner while he or she contests the violation. Regardless of the outcome, the driver or owner must wait for his or her money to be returned. Because the person never will owe more than the amount of the fine, a bond in double the amount is unnecessary. By requiring a bond in the amount of a fine, the bill would minimize the monetary burden on a driver or owner.

### **Supporting Argument**

Currently, the MDA must approve and seal all portable or stationary scales used to verify vehicle weights under the Code. The bill would permit any qualified person to approve and seal scales for that purpose, provided the person used testing equipment certified or approved by the MDA. This amendment would allow flexibility while ensuring that the scales maintained a standard of accuracy.

Legislative Analyst: Curtis Walker

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government. Bonds in weight violation cases are returned to the companies involved after the civil fines and costs are covered, and are generally not held in interest-earning accounts.

Fiscal Analyst: Stephanie Yu

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.