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Senate Bill 433 (as introduced 4-2-09)
Sponsor: Senator Alan Sanborn
Committee: Transportation

Date Completed: 5-1-09

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 Department of Agriculture 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 Department of Agriculture as a legal weighing device.

MCL 257.724

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.