

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Reps. Lyons, Daley, Pscholka, McBroom, Kurtz, Goike, Muxlow, Outman, Denby, Johnson, LaFontaine, MacGregor, Zorn, Rendon, Brunner, Bumstead, Callton, Crawford, Damrow, Durhal, Genetski, Horn, Hughes, Huuki, Jenkins, Lane, MacMaster, Opsommer, Potvin, Price, Roy Schmidt, Wayne Schmidt, Tyler, Walsh and Yonker

ENROLLED HOUSE BILL No. 5424

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," 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:

Sec. 30c. "Modified agriculture vehicle" means a vehicle that satisfies both of the following conditions:

(a) It has been modified from its original use so that the transport of agricultural commodities is the vehicle's primary purpose.

(b) It is certified by the United States department of transportation and United States environmental protection agency for road use before being modified as described in subdivision (a).

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

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

(a) 25 miles per hour on all highways in a business district.

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

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

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

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

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

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

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

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

(6) Except as otherwise provided in this subsection, a person operating a truck with a gross weight of 10,000 pounds or more, a truck-tractor, a truck-tractor with a semi-trailer or trailer, or a combination of these vehicles shall not exceed a speed of 55 miles per hour on highways, streets, or freeways and shall not exceed a speed of 35 miles per hour during the period when reduced loadings are being enforced in accordance with this chapter. However, a person operating a school bus, a truck, a truck-tractor, or a truck-tractor with a semi-trailer or trailer described in this subsection shall not exceed a speed of 60 miles per hour on a freeway if the maximum speed limit on that freeway is 70 miles per hour. A person operating a modified agriculture vehicle shall not exceed a speed of 45 miles per hour.

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

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

(9) A person operating a vehicle on a highway, when entering and passing through a work zone described in section 79d(a) where a normal lane or part of the lane of traffic has been closed due to highway construction, maintenance, or surveying activities, shall not exceed a speed of 45 miles per hour unless a different speed limit is determined for that work zone by the state transportation department, a county road commission, or a local authority, based on accepted engineering practice. The state transportation department, a county road commission, or a local authority shall post speed limit signs in each work zone described in section 79d(a) that indicate the speed limit in that work zone and shall identify that work zone with any other traffic control devices necessary to conform to the Michigan manual of uniform traffic control devices. A person shall not exceed a speed limit established under this section or a speed limit established under section 628 or 629.

(10) Subject to subsections (1) and (2)(c), speed limits established under this section are not valid unless properly posted. In the absence of a properly posted sign, the speed limit in effect shall be the general speed limit under section 628(1).

(11) Nothing in this section prevents the establishment of an absolute speed limit under section 628. Subject to subsection (1), an absolute speed limit established under section 628 supersedes a prima facie speed limit established under this section.

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

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

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

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

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

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

(i) On the front, 2 clearance lamps, 1 at each side.

(ii) On the rear, 2 clearance lamps, 1 at each side.

(iii) On each side, 2 side marker lamps, 1 at or near the front and 1 at or near the rear.

(iv) On each side, 2 reflectors, 1 at or near the front and 1 at or near the rear.

(v) Three identification lamps, mounted on the vertical centerline of the vehicle or the vertical centerline of the cab where different from the centerline of the vehicle, except that, if the cab is not more than 42 inches wide at the front roofline, a single lamp at the center of the cab satisfies the requirements for identification lamps. The identification lamps or their mounts shall not extend below the top of the vehicle windshield.

(c) On every truck tractor, the following:

(i) On the front, 2 clearance lamps, 1 at each side.

(ii) On the rear, 1 stop light.

(d) On every trailer, pickup camper, or semitrailer having a gross weight in excess of 3,000 pounds, the following:

(i) On the front, 2 clearance lamps, 1 at each side.

(ii) On each side, 2 side marker lamps, 1 at or near the front and 1 at or near the rear.

(iii) On each side, 2 reflectors, 1 at or near the front and 1 at or near the rear.

(iv) On the rear, 2 clearance lamps, 1 at each side, also 2 reflectors, 1 at each side, and 1 stop light.

(e) On every poletrailer, the following:

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

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

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

(g) Subject to subsection (3), when operated on the highway, every vehicle that has a maximum potential speed of 25 miles an hour, implement of husbandry, farm tractor, modified agriculture vehicle, or special mobile equipment shall be identified with a reflective device as follows:

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

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

(2) The device described in subsection (1)(g) shall be mounted on the rear of the vehicle, broad base down, not less than 3 feet nor more than 5 feet above the ground and as near the center of the vehicle as possible. The use of this reflective device is restricted to use on slow moving vehicles specified in this section, and use of such reflective device on any other type of vehicle or stationary object on the highway is prohibited. On the rear, at each side, red reflectors or reflectorized material visible from all distances within 500 to 50 feet to the rear when directly in front of lawful upper beams of headlamps.

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

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

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

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

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

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

(2) When normal loading is in effect, the state transportation department, or a local authority with respect to highways under its jurisdiction, may designate certain highways, or sections of those highways, where bridges and road surfaces are adequate for heavier loading, and revise a designation as needed, on which the maximum tandem axle assembly loading shall not exceed 16,000 pounds for any axle of the assembly, if there is no other axle within 9 feet of any axle of the assembly.

(3) On a legal combination of vehicles, only 1 tandem axle assembly is permitted on the designated highways at the gross permissible weight of 16,000 pounds per axle, if there is no other axle within 9 feet of any axle of the assembly, and if no other tandem axle assembly in the combination of vehicles exceeds a gross weight of 13,000 pounds per axle. On a combination of truck tractor and semitrailer having not more than 5 axles, 2 consecutive tandem axle assemblies are permitted on the designated highways at a gross permissible weight of 16,000 pounds per axle, if there is no other axle within 9 feet of any axle of the assembly.

(4) Notwithstanding subsection (3), on a combination of truck tractor and semitrailer having not more than 5 axles, 2 consecutive sets of tandem axles may carry a gross permissible weight of not to exceed 17,000 pounds on any axle of the tandem axles if there is no other axle within 9 feet of any axle of the tandem axles and if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart and the gross vehicle weight does not exceed 80,000 pounds to pick up and deliver agricultural commodities between the national truck network or special designated

highways and any other highway. This subsection is not subject to the maximum axle loads of subsections (1), (2), and (3). For purposes of this subsection, a “tandem axle” means 2 axles spaced more than 40 inches but not more than 96 inches apart or 2 axles spaced more than 3-1/2 feet but less than 9 feet apart. This subsection does not apply during that period when reduced maximum loads are in effect under subsection (8).

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

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

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

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

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

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

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

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

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

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

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

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

(B) A unique identification number for the vehicle and any vehicle configuration to be covered on the seasonal truck permit requested by the public utility or subcontractor.

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

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

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

(ii) If the county road commission requires notification, the county road commission shall provide a notification application for the public utility or its subcontractor to use when requesting access to operate on restricted roads and the public utility or its subcontractor shall provide notification to the county road commission, via facsimile or electronically, not later than 24 hours before the time of the intended travel. A subcontractor using a vehicle on a restricted road shall have a copy of any notification provided to a county road commission in the subcontractor's possession while performing the relevant nonemergency work. Notwithstanding this subsection or an agreement under this subsection, if the county road commission determines that the condition of a particular road under its jurisdiction makes it unusable, the county road commission may deny access to all or any part of that road. The denial shall be made and communicated via facsimile or electronically to the public utility or its subcontractor within 24 hours after receiving notification that the public utility or subcontractors intends to perform nonemergency work that requires use of that road. Any notification that is not disapproved within 24 hours after the notice is received by the county road commission is considered approved. The notification application required under this subparagraph may include all of the following information:

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

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

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

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

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

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

(8) Except as provided in this subsection and subsection (9), during the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements or pavements with a concrete base is reduced by 25% from the maximum axle load as specified in this chapter, and the maximum axle loads allowable on all other types of roads during these months are reduced by 35% from the maximum axle loads as specified. The maximum wheel load shall not exceed 525 pounds per inch of tire width on concrete and concrete base or 450 pounds per inch of tire width on all other roads during the period the seasonal road restrictions are in effect. Subject to subsection (5), this subsection does not apply to vehicles transporting agricultural commodities or, subject to subsection (6), public utility vehicles on a highway, road, or street under the jurisdiction of a local road agency. The state transportation department and each local authority with highways and streets under its jurisdiction to which the seasonal restrictions prescribed under this subsection apply shall post all of the following information on the homepage of its website or, if a local authority does not have a website, then on the website of a statewide road association of which it is a member:

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

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

(9) The state transportation department for roads under its jurisdiction and a county road commission for roads under its jurisdiction may grant exemptions from seasonal weight restrictions for milk on specified routes when requested in writing. Approval or denial of a request for an exemption shall be given by written notice to the applicant within 30 days after the date of submission of the application. If a request is denied, the written notice shall state the reason for denial and alternate routes for which the permit may be issued. The applicant may appeal to the state transportation commission or the county road commission. These exemptions do not apply on county roads in counties that have negotiated agreements with milk haulers or haulers of other commodities during periods of seasonal load limits before April 14, 1993. This subsection does not limit the ability of these counties to continue to negotiate such agreements.

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

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

(12) The loading maximum in this subsection applies to interstate highways, and the state transportation department, or a local authority with respect to highways under its jurisdiction, may designate a highway, or a section of a highway, for the operation of vehicles having a gross vehicle weight of not more than 80,000 pounds that are subject to the following load maximums:

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

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

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

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

where W = overall gross weight on a group of 2 or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of a group of 2 or more consecutive axles, and N = number of axles in the group under consideration; except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart. The gross vehicle weight shall not exceed 80,000 pounds including all enforcement tolerances. Except for 5 axle truck tractor, semitrailer combinations having 2 consecutive sets of tandem axles, vehicles having a gross weight in excess of 80,000 pounds or in excess of the vehicle gross weight determined by application of the formula in this subsection are subject to the maximum axle loads of subsections (1), (2), and (3). As used in this subsection, "tandem axle weight" means the total weight transmitted to the road by 2 or more consecutive axles, the centers of which may be included between parallel transverse vertical planes spaced more than 40 inches but not more than 96 inches apart, extending across the full width of the vehicle. Except as otherwise provided in this section, vehicles transporting agricultural commodities shall have weight load maximums as set forth in this subsection.

(13) The axle loading maximums under subsections (1), (2), (3), and (4) are increased by 10% for vehicles transporting a farm product as defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472, from the place of harvest or storage to the first point of delivery on a road in this state. However, the axle loading maximums as increased under this subsection do not alter the gross vehicle weight restrictions set forth in this act. This subsection does not apply to either of the following:

(a) A vehicle utilizing an interstate highway.

(b) A vehicle utilizing a road that is subject to seasonal weight restrictions under subsection (8) during the time that the seasonal weight restrictions are in effect.

(14) As used in this section:

(a) "Agricultural commodities" means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, mushrooms, fertilizer, livestock bedding, farming equipment, and fuel for agricultural use. The term does not include trees or lumber.

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

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

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

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

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 shall be 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 shall 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 shall 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 shall pay the civil fine under this subsection that applies to the amount of weight by which the vehicle exceeds the original loading maximum.

(4) Beginning January 1, 2006, if the court determines that the motor vehicle or the combination of vehicles was operated in violation of this section, the court shall 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 shall 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 4,000 pounds or less, the court shall 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 found to be in violation of a special permit issued under section 725.

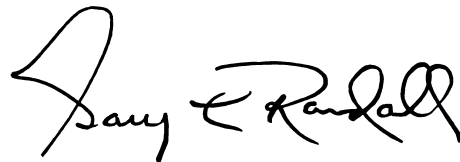
(c) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the maximum allowable axle weight by more than 4,000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

(5) A driver or owner of a commercial vehicle with other vehicles or trailers in combination, 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 guilty of a misdemeanor.

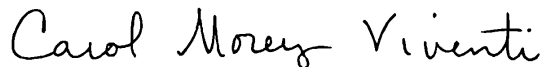
(6) An agent or authorized representative of the state transportation department or a county road commission shall not stop a truck or vehicle in movement upon a road or highway within the state for any purpose, unless the agent or authorized representative is driving a duly marked vehicle, clearly showing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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

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Governor