

COA Opinion: Michigan v Boucha

13. October 2010 By Jeanne Long

In *Michigan v. Boucha*, No. 289197, the Court of Appeals reversed the Circuit Court and held that a truck operator did not violate Michigan vehicle weight requirements when he raised his truck's lift axles to negotiate a curved section of road, which resulted in his axles bearing more weight than generally allowed by law.

In reaching its decision, the Court of Appeals relied on a Michigan statute that states that axle weight requirements do not apply to vehicles equipped with lift axles when they are raised to negotiate a turn. Mich. Comp. L. 257.724a. The Court noted that the prosecution did not present any evidence to suggest that the driver was not navigating a "turn" as defined by the statute, and therefore the exception applied. The prosecution did not file a brief in opposition to the appeal.