§ 393. Measurement and weight of vehicles; responsibility for damages. Any peace officer in this state, acting pursuant to his special duties, police officer or employee of the department of transportation, having reason to believe that any vehicle registered under the provisions of subdivision seven or eight of section four hundred one or described in section three hundred eighty-five of this chapter or the load thereon is unlawful is authorized to stop, measure and weigh the same on any public highway by means of portable or stationary measures and scales. Any peace officer in this state, acting pursuant to his special duties, or police officer may require that such vehicle shall be driven to the nearest scales in the event such scales are within three miles, and if he finds that such vehicle is loaded in violation of the provisions of said subdivision seven or eight of section four hundred one or section three hundred eighty-five, he shall cause the excess load to be removed from such vehicle; and all material or goods so removed shall be removed and cared for by the owner or operator of such vehicle at the risk of such owner or operator of such vehicle; provided further that the owner and operator of any vehicle unlawfully operated or moved on any highway, or over any bridge or culvert in any highway, and the carrier in the conduct of whose business such vehicle is being operated at the time of violation, if such vehicle is then being operated in the conduct of business of a motor carrier, shall be jointly and severally responsible for all damages to such highway, bridge or culvert, as the result of the movement thereover of any vehicle, the weight or size of which violates any of the provisions of said section three hundred eighty-five. The department of transportation, in the case of highways, bridges or culverts under its jurisdiction, and the authority having jurisdiction thereover, in the case of highways, bridges or culverts situated within municipalities, may bring such civil action or actions against the owner and operator of the vehicle or the motor carrier as may be necessary to recover the damages sustained; and all funds recovered by the department of transportation in behalf of the state shall be paid to the state treasurer to the credit of the fund available for the maintenance and repair of state highways, and funds recovered in behalf of a municipality shall be applied in improving the highways, bridges and culverts in such municipality.