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## REPEAL OUT-DATED TRANSPORTATION LAWS

**Senate Bill 1141 as passed by the Senate  
Sponsor: Sen. Bill Bullard, Jr.**

**Senate Bill 1142 as passed by the Senate  
Sponsor: Sen. Gary Peters**

**Senate Bill 1145 as passed by the Senate  
Sponsor: Sen. Ken De Beausaert**

**Senate Bill 1146 as passed by the Senate  
Sponsor: Jackie Vaughn III**

**First Analysis (5-11-00)  
Senate Committee: Government Operations  
House Committee: Transportation**

**Senate Bill 1083 as passed by the Senate  
Sponsor: Sen. Mat Dunaskiss**

**Senate Bill 1084 as passed by the Senate  
Sponsor: Sen. Dale Shugars**

**Senate Bill 1135 as passed by the Senate  
Senate Bill 1136 as passed by the Senate  
Senate Bill 1137 as passed by the Senate  
Sponsor: Sen. Loren Bennett**

### ***THE APPARENT PROBLEM:***

The Senate Law Revision Task Force was established in June 1999 and asked to review existing state statutes and recommend the repeal or amendment of those laws that were found to be arcane and/or irrelevant to present-day life in Michigan. To identify such laws, the task force sought the input of the public, the law enforcement community, and various legal associations and entities, including the Michigan Law Revision Commission, the State Bar of Michigan, legislators, judges, and prosecutors.

After a six month review, the Senate Law Revision Task Force issued a report in December 1999, recommending that various laws or sections of laws be repealed or eliminated.

The broad invitation issued by the Senate to scrutinize the law books for outdated laws was both bipartisan and bicameral, and consequently it was extended to legislators of both parties in the House of Representatives and the Michigan Senate. Among the state senators who responded to the Senate's appeal were those who suggest that nine laws or sections of law currently found in the Michigan Vehicle Code, the Michigan Penal Code, and the trunk line highway laws be repealed.

### ***THE CONTENT OF THE BILLS:***

Senate Bill 1083 would repeal sections 712 and 713 of the Michigan Vehicle Code (MCL 257.712 and 257.713). Section 712 requires a person driving a vehicle over 10,000 pounds carrying hazardous material to carry in the vehicle certain warning and safety devices (e.g., flares, electric lanterns, a liquid-burning pot torch, red cloths, and extinguishers). Section 713 prescribes the deployment of the devices around the vehicle if it is stopped on a highway.

Senate Bill 1084 would repeal section 502 of the Michigan Penal Code (MCL 750.502), which requires a retailer or wholesaler dealing in gasoline, benzine, and naphtha to label all receptacles containing those substances with the proper name; and requires a person purchasing these substances to keep them in properly labeled containers. A person who violates these provisions is guilty of a misdemeanor.

Senate Bill 1135 would delete a provision of the Michigan Vehicle Code (MCL 257.234) that required the holder of a security interest in possession of a certificate of title to mail or deliver the certificate to the owner by January 1, 1969.

Senate Bills 1083, 1084, 1135, 1136, 1137, 1141, 1142, 1145 and 1146 (5-11-00)

Senate Bill 1136 would repeal section 304 of the Michigan Vehicle Code (MCL 257.304), which requires probate courts to report to the secretary of state all name changes authorized by the probate courts.

Senate Bill 1137 would delete a provision of the Michigan Vehicle Code (MCL 257.314) that allowed a person to renew a driver license with a class 1, 2, or 3 endorsement, 90 days before the license expired, from November 15, 1989, through March 31, 1992.

Senate Bill 1141 would repeal Public Act 334 of 1913 (MCL 250.2 - 250.9), which provides for the establishment and maintenance of “state reward trunk line highways”, which comprise the highways and bridges specified in the act and others established in accordance with the act.

Senate Bills 1142, 1145, and 1146 would repeal acts that provide for the establishment of up to 500 miles of additional trunk line highways. Senate Bill 1142 would repeal Public Act 19 of the Extra Session of 1919 (MCL 250.101). Senate Bill 1145 would repeal Public Act 7 of 1929 (MCL 250.131). Senate Bill 1146 would repeal Public Act 27 of the First Extra Session of 1934 (MCL 250.142).

### ***FISCAL IMPLICATIONS:***

The Senate Fiscal Agency notes that Senate Bills 1083 and 1135-1137 would have an indeterminate fiscal impact on local government. Further, the agency observes that there appears to be no specific penalty associated with the various sections that establish these requirements. Unless otherwise specified, a violation of the Michigan Vehicle Code is a misdemeanor. Therefore, local units of government would receive the fine revenues or incur the costs of incarceration.

The Senate Fiscal Agency also notes that Senate Bill 1084 would have an indeterminate fiscal impact on local government. The agency observes that there are no statewide data currently available to indicate how many offenders a year (if any) are convicted of a misdemeanor for carrying benzine or gasoline without proper identification. Local units of government would receive the fine revenue or incur the costs of incarceration for this offense.

The Senate Fiscal Agency notes that Senate Bills 1141, 1142, 1145, and 1146 would have no fiscal impact on state or local government. (3-27-00)

### ***ARGUMENTS:***

#### ***For:***

The state’s compilation of its laws was begun over 160 years ago. While many laws that became outdated, inapplicable, or inappropriate have been repealed or eliminated though the years, many other laws enacted long ago, that are of questionable relevance, remain on the books. The Senate Law Revision Task Force was established to review existing statutes and recommend the repeal of laws found to be arcane or irrelevant. The task force pointed out that arcane or irrelevant laws that remain enforceable are detrimental to the public. The task force report stated that Michigan residents must be free from the threat of the state’s arbitrarily enforcing laws that are arcane or irrelevant to modern life; that residents must not be required to be aware of and abide by laws that no reasonable person can know exist; and that government resources should not be used perpetuating and/or imposing arcane or irrelevant laws upon its citizens.

### ***POSITIONS:***

The Office of the Secretary of State supports Senate Bills 1135-1137. (5-10-00)

The Department of Transportation supports Senate Bills 1083-1084, 1141,1142, 1145, and 1146. (5-10-00)

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■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.