



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 968 (Substitute S-2 as reported)
Sponsor: Senator John Proos
Committee: Transportation

CONTENT

The bill would amend the Michigan Vehicle Code to revise the calculation of the fine imposed for an axle misloading violation, and make imposition of the fine permissive rather than mandatory under certain circumstances.

Under the Code, if the gross weight of a motor vehicle or combination of vehicles would not be lawful by a proper distribution of the load upon all of the vehicle's axles, a court must impose a fine according to a schedule based on the amount of excess weight over 1,000 pounds. The schedule also applies if the vehicle or combination would be lawful by a proper distribution of the load upon all of the axles, but at least one axle exceeded the maximum allowable axle weight by more than 4,000 pounds.

If the vehicle or combination of vehicles would be lawful by a proper distribution of the load upon all of the axles, but one or more axles exceeded the maximum allowable weight by 4,000 pounds or less, the court must impose a misload fine of \$200 per axle. The bill, instead, would allow the court to impose this fine if one or more axles exceeded the maximum allowable weight by more than 1,000 pounds but less than 4,000 pounds. Also, this fine would not apply if a fine calculated under the schedule would be less.

Currently, the \$200 per-axle fine does not apply to a vehicle in violation of a special permit. Under the bill, the \$200 per-axle fine would be required if a vehicle would meet the loading conditions specified in a special permit by a proper distribution of the load upon all of the axles, but one or more axles exceeded the maximum allowable weight by 1,000 pounds or less. The bill states that imposition of the fine would not void the special permit.

MCL 327.724

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have an indeterminate negative fiscal impact on State and local government. There are no data to indicate how many vehicle operators would be relieved of fine penalties under the discretion of local courts. In each instance in which a vehicle operator was not required to pay the fines, \$200 in fine revenue per axle (or up to \$600 total) would be foregone. In addition to allowing local court discretion, the bill would allow violators to avoid the \$200 per-axle fine associated with axle misloading if the fine under the schedule for excess weight would be less. The foregone revenue would have otherwise benefitted public libraries.

Date Completed: 11-29-12

Fiscal Analyst: Dan O'Connor