



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 968 (as introduced 2-15-12)
Sponsor: Senator John Proos
Committee: Transportation

Date Completed: 9-24-12

CONTENT

The bill would amend the Michigan Vehicle Code to allow, rather than require, a court to impose a \$200 fine for a violation of axle loading restrictions, if the gross vehicle weight were lawful and the misloaded axles exceeded the maximum allowable weight by 4,000 pounds or less.

The Code prescribes maximum gross vehicle weights and maximum axle loads for different vehicles and vehicle combinations. A police officer, peace officer, or authorized agent of the Michigan Department of Transportation or a county road commission who believes that the weight of a vehicle and load is unlawful may require the driver to submit to a weighing of the vehicle. If the officer or agent determines that the weight is unlawful, he or she may require the driver to proceed to a judge or magistrate within the county.

If the court determines that the motor vehicle or combination of vehicles was operated in such a manner that the gross weight would not be lawful by a proper distribution of the load upon all of the vehicle's axles, the court must impose a fine for the violation according to a schedule based on the amount of excess weight. The schedule also applies if the court determines that the vehicle or combination of vehicles 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. The bill would retain these provisions.

If the court determines that the vehicle or combination of vehicles would be lawful by a proper distribution of the load upon all of the axles, but that one or more axles exceeded the maximum allowable axle weight by 4,000 pounds or less, the court must impose a misload fine of \$200 per axle. The bill would make imposition of the fine permissive under these circumstances.

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 forgone. This revenue would have otherwise benefitted public libraries.

Fiscal Analyst: Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.