

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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House Bill 4927 (Substitute S-3 as reported by the Committee of the Whole)  
House Bill 4928 (Substitute S-3 as reported by the Committee of the Whole)  
House Bill 4929 (Substitute S-3 as reported by the Committee of the Whole)  
House Bill 4930 (as reported without amendment)  
House Bill 4931 (Substitute S-4 as reported by the Committee of the Whole)  
House Bill 4932 (Substitute S-3 as reported by the Committee of the Whole)  
Sponsor: Representative Rick Johnson (H.B. 4927)  
Representative Randy Richardville (H.B. 4928)  
Representative Judson Gilbert II (H.B. 4929)  
Representative James Koetje (H.B. 4930)  
Representative Thomas Kelly (H.B. 4931)  
Representative Kwame Kilpatrick (H.B. 4932)

House Committee: Transportation  
Senate Committee: Transportation and Tourism

## **CONTENT**

The bills would amend various statutes to require that civil fines imposed for violating a code or local ordinance regulating commercial vehicle operation be paid to a county treasurer and allocated as follows: 50% to the political subdivision in which the citation had been issued and 50% for library purposes as provided by law. House Bills 4931 (S-4) and 4932 (S-3) would require the dismissal of citations for equipment violations that did not require a vehicle to be placed out of service, if the court were given written proof that the defective equipment had been repaired within 14 days. Those bills also provide that in order for a police officer to stop and issue a citation for a commercial motor vehicle violation, the officer would have to meet minimal training requirements established for an officer in the Department of State Police motor carrier division. House Bills 4928 (S-3), 4930, and 4931 (S-4) specify that the 50/50 fine allocation provisions would not apply to a civil fine ordered for a code or ordinance violation of a local authority served by a municipal court. The bills are tie-barred to each other.

House Bill 4927 (S-3) would amend the Revised Judicature Act, and House Bill 4928 (S-3) would amend the Michigan Vehicle Code, to provide that a civil fine ordered for a violation of a local code or ordinance regulating the operation of commercial vehicles and substantially corresponding to a provision of the Michigan Vehicle Code, would have to be paid to the county treasurer and allocated as described above. House Bill 4929 (S-3) would include the same provision in Public Act 62 of 1956, which authorizes the State Police Director to promulgate a uniform traffic code and allows a city, township, or village to adopt it by reference.

House Bill 4930 would amend Article V of the Motor Carrier Act to specify that the chapter (which contains general regulations and procedures, and specifies penalties) would be applicable and uniform throughout the State and in all political subdivisions and local units of government in the State. A local government could not adopt, enact, or enforce a local law that conflicted with the Act. Except for civil infraction actions in a municipal court, proceeds of a civil fine imposed by a local government for violation of a local law regulating for-hire motor vehicles and corresponding to the Act would be subject to the 50/50 allocation described above.

House Bill 4931 (S-4) would amend the Michigan Vehicle Code to provide that, except for civil infraction actions in a municipal court and except for a case in which the citation had been dismissed, proceeds of a civil fine imposed by a local authority for violation of a local law regulating the operation of a commercial motor vehicle and substantially corresponding to the Code, would have to be paid to the county treasurer and allocated as provided above.

House Bill 4932 (S-3) would amend the Motor Carrier Safety Act, which makes it a misdemeanor, punishable by imprisonment for up to 90 days and/or a fine of up to \$100, for a driver or operator to violate the Act or

a rule promulgated under it, or for an owner or user of a specified motor vehicle to require or permit someone to operate or drive it in violation of the Act or a rule. Instead of the current penalty, the bill specifies that a violator would be responsible for a civil infraction and could be fined up to \$250 for each violation. The Act also imposes a maximum fine of \$300 for operating a vehicle with a serious safety defect. The bill would require this fine, if ordered by the district court, to be paid to the county treasurer and applied for library purposes. If the fine for a serious safety defect were ordered under a local ordinance or resolution, it would be subject to the proposed 50/50 allocation (unless the citation was dismissed). If the fine were ordered by a municipal court, it would have to be paid to the political subdivision whose ordinance was violated.

MCL 600.8379 (H.B. 4927)  
MCL 257.909 (H.B. 4928)  
Proposed MCL 257.955 (H.B. 4929)  
MCL 479.18 (H.B. 4930)  
MCL 257.605 & 257.716 (H.B. 4931)  
MCL 480.17 et al. (H.B. 4932)

Legislative Analyst: L. Arasim

**FISCAL IMPACT**

The bills would have an indeterminate impact on local units of government regarding the change in distribution of fine revenue for certain local ordinance violations and administrative costs associated with allocating fine revenue. The following table lists annual fine revenue allocated to public libraries and county law libraries from violations of State penal laws and civil infractions.

	Public Libraries	County Law Libraries	Total
1990	\$ 21,802,755	\$ 353,749	\$ 22,156,504
1991	23,403,841	369,752	23,773,593
1992	23,823,224	369,346	24,192,570
1993	22,961,848	375,407	23,337,255
1994	23,090,420	378,141	23,468,561
1995	24,021,695	375,552	24,397,247
1996	25,289,478	372,947	25,662,425
1997	27,038,996	371,888	27,410,884
1998	28,408,495	372,469	28,780,964
1999	28,433,474	377,413	28,810,887

The portion of that revenue related to State law violations by persons operating a commercial motor vehicle is not known. No Statewide information on distribution of local revenue that would be affected by the bill (for local ordinance violations) is available.

In addition, the provision in House Bill 4930 that would void portions of local laws that are in conflict with the State Motor Carrier Act would have an indeterminate impact on local units of government. Under House Bill 4932 (H-1), changing violations from misdemeanors to civil infractions would result in reduced enforcement costs, depending on the number of violations.

Date Completed: 4-6-00

Fiscal Analyst: B. Bowerman

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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.