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SFA

BILL ANALYSIS

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House Bill 4927 (as passed by the House)
House Bill 4928 (Substitute H-1 as passed by the House)
House Bills 4929, 4930, and 4931 (as passed by the House)
House Bill 4932 (Substitute H-1 as passed by the House)
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

Date Completed: 2-1-00

CONTENT

The bills would amend various statutes pertaining to the operation of commercial motor vehicles, to require that civil fines imposed on commercial vehicle operators for violations of local ordinances on vehicle operation and equipment be paid to a county treasurer and allocated as follows: 40% to the jurisdiction in which the citation had been issued for library purposes as provided by law; 30% to the court funding unit in which the political subdivision was located; and, 30% to the city, village, or county for repair and maintenance on local roads. If the citation were issued under a township ordinance, the county would have to allocate the funds for repair and maintenance on local roads within that township. In addition, House Bills 4928, 4930, and 4931 specify that the above provision would not apply to a civil fine ordered for a code or ordinance violation of a political subdivision served by a municipal court. The bills are tie-barred to each other.

A more detailed description of the bills follows.

House Bill 4927

The bill would amend the Revised Judicature Act to require that a civil fine imposed on a person operating a commercial vehicle for violating a provision of a code or an ordinance of a political subdivision of the State that substantially corresponded to a provision of the Michigan Vehicle Code, would have to be paid to the county treasurer and allocated as described above. The allocation also would apply to a civil fine imposed on a person operating a commercial vehicle for violating a provision of a code or an ordinance adopted by a city, township, or village by reference to a uniform traffic code (MCL 257.951).

("Commercial vehicle" would include a motor vehicle used for transporting passengers for hire or constructed or used for transporting goods, wares, or merchandise and a motor vehicle designed and used for drawing other vehicles and not constructed so as to carry any load on the vehicle independently or any part of the weight of a vehicle or load. "Operating" would mean being in actual physical control of a vehicle regardless of whether the person was licensed as an operator or chauffeur under the Vehicle Code. "Person" would mean every natural person, partnership, association, or corporation and its legal successors.)

House Bill 4928 (H-1)

The bill would amend the Michigan Vehicle Code to provide that a civil fine ordered for a violation of a code

or ordinance of a political subdivision of the State regulating commercial motor vehicles and substantially corresponding to a provision of the Code would have to be allocated as described above.

Currently, a civil fine that is ordered under the Code's provisions on civil infractions (MCL 257.907) for a violation of the Code or other State statute must be applied exclusively to the support of public libraries and county law libraries in the same manner as is provided by law for penal fines assessed and collected for violation of a State penal law. Under the bill, this requirement also would apply to the violation of a code or an ordinance of a political subdivision of the State regulating commercial motor vehicles and substantially corresponding to a provision of the Code.

House Bill 4929

The bill would amend Public Act 62 of 1956, which authorizes the Director of the Department of State Police to promulgate a uniform traffic code and authorizes a city, township, or village to adopt the code by reference, to require that a civil fine imposed upon a person operating a commercial vehicle for a violation of a code or ordinance adopted by a city, township, or village be allocated as described above.

House Bill 4930

The bill would amend Article V of the Motor Carrier Act to specify that the chapter 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. (Article V contains general regulations and procedures, and specifies penalties.)

Under the bill, a local law (a local charter provision, ordinance, rule, or regulation) or a portion of a local law that imposed a criminal penalty for an act or omission that was a civil infraction under the Act, or that imposed a criminal penalty or civil sanction in excess of that prescribed in the Act, would be in conflict with the Act and would be void to the extent of the conflict.

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 have to be paid to the county treasurer and allocated in the percentages described above.

House Bill 4931

The bill would amend the Michigan Vehicle Code to require that, except for civil infraction actions in a municipal court, proceeds of a civil fine imposed by a local authority for violation of a local law (a local charter provision, ordinance, rule, or regulation) regulating commercial motor vehicle equipment and substantially corresponding to the Code's provisions on equipment, inspection of vehicles, size, weight, and load (MCL 257.683-257.725a) be paid to the county treasurer and allocated as provided above.

A garbage or refuse hauler that exceeded the weight limitations in Chapter 6 of the Code could be operated on a highway over which a local authority had jurisdiction if the local authority adopted an ordinance or resolution allowing this movement, and issued a permit allowing this movement as provided by the Code for special permits for nonconforming vehicles (MCL 257.725).

House Bill 4932 (H-1)

Under the Motor Carrier Safety Act, a driver, or operator who violates the Act or a rule promulgated under it, or an owner or user of a bus, truck, truck tractor, or trailer, or certain other motor vehicles or an officer or agent of any individual, partnership, corporation, or association or its lessees or receivers appointed by a court that is the owner or user of a vehicle, who requires or permits the driver or operator to operate or drive a bus, truck, truck tractor, or trailer, or certain other motor vehicles in violation of the Act or rule, is guilty of a misdemeanor that is punishable by imprisonment for up to 90 days and/or a fine of up to \$100. The bill specifies instead that a violator would be responsible for a civil infraction and could be ordered to pay a fine

of up to \$250 for each violation.

Currently, a driver, operator, owner, or user of a motor vehicle specified above, or another person described above, who requires or permits the driver or operator to operate a vehicle with a serious safety defect is subject to a fine of up to \$300 for each violation. The bill specifies that the fine would be a civil fine. The bill would add that a fine ordered to be paid by the district court under this provision would have to be paid to the county treasurer and applied for library purposes as provided by law. A fine ordered to be paid by a municipal court would have to be paid to the treasurer of the political subdivision whose ordinance was violated.

In addition, the fine for operating a vehicle with a serious safety defect ordered to be paid under an ordinance or resolution adopted by a township, city, village, or county that was consistent with the Act would have to be allocated according to the percentages described above.

The Act also specifies that a violation of a rule or the Act's provisions requiring that a package being transported be marked or labeled under Parts 100-180 of the Code of Federal Regulations (which govern the transport of hazardous materials), upon conviction, is punishable by a fine of up to \$500 for each violation and/or imprisonment for up to 90 days. The bill would delete the provision for imprisonment.

MCL 600.8379 (H.B. 4927)

Legislative Analyst: L. Arasim

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)

FISCAL IMPACT

The bills would have an indeterminate impact on local units of government regarding the distribution of 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.

History of Penal Fine Revenue for Libraries

	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.

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.