

Legislative Analysis



HAZARDOUS WASTE TRANSPORT: REVISE PENALTIES

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5273 (Substitute H-1)
Sponsor: Rep. Tom Casperson
Committee: Transportation

Complete to 5-4-04

A SUMMARY OF HOUSE BILL 5273 (H-1) AS REPORTED FROM COMMITTEE

House Bill 5273 would revise the penalties for the improper transportation of hazardous materials.

Currently under the law, a person convicted of violating the federal law and rules that govern the transport of hazardous waste (which is required to be marked or labeled under 49 C.F.R. parts 100 to 180) is guilty of a misdemeanor punishable by imprisonment for not more than one year and/or a fine of not more than \$500 for each violation. Under the bill, a violator of this provision would be responsible for a civil infraction and could be ordered to pay a fine of not more than \$500. In addition and currently under the law, a person or entity that transports hazardous waste without a hazardous material endorsement on his or her driver license is guilty of a misdemeanor punishable by imprisonment for not more than one year and/or a fine of not more than \$500 for each violation. The bill would retain this provision; however, it would apply to a “motor carrier.”

In addition, the bill specifies that a person or entity who knowingly or willfully violated this act or a rule promulgated under it would be, upon conviction, guilty of a misdemeanor punishable by imprisonment for not more than one year and/or a fine of not more than \$500 for each violation. Further, a person who caused injury or death during a violation of the act while transporting hazardous materials would be, upon conviction, guilty of a misdemeanor punishable by imprisonment for not more than one year and/or a fine of not more than \$500 for each violation.

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Legislative Analyst: J. Hunault

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