

Legislative Analysis



PENALTY FOR FAILURE TO PAY MACKINAC BRIDGE TOLL

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House Bill 5801 (Substitute H-1)
Sponsor: Rep. Scott Shackleton
Committee: Judiciary
First Analysis (6-9-04)

BRIEF SUMMARY: The bill would establish criminal penalties for failure to stop and pay the toll at the Mackinac Bridge.

FISCAL IMPACT: Fines collected under these provisions of the bill could increase local revenue, depending on how many motorists were apprehended and successfully prosecuted. The Mackinac Bridge Authority estimates that approximately 30 motorists each year attempt to evade payment of the bridge tolls. Penal fines are constitutionally dedicated to the support of public libraries.

THE APPARENT PROBLEM:

Though state law allows a toll to be charged to cross the Mackinac Bridge, which spans the Straits of Mackinac and connects the two peninsulas of Michigan, the statute does not designate failure to pay the toll as either a state civil infraction or a criminal offense. Though some of the offenders are apprehended based on vehicle descriptions by the toll booth operators, the officers can do little except demand payment of the current toll charge. Oftentimes, however, a stop of an offending vehicle reveals a driver who is under the influence of alcohol or a controlled substance or who is in possession of illegal drugs. This has proved problematic for local law enforcement officers and prosecutors because though these are crimes, the validity of the initial stop that led to the discovery of those crimes is called into question due to the lack of legal authority to stop a vehicle solely for failure to pay the toll.

THE CONTENT OF THE BILL:

The bill would amend Public Act 214 of 1952, which regulates the Mackinac Bridge Authority, to make it a criminal offense to fail to pay the tolls and charges established by the authority for crossing the bridge. Beginning September 1, 2004, failure to pay the bridge toll would be a misdemeanor offense punishable by imprisonment for not more than 90 days, a fine of not more than \$500, or both.

MCL 254.322

ARGUMENTS:

For:

The bill would close an existing loophole in state law. Even though by statute a toll to cross the Mackinac Bridge can be charged, there is no corresponding penalty for failure to pay that toll. According to the Mackinac Bridge Authority, only about 30 people a year deliberately drive around the toll booths to avoid payment. On one hand, considering the sheer number of vehicles that do cross the bridge annually, this number seems insignificant. The importance lies in the fact that many of the drivers that avoid paying the toll are either drunk, under the influence of controlled substances, or are in possession of something illegal and are trying to avoid detection. However, police officers must have legal authority to pull over a vehicle and, when allowed under current law, conduct a search; otherwise the stop and anything discovered during a search can be ruled inadmissible in court proceedings. Obviously it is desirable to apprehend and appropriately punish drivers who pose a danger to others or those who are in the process of committing a crime (i.e., possession of stolen goods or illegal drugs). By explicitly stating that failure to pay the toll would be a misdemeanor offense, the bill would create the legal authority needed by law enforcement officers to stop any vehicle that did not pay the toll.

Against:

The fine proposed in the bill seems excessive for failing to pay a toll of only about \$2.50 and should be reduced. By comparison, the International Bridge Authority establishes a maximum fine of \$100 and only 30 days in jail for failure to pay the toll to cross one of the bridges into Canada.

Response:

The fine and jail time contained in the bill are the maximum amounts that a court could impose for a violation and is similar to the fines and jail time established for many state misdemeanor offenses. A court would have the discretion to impose a fine of any amount up to the \$500 cap and/or imprisonment for any amount of days up to 90 days.

POSITIONS:

The Department of State Police supports the bill. (6-8-04)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.