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BILL ANALYSIS

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House Bill 4358 (Substitute H-3 as reported without amendment)

Sponsor: Representative Gene DeRossett

House Committee: Transportation

Senate Committee: Transportation

CONTENT

The bill would amend the Michigan Vehicle Code, effective January 1, 2006, to increase from 59 feet to 65 feet the maximum allowable length of a truck, semitrailer, or trailer, or a combination of those vehicles. The bill specifies that vehicle components not excluded by law would have to be included in measuring a vehicle's length, height, and width.

Additionally, the bill would eliminate a court's discretion in imposing a fine for a truck carrying a load in excess of the Code's weight restrictions. Under the Code, when a vehicle exceeds weight restrictions, the vehicle owner is responsible for a civil infraction and must pay a civil fine according to a schedule based on the excess load. The court has discretionary power as to the amount of the civil fine within the schedule. The court instead may impose a maximum civil fine of \$250, if the vehicle or vehicle and trailer combination did not exceed the total weight that would be lawful for each unit by a proper distribution of the load upon the various axles supporting each unit.

Under the bill, if the court determined that the gross weight of the vehicle or combination of vehicles would not be lawful by a proper per-axle distribution of the load, the court would have to impose a fine according to the schedule. If the gross weight would be lawful by a proper per-axle distribution, the court would have to impose the \$250 fine. In addition, if any axle exceeded the maximum allowable axle weight by more than 4,000 pounds, the fine for that axle would have to be determined by the schedule.

MCL 257.719 et al.

Legislative Analyst: Julie Koval

FISCAL IMPACT

By increasing the maximum allowable length of certain vehicles from 59 feet to 65 feet, the bill would decrease the number of vehicles on which civil infractions are levied and thereby decrease civil infraction revenue received by the State and local governments.

The bill also would have an indeterminate fiscal impact on the State and local governments by eliminating judicial discretion as to the amount of civil fines assessed for vehicle weight limit violations. The fines for some violations would be increased, while the fines for others would be decreased. Currently, there are no data to suggest the amount of each type of vehicle weight limit violation. For vehicle size/weight limit violations cited under the Michigan Vehicle Code, the civil infraction revenue is earmarked to libraries. In cases of vehicle size/weight limit violations cited under a local ordinance, the civil infraction revenue is distributed 70.0% to the local jurisdiction and 30.0% to libraries.

The bill would not prevent the Governor from certifying to the Federal Highway Administration (FHWA) that the State is in compliance with Federal vehicle size and weight guidelines. This certification is required to avoid sanctions (withholding of Federal highway funding) by the FHWA.

Date Completed: 10-7-04

Fiscal Analyst: Craig Thiel/Bethany Wicksall

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Analysis available @ <http://www.michiganlegislature.org>

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.