



Senate Fiscal Agency  
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BILL ANALYSIS



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House Bill 5273 (Substitute H-1 as reported without amendment)  
Sponsor: Representative Tom Casperson  
House Committee: Transportation  
Senate Committee: Transportation

### **CONTENT**

The bill would amend the Motor Carrier Safety Act to revise the penalties, and create separate offenses, for the improper transportation of hazardous materials.

Currently, a person or entity convicted of violating the Act or a rule promulgated under it while transporting a package required to be marked or labeled under Federal regulations (49 CFR parts 100 to 180) is guilty of a misdemeanor punishable by imprisonment for up to one year and/or a maximum fine of \$500. Under the bill, the person or entity would be responsible for a State civil infraction and could be ordered to pay a fine of up to \$500.

If the person or entity knowingly or willfully violated the Act or a rule promulgated under it, the offense would be a misdemeanor punishable by imprisonment for up to one year and/or a maximum fine of \$500 for each violation. If a person or entity caused injury or death during a violation of the Act, while a vehicle transporting a package required to be marked or labeled was used, the offense would be a misdemeanor punishable by up to one year and/or \$500.

MCL 480.17c

Legislative Analyst: Julie Koval

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government.

Changing the existing violation from a misdemeanor to a State civil infraction, would eliminate the possibility of probation and incarceration as sanctions for this offense. As misdemeanor probation and local incarceration costs are incurred by local units of government, this would potentially decrease local corrections costs. The associated fine also would become a civil fine rather than a penal fine, so revenue would be directed to State and local units of government rather than to public libraries.

There are no data available to estimate the fiscal impact of creating two new offenses. If offenders in these circumstances otherwise would be convicted of the existing offense, there would be no impact. If offenders otherwise would be convicted of more serious offenses with longer sentences, and instead would be convicted of one of the proposed misdemeanors punishable by up to only one year of incarceration, the bill would potentially decrease corrections costs.

Date Completed: 6-3-04

Fiscal Analyst: Bethany Wicksall

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Bill Analysis @ [www.senate.michigan.gov](http://www.senate.michigan.gov)

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