



Senate Fiscal Agency
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House Bill 5273 (Substitute H-1 as passed by the House)
Sponsor: Representative Tom Casperson
House Committee: Transportation
Senate Committee: Transportation

Date Completed: 5-28-04

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.

The Act also makes it a misdemeanor for a person or entity to transport hazardous material for which a placard is required under Federal regulations if the person does not have a hazardous material endorsement on his or her driver license. A violation is punishable by up to one year's imprisonment and/or a maximum fine of \$500. The bill would retain this penalty.

Under the bill, a person or entity identified in the provisions described above who knowingly or willfully violated the Act or a rule promulgated under it would be, upon conviction, guilty of 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, he or she would be guilty of 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 thus 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 would otherwise 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.

Fiscal Analyst: Bethany Wicksall

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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.