

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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Senate Bill 127 (as enrolled)

Sponsor: Senator James Barcia

Committee: State Affairs, Tourism, and Transportation

Date Completed: 9-29-89

**RATIONALE**

County road commissions employ "weighmasters" who are empowered to stop vehicles and examine them for conformance with legal size and weight limits. When a district court ruled that weighmasters could not make arrests or issue citations for violations because they did not have police powers, the Vehicle Code was amended in 1984 to grant authorized agents of county road commissions police powers for the limited purpose of enforcing the Code's height, weight and load restrictions. The 1984 amendments, however, did not specifically include authorization for weighmasters to enforce provisions concerning the operation of unregistered commercial vehicles and load limits for vehicles crossing bridges and viaducts. Some people argue that granting the weighmasters the authority to enforce these provisions would be a logical extension of their duties and responsibilities and would help ensure that such vehicles are operated safely on the bridges and viaducts.

Further, the Code currently specifies penalties for persons charged with a civil infraction for violating weight, size, and speed limits on bridges, causeways, and viaducts, by imposing a maximum \$100 fine. Apparently, the penalty can be very costly for some haulers (i.e., certain agricultural transporters and garbage truck drivers) in areas of the State where it is not possible to arrive at their destinations without crossing a bridge whose weight limit they know their truck probably exceeds. Some feel that certain agricultural haulers and persons transporting farm vehicles such as slow-moving

tractors and combines should be exempt from the bridge-crossing weight limits altogether, and that other haulers should be assessed penalties based on a sliding scale on which a fine would increase depending on the degree to which a weight limit was exceeded. Such a sliding scale of fines is already included in the Code for vehicles that violate the weight limits posted on highways.

Finally, recent truck safety legislation, Public Act 346 of 1988, imposes many new duties on the Department of State relative to preparing the State's commercial truck drivers for licensing under new standards required by Federal law. Legislation to increase license and examination fees in order to finance the Department's new duties is currently pending in a conference committee, and may not be enacted by October 1, when the new duties take effect. Thus, it has been suggested that the Department's new responsibilities under Public Act 346 be postponed until January 1, 1990.

**CONTENT**

The bill would amend the Michigan Vehicle Code to do the following:

- Include in the definition of "police officer" authorized agents of county road commissions for the purpose of enforcing limitations on the operation of unregistered commercial vehicles, and speed and load limitations on bridges,

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causeways and viaducts. When enforcing the Code's speed, load, and registration limitations, an authorized agent of a county road commission would have to wear a clearly visible shoulder patch that identified the branch of government represented. Further, the agent could not carry a firearm unless he or she met the requirements of the Michigan Law Enforcement Officers Training Council Act.

- Revise the Code's bridge crossing weight limit provisions to specify that persons violating the gross vehicle weight limits of public bridges, causeways, or viaducts (except for persons operating farm vehicles, or vehicles essential to a farm operation) would be responsible for a civil infraction and assessed a civil fine based on a vehicle's excess load weight. For an excess of more than 2,500 pounds but not more than 3,000 pounds, the fine would be four cents per pound over the limit; from 3,001 pounds to 4,000 pounds of excess weight, the fine would be six cents per excess pound; from 4,001 pounds to 5,000 pounds of excess weight, the fine would be eight cents per excess pound; and for more than 5,000 pounds, 10 cents per excess pound.
- Postpone the effective date of most sections of Public Act 346 of 1988 from October 1, 1989, to January 1, 1990. (Sections of the Act concerning right lane driving requirements, maximum axle loads, identification requirements, weight limits, registration taxes, and penalties had an effective date of January 1, 1989, which would not be changed by the bill.)

MCL 257.42, 257.631, & 257.726c

### FISCAL IMPACT

The bill would have an indeterminate impact on State and local units of government. Total revenue collected through fines would depend on the number of convictions.

### ARGUMENTS

#### Supporting Argument

Granting weighmasters the authority to enforce

the Code's limitations on the operation of unregistered commercial vehicles and loads transported across bridges and viaducts would help ensure the safe and lawful operation of vehicles on the State's roads and maintain the State's bridge and viaduct infrastructure.

#### Supporting Argument

A sliding scale for persons who violate the Code's bridge crossing weight limit provisions would be more equitable to those haulers whose trucks exceed the weight limit by a very small margin or who have no choice but to cross a bridge in violation of the limits in order to reach their destination. The maximum \$100 penalty under current law makes transporting goods in some areas very costly to the haulers. Under the bill a truck would have to exceed the weight limit by 2,500 pounds before a \$100 fine could be imposed.

#### Supporting Argument

It is necessary to delay implementation of Public Act 346 of 1988 until a funding source for the Department of State's new duties is in place.

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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.