

MICHIGAN VEHICLE CODE - PAVEMENT MARKING VEHICLES



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FISCAL ANALYSIS

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HOUSE BILL 5020 AS INTRODUCED

Sponsor: Rep. Jason Allen

First House Committee: Transportation

COMMITTEE ANALYSIS - 2/7/02

Analyst(s): William Hamilton

SUMMARY

Section 722 of the Michigan Vehicle Code (MCL 257.722) is within a chapter of the Code dealing with "Size, Weight, and Load Limitations" for motor vehicles on public highways. Section 722 sets limits on vehicle weights. House Bill 5020 would amend section 722 to create an exception to the weight limits for vehicles used for pavement marking. The bill would allow such vehicles to exceed legal weight limits by not more than 20%. However, the exemption would not apply during the months [March, April, and May] when the seasonal weight restrictions of the Section 722 (6) are in effect.

As described more fully below, the bill could reduce state and local revenue by an indeterminate amount.

Fiscal Impacts (Updated 2/6/2002) - Under the authority of Sections 716 and 725 of the Michigan Vehicle Code, road agencies may issue permits authorizing overweight or otherwise nonconforming vehicles. The fee for permits issued by the Michigan Department of Transportation for nonconforming vehicles operating on state trunkline highways, is \$50 per single trip or \$100 for an annual permit. Other road jurisdictions (county road commissions, cities, and villages) may also issue such permits for nonconforming vehicles traveling on their respective roads and streets. Fines levied by road agencies for noncompliance with the Section 722 are earmarked in law for various state and local entities.

By creating an exception to the normal weight restrictions of Section 722 the bill could lower state and local revenue now generated from the issuance of permits and from the imposition of fines. However, we were informed by representatives of the road construction industry that there are no more than 30 pavement marking vehicles in the state. Given the relatively small number of such vehicles, the amount of permit and fine revenue would not appear to be material in amount with respect to state and local road agencies.

It is not clear if the bill would allow heavier vehicles on state and local roads - overweight vehicles are apparently now allowed on those roads through a permitting process.

Representatives of the Michigan Department of Transportation have suggested that the weight limit exceptions proposed in the bill would violate federal weight restrictions and jeopardize federal aid. There are penalties in federal law for states which do not comply with federal vehicle weight limitations¹. However, federal regulations also allow states to issue special permits without regard to the axle, gross, or Federal Bridge Formula requirements for nondivisible vehicles or loads². Whether the bill would, in fact, jeopardize federal

¹ See 23 U.S.C. 127(a), and 23 U.S.C. 141(a)&(b)

² See 23 CFR 658.17(h).

aid to Michigan is a legal question involving the interpretation of federal law (23 U.S.C., and 23 CFR). This analyst is not qualified to make such an interpretation.

Related Bill: This section of the Michigan Vehicle Code is also the subject of HB 5337.