

Legislative Analysis



MICHIGAN VEHICLE CODE – FINES FOR VEHICLES EXCEEDING PERMITTED AXLE WEIGHT

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<http://www.house.mi.gov/hfa>

House Bill 4142 as introduced
Sponsor: Rep. Ken Goike
Committee: Transportation and Infrastructure
Complete to 11-28-16

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 450 of 2016)

BRIEF SUMMARY:

House Bill 4142 would amend Section 724 of the Michigan Vehicle Code (PA 300 of 1949) to change provisions related to civil fines associated with vehicles operating in excess of normal or permitted weight limits due to "misloads." The bill would appear to limit the amount of misload fines.

FISCAL IMPACT:

House Bill 4142 would change civil fine revenue from violations of Michigan's vehicle weight law by an indeterminate amount. Violations of the Michigan Vehicle Code and similar local ordinances are adjudicated by district and municipal courts and civil infraction revenue is generally collected and retained by local units of government. We do not have a practical way to determine how many citations are written annually for violations of Michigan's vehicle weight laws, how many citations are adjudicated as "misloads," or how House Bill 4142 would change misload fine revenue.

DETAILED ANALYSIS:

House Bill 4142 would amend Section 724 of the Michigan Vehicle Code (PA 300 of 1949). Section 724 provides for enforcement of vehicle weight restrictions established in other sections of the Michigan Vehicle Code: specifically Section 722, which provides general weight restrictions, and Section 725, which authorizes the Michigan Department of Transportation (MDOT), with respect to state trunkline highways, and local road agencies, with respect to roads under their jurisdiction, to issue permits allowing vehicles to exceed normal size, weight, or load restrictions under certain defined circumstances.

Section 724(3) indicates that a person who violates the load limits established in Section 722 of the Michigan Vehicle Code is responsible for a civil infraction. Section 724(3) provides a schedule of civil fines based on the number of pounds the vehicle was in excess of the legal limits. However, Section 724(4) limits the amount of the civil fine to \$200.00 per axle, to a maximum of \$600.00, for "misloads."

Although "misload" is not a defined term in the Michigan Vehicle Code, it effectively refers to a situation in which one or more axles on a vehicle or combination of vehicles, such as a tractor-trailer, or tractor-semitrailer-trailer, exceed legal weight limits but the vehicle or combination of vehicles could be made legal by a proper distribution of the load

across axles. These misload provisions do not apply to weight limits established on designated interstate highways in Section 722(12), i.e. the "federal bridge formula."

As shown in the table below, House Bill 4142 would change provisions regarding civil fines assessed for "misloads."

For Violations of Normal Loading Limits: Civil Fines under Section 724 (3)			
Per axle load over legal limit		Civil Fine	
From	but not over	For each pound in excess	
		Current Law	House Bill 4142
-	2,000 pounds	3 cents per pound	No change
2,000 pounds	3,000 pounds	6 cents per pound	No change
3,000 pounds	4,000 pounds	9 cents per pound	No change
4,000 pounds	5,000 pounds	12 cents per pound	No change
5,000 pounds	10,000 pounds	15 cents per pound	No change
10,000 pounds	-	20 cents per pound	No change
Misload Civil Fine Under Section 724(4), Subdivisions (b), (d), (e)			
		Current Law	House Bill 4142
1,000 pounds	4,000 pounds	\$200 per axle, no more than 3 axles, i.e. \$600 total.	Limits judicial discretion by changing "may" to "shall"
4,000 pounds	8,000 pounds	Fines per Section 724(3)	\$400 per axle, no more than 3 axles, i.e. \$1,200 total.
8,000 pounds	-	Fines per Section 724(3)	No change.
Section 725 Permit Violations, Civil Fines Under Section 724(4), Subdivision (c)			
-	1,000 pounds	\$200 per axle, no more than 3 axles, i.e. \$600 total.	No change
1,000 pounds	-	Not specified	Fines per Section 724(3)

BACKGROUND INFORMATION:

Unlike some other states, Michigan does not have a specific stated gross vehicle weight limit. Instead, the Michigan Vehicle Code, specifically, Section 722, establishes normal weight limits by vehicle axle. The total legal loading limit is a function of the legal per axle weight limit and the number and configuration of vehicle axles. Section 719 limits the maximum number of axles for a vehicle or vehicle combination to eleven.¹

¹ One section of the Michigan Vehicle Code does appear to provide for a fixed gross vehicle weight limit for a certain class for vehicles. Section 719(3)(b) establishes a 164,000 pound GVW limit for certain log transport vehicles.

An eleven-axle Michigan "gravel train" (three axles on a pulling tractor and eight total axles on a semitrailer-trailer combination) could legally operate at approximately 150,000 pounds GVW, with a 13,000 pound normal load limit on each of the eight trailer axles and 16,000 pounds on the two non-steering tractor axles.

In the same way that the legal vehicle weight limits are established by axle in Section 722 of the Michigan Vehicle Code, the civil fines established in Section 724(3) apply to each axle in excess of those weight limits established in Section 722.

House Bill 4358 of the 2003-2004 Legislative Session, enacted as Public Act 420 of 2004, amended Section 724 to provide for alternative civil fines for "misloads." The bill recognized that certain kinds of loads, such as gravel, stone, or other aggregates, can shift in transport. A gravel train that was within legal load limits at the start of a trip could exceed Michigan's load limits on some axles as material shifted within the trailers.

Public Act 420 of 2004 specifically excluded from the reduced "misload" civil fine provisions those vehicles that are in violation of a special permit issued under Section 725 of the Michigan Vehicle Code. However, House Bill 5668, enacted as Public Act 498 of 2012, subsequently amended the section to include certain violations of special permits to be included under "misload" fine provisions.

Section 725 authorizes the Michigan Department of Transportation (MDOT) with respect to state trunkline highways, and local road agencies with respect to roads under their jurisdiction, to issue permits allowing vehicles to exceed normal size, weight, or load restrictions under certain defined circumstances. It is our understanding that special permits are generally issued only for non-divisible loads in excess of normal legal loading limits. Non-divisible loads include large industrial parts, such as windmill rotor blades or large construction equipment. It is not clear how non-divisible loads could shift and cause a misload.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.