



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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House Bill 4142 (as passed by the House)  
Sponsor: Representative Ken Goike  
House Committee: Transportation and Infrastructure  
Senate Committee: Transportation

Date Completed: 12-7-16

### **CONTENT**

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

- **Require, rather than permit, the court to impose a misload fine of \$200 per axle, if an overweight vehicle or vehicle combination would be lawful by proper distribution of the load but one or more axles exceeded the maximum weight by more than 1,000 but less than 4,000 pounds.**
- **Require the court to impose a per-pound fine for pounds exceeding the permitted axle weight under a special permit, if the court determined that a vehicle or vehicle combination would meet specified loading restrictions by a proper distribution of the load, but one of the axles exceeded the permitted weight by more than 1,000 pounds.**
- **Revise a provision requiring a per-pound fine to be imposed if the court determines that a vehicle or vehicle combination would be lawful by a proper distribution of the load, but at least one axle exceeded the permitted axle weight by more than 4,000 pounds, to refer to between 4,000 and 8,000 pounds and require a misload fine of \$400 per axle.**
- **Require the court to impose a fine according to the per-pound schedule, if a vehicle or vehicle combination would be lawful by a proper distribution of the load, but at least one axle exceeded the permitted weight by more than 8,000 pounds.**

Under Section 724 of the Code, a vehicle owner, a lessee of a vehicle of an owner-operator, or another person, who causes or allows a vehicle to be loaded and driven or moved on a highway when the weight of the vehicle violates Section 722 of the Code (which prescribes maximum axle loads under different circumstances, among other things), is responsible for a civil infraction and must pay a civil fine according to the following per-pound schedule:

- Three cents for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less.
- Six cents for each pound of excess load when the excess is between 2,001 and 3,000 pounds.
- Nine cents for each pound of excess load when the excess is between 3,001 and 4,000 pounds.
- Twelve cents for each pound of excess load when the excess is between 4,001 and 5,000 pounds.
- Fifteen cents for each pound of excess load when the excess is between 5,001 and 10,000 pounds.
- Twenty cents for each pound of excess load when the excess is over 10,000 pounds.

If the court determines that the vehicle or combination of vehicles was operated in violation of Section 724, the court must impose a fine as follows:

- If the court determines that the vehicle or combination was operated in such a manner that the gross weight would not be lawful by a proper distribution of the load upon all of the axles, the court must impose a fine according to the per-pound schedule described above.
- If the court determines that the vehicle or combination would be lawful by a proper distribution of the load upon all of the axles, but one or more axles exceeded the maximum allowable axle weight by more than 1,000 pounds but less than 4,000 pounds, the court may impose a misload fine of \$200 per axle.

Under the bill, in the second case, the court would have to impose that misload fine.

Currently, if the court determines that the vehicle or combination would meet the loading conditions specified in a special permit issued under Section 725 of the Code by a proper distribution of the load upon all of the axles, but one or more axles exceeded the permitted weight by 1,000 pounds or less, the court must impose a misload fine of \$200 per axle.

Under the bill, in this situation, if one or more axles exceeded the permitted weight by more than 1,000 pounds, the court would have to impose a fine according to the per-pound schedule for the amount of pounds exceeding the permitted axle weight.

(Section 725 allows a jurisdictional authority to issue a special permit authorizing an applicant to operate on or remove from a highway maintained by that authority a vehicle or combination of vehicles that are of a size, weight, or load exceeding the maximum specified under the Chapter VI of the Code, or otherwise not in conformity with the Chapter.)

Currently, if the court determines that the vehicle or combination would be lawful by a proper distribution of load upon all of the axles, but one or more axles exceeded the permitted weight by more than 4,000 pounds, the court must impose a fine according to the per-pound schedule. Under the bill, instead, if one or more axles exceeded the permitted weight by at least 4,000 pounds but not more than 8,000 pounds, the court would have to impose a misload fine of \$400 per axle. Not more than three axles could be used in calculating the fine.

If one or more axles exceeded the permitted axle weight by more than 8,000 pounds, the court would have to impose a fine according to the per-pound schedule.

The bill would take effect 90 days after it was enacted.

MCL 257.724

Legislative Analyst: Drew Krogulecki

### **FISCAL IMPACT**

The bill would have no fiscal impact on the State and an indeterminate fiscal impact on local government. It is unknown whether the changes in the bill would lead to more or less civil fine revenue. An increase in fine revenue would be dedicated to public libraries. Conversely, a decrease in fine revenue would reduce funding to public libraries.

Fiscal Analyst: Ryan Bergan

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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.