

# Legislative Analysis



## MICHIGAN VEHICLE CODE – FINES FOR OVERSIZE/OVERWEIGHT VEHICLES

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**House Bill 5453 as introduced**  
**Sponsor: Rep. Robert L. Kosowski**  
**Committee: Transportation and Infrastructure**

**Complete to 4-28-14**

### A SUMMARY OF HOUSE BILL 5453 AS INTRODUCED 4-17-14

House Bill 5453, as introduced, would amend two unrelated sections of the Michigan Vehicle Code (PA 300 of 1949) – Section 719, which governs the maximum length and height of vehicles; and Section 724, which enforces vehicle weight limits. (MCL 257.719 and 257.724) Generally speaking, the bills aim at providing higher civil fines for length, height, and weight violations. The impact of the bills is discussed in the section below.

#### **DETAILED ANALYSIS:**

##### ***Provisions Affecting Section 719***

Section 719 of the Michigan Vehicle Code governs the maximum length and height of vehicles operating on Michigan highways. The section indicates that a person who violates the section "is responsible for a civil infraction." House Bill 5453 would add the phrase "and shall pay a civil fine of not more than \$500.00."

Although Section 719 does not currently provide a specific civil infraction penalty, the associated penalty provisions are established separately in Section 907 of the Michigan Vehicle Code. Section 907(7) directs each district court and each municipal court to establish civil fines, costs, and assessments for civil infractions that occur within the respective district or city.

Section 907(8) directs the State Court Administrator Office (SCAO) to publish and distribute a recommended range of civil fines and costs for first-time civil infractions. A copy of the most recent SCAO recommendations is found on the SCAO website at: [http://courts.mi.gov/Administration/SCAO/Resources/Documents/other/fc\\_ci.pdf](http://courts.mi.gov/Administration/SCAO/Resources/Documents/other/fc_ci.pdf)

It is our understanding that the recommended civil fine for first time offenders of Section 719 is \$35. As noted, House Bill 5453 would set a civil fine maximum of \$500 for violations of Section 719. Since the SCAO recommended civil fine of \$35 for first time offenders is well below the proposed \$500 statutory limit, it is not clear if the bill would have any impact on fine revenue.

Violations of the Michigan Vehicle Code and similar local ordinances are adjudicated by district and municipal courts. We do not have a practical way to determine: how many citations are written annually for violations of Section 719; how many citations are written

under the Michigan Vehicle Code and how many under similar local ordinance; or how much fine revenue is collected.

Section 909 of the Michigan Vehicle Code directs revenue from civil fines ordered under Section 907 for violations of the Michigan Vehicle Code or similar local ordinance to be "exclusively applied to the support of public libraries and county law libraries in the same manner as is provided by law for penal fines..." The section also directs that civil fines ordered for the violation of the Michigan Vehicle Code or similar local ordinance regulating the operation of *commercial motor vehicles* be paid to the county treasurer and allocated as follows: 70% to the local authority in which the citation was issued, and 30% "for library purposes as provided by law."

[The reference to *commercial motor vehicle*, a defined term in Section 7a of the Michigan Vehicle Code may be an anachronism; the intended term may be *commercial vehicle*, a defined term in Section 7 of the Michigan Vehicle Code.]

#### ***Provisions Affecting Section 724***

Section 724 establishes provisions for the enforcement vehicle weight limits established separately in Section 722. 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) goes on to provide a schedule of civil fines based on the number of pounds the vehicle was in excess of the legal limits. House Bill 5453 would increase this schedule of civil fines. The schedule of civil fines under current law and as proposed in House Bill 5453 are as shown below:

excess load over	but not over	For each pound in excess	
		Current Law	House Bill 5453
1,000 pounds	2,000 pounds	<del>3 cents per pound</del>	<b>6 cents per pound</b>
2,000 pounds	3,000 pounds	<del>6 cents per pound</del>	<b>12 cents per pound</b>
3,000 pounds	4,000 pounds	<del>9 cents per pound</del>	<b>18 cents per pound</b>
4,000 pounds	5,000 pounds	<del>12 cents per pound</del>	<b>24 cents per pound</b>
5,000 pounds	10,000 pounds	<del>15 cents per pound</del>	<b>30 cents per pound</b>
10,000 pounds		<del>20 cents per pound</del>	<b>40 cents per pound</b>

Section 722 establishes weight limits by axle. It is our understanding that the civil fines established in Section 724(3) apply to each axle in excess of maximum weights established in Section 722. A truck with an 11 axle configuration - 3 axles on the power unit and 8 trailer axles (13,000 pound normal load limit on each trailer axle) could be within legal limits with respect to some axles but in excess of legal limits with respect to other axles.

Although Section 724(3) established a schedule of overweight fines, and House Bill 5453 would amend that schedule of overweight fines, application of the schedule is subject to the provisions of Section 724(4) which provides alternative fines: 1) where the court determines that that vehicle would have been in compliance with the provisions of Section

722 if the load had been properly distributed, and 2) where the vehicle exceeded the maximum allowable axle weight by more than 1,000 pounds but not more than 4,000 pounds. In those cases, Section 724(4) establishes a "misload fine" of \$200 with not more than 3 axles used in the fine calculation. In effect, the maximum penalty under this provision would be \$600.

Section 724(4) also limits overweight fines to \$200 per axle and \$600 in total for vehicles exceeding axle weight established under an overweight permit authorized under Section 725. This provision would apply only when vehicle would have been in compliance with the provisions of the permit had the load been properly distributed and the vehicle exceeded permitted axle weight by 1,000 pounds or less.

The "misload" fine provisions of Section 724(4) do not apply when a vehicle axle weight exceeds legal limits by more than 4,000 pounds or when a vehicle exceeds the loading limits of Section 722(12), known as the federal bridge formula.

[The language of Section 724 is somewhat confusing. It initially states "*if the court determines that the motor vehicle or the combination of vehicles was operated in violation of **this section**, the court **shall** impose a fine as follows:*" We believe the reference should be to Section 722 and not "*this section*." In addition, while the opening sentence and subsections *a*, *c*, and *d* are prescriptive ("the court shall"), subsection *b* is permissive ("the court may.")]

The same problem obtains in trying to estimate the fiscal impact of the proposed overweight fine increase as noted in the above discussion of Section 719: There is no practical way to determine how many annual violations there are of Section 722, how many are charged under the Michigan Vehicle Code and how many under similar local ordinance, how many vehicles are charged under the overweight fine provisions of Section 724(3) and how many under the misload provisions of Section 724(4), and how much fine revenue is collected.

It is our understanding that the fines established in Section 724 are civil fines and would be distributed according to the provisions of Section 909 as described above.

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