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CIVIL FINES TO SUPPORT LIBRARIES

House Bill 4927

Sponsor: Rep. Rick Johnson

House Bill 4928

Sponsor: Rep. Randy Richardville

House Bill 4929

Sponsor: Rep. Judson Gilbert II

House Bill 4930

Sponsor: Rep. James Koetje

House Bill 4931

Sponsor: Rep. Thomas Kelly

House Bill 4932

Sponsor: Rep. Kwame Kilpatrick

Committee: Transportation

Complete to 10-1-99

A SUMMARY OF HOUSE BILLS 4927 - 4932 AS INTRODUCED 9-30-99

These bills would require that civil fines imposed by local authorities for violations of certain local laws be paid to the county treasurer and earmarked for county library (and county law library) purposes; allow a garbage or refuse hauler that exceeds the weight limitations to operate on a local highway if the local authority with jurisdiction over that highway adopts an ordinance or resolution to allow such movement; and, remove the possibility of imprisonment while increasing the monetary fine for some violations of the Motor Carrier Safety Act. The six bills are tie-barred to each other so that none can become law unless all are enacted.

House Bill 4927 would amend the Revised Judicature Act (MCL 600.8379) to require that a civil fine imposed upon a person operating a commercial vehicle for violation of a provision of a code or an ordinance of a political subdivision of the state that substantially corresponds to a provision of the Michigan Vehicle Code be paid to the county treasurer and applied for library purposes as provided by law. The bill also would require that civil fines imposed for violation of a code or ordinance adopted by a city, township, or village be paid to the county treasurer and applied for library purposes.

House Bills 4927 - 4932 (9-30-99)

Under House Bill 4927, “commercial vehicle” would be defined to include a motor vehicle used for the transportation of passengers for hire or constructed or used for transportation of goods, wares, or merchandise and a motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load on the vehicle independently or any part of the weight of a vehicle or load so drawn. Further, the bill would define “operating” to mean being in actual physical control of a vehicle regardless of whether the person is licensed under the Michigan Vehicle Code as an operator or chauffeur. Finally, the bill would define “person” to mean every natural person, partnership, association, or corporation and their legal successors.

House Bill 4928 would amend the Michigan Vehicle Code (MCL 257.909) to require that a civil fine ordered under section 907 of the code (which concerns civil infractions; penalties; civil fines and costs), or other state statute, or for a violation of a code or an ordinance of a political subdivision of the state substantially corresponding to a provision of the vehicle code, 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 assessed and collected for violation of a penal law of the state.

Under current law, libraries receive the revenue from civil fines that are collected for a violation of the code or other state statute, and not for violations under similar local ordinances. Current law specifies that this subsection is intended to maintain a source of revenue for public libraries which previously received penal fines for misdemeanor violations of the code that are now civil infractions.

House Bill 4929 would amend Public Act 62 of 1956 (MCL 257.955), the act that authorizes a city, township, or village to adopt the uniform traffic code by reference, to specify that a civil fine imposed on a person operating a commercial vehicle for a violation of a code or ordinance adopted by a city, township, or village must be paid to the county treasurer and be exclusively applied to the support of public libraries and county law libraries in the same manner as provided by law for penal fines assessed and collected for a violation of the penal laws of the state.

The bill also would define “commercial vehicle” to mean that term as defined in section 7 of the Michigan Vehicle Code. Further, the bill would define “operating” to mean being in actual physical control of a vehicle regardless of whether or not the person is licensed under the Michigan Vehicle Code as an operator or chauffeur. Finally, the bill would define “person” to mean every natural person, partnership, association, or corporation and their legal successors.

House Bill 4830 would amend the Motor Carrier Act (MCL 479.18) to require that Article V (which concerns the policy of the state, exemptions, limitations, general regulations and procedures governing motor carriers) would be applicable and uniform throughout the state and in all political subdivisions and local units of government in the state, and that a local unit of government could not adopt, enact, or enforce a local law that is in conflict with the act. Further, the bill specifies that a local law or a portion of a local law that imposed a criminal penalty for an act or omission that is a civil infraction under the motor carrier act, or that imposed a criminal penalty or civil sanction in excess of that prescribed in the act, would be in conflict with the act, and would be void to the extent of the conflict.

House Bill 4830 also would require that proceeds of a civil fine imposed by a local unit of government for violation of a local law regulating for-hire motor vehicles and corresponding to the act be paid to the county treasurer and applied exclusively for public libraries and county law libraries in the same manner as is provided by law for penal fines assessed and collected for violation of a penal law of the state. Finally, the bill specifies that, for purposes of the bill, “local law” would include a local charter provision, ordinance, rule, or regulation.

House Bill 4931 would amend the Michigan Vehicle Code (MCL 257.605 and 257.716) to require that proceeds of a civil fine imposed by a local authority for violation of a local law regulating commercial motor vehicle equipment and substantially corresponding to sections 683 to 725a (which concern among other things the regulation of equipment; inspections; penalties for the operation of unsafe vehicles; load restrictions; weight and length restrictions; and special permits for nonconformance) would be paid to the county treasurer and applied exclusively for public libraries and county law libraries in the same manner as is provided by law for penal fines assessed and collected for violation of a penal law of the state. The bill specifies that, for purposes of the bill, “local law” would mean a local charter provision, ordinance, rule, or regulation.

House Bill 4931 also would allow a garbage or refuse hauler that exceeds the weight limitations in the code to be operated on a highway over which a local authority has jurisdiction if the local authority adopts an ordinance or resolution allowing such movement and issues a permit allowing it, as provided in section 725 (which concerns special permits for non-conforming vehicles).

House Bill 4932 would amend the Motor Carrier Safety Act (MCL 480.17 and 480.17c) to specify that a misdemeanor would be punishable by a fine of not more than \$250 for each violation, where currently those guilty of a misdemeanor are punishable by imprisonment for not more than 90 days or a fine of not more than \$100, or both. The bill also specifies that a violation under the act if the vehicle is transporting a package required to be marked or labeled under parts 100 to 180 of title 49 of the code of federal regulations, 49 C. F. R, (which govern the transport of hazardous materials) would be not more than \$500 for each violation. Currently such violations are punishable by a fine of not more than \$500, or by imprisonment for not more than 90 days, or both.

Analyst: J. Hunault

■ 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.