Testimony for the Senate Transportation Committee on SB819/820
November 29, 2011

Mr. Chairman and members of the Committee, thanks for the opportunity to testify on these bills on behalf of the National Motorists Association (NMA).

We support the goal to reduce air pollution by limiting unnecessary idling of large engine commercial vehicles, but we oppose these particular bills on several grounds.

First, they are almost certain to be primarily used to raise revenue. The NMA objects to any traffic enforcement procedures primarily aimed at raising revenue. These are large fine offenses, which will often be enforced by volunteers that cost cities far less than uniformed police officers. Cities may de-emphasize legitimate time-limited parking enforcement aimed at creating a proper turnover of available parking places in business areas, in favor of these high-dollar-value offenses. The opportunities to enforce for profits will be too great for many cities to resist in these difficult economic times, and this is an improper abuse of governmental power.

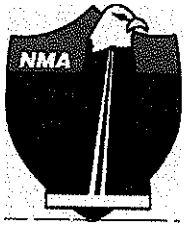
Second, we strongly object to eliminating the requirement to direct thirty percent of the fines to libraries by striking the existing section 605(3). Directing at least a small part of the fines to neutral recipients is a good-government policy that Michigan should be proud of and it should be strengthened, not weakened. Allowing local units of government to keep 100% the fines virtually assures ticketing primarily for revenue. We would like to see changes in the law requiring 100% of all traffic fines collected under local statutes to be sent to the libraries or other neutral recipients, just as is the case for tickets issued by the state police. When the public perceives local ticketing is for revenue purposes, it undermines respect for our traffic laws and the officers that enforce them. This is already a very serious problem in many Michigan cities that needs to be corrected, and this law would make that situation much worse.

Third, the law would likely fall very unevenly on out-of-state truckers and part-time truckers who work for small Michigan businesses that deliver here only occasionally, making the Michigan business climate somewhat more hostile overall. We see no warning period where drivers would be warned, but not fined. We see no provisions to help educate truckers about the law, particularly efforts to educate the out-of-state drivers and part-time drivers who deliver in Michigan only occasionally. We see no provisions requiring signage about the new regulations. The law will almost certainly be seen by many drivers and businesses as a type of "gotcha" enforcement procedure. This undermines respect for our traffic laws in general and should not occur.

Fourth, the law could result in some local units enforcing in discriminatory ways against particular businesses or business types that they do not like. This would be another way that the law could make Michigan's business climate even more hostile, and we do not need any more ways to damage businesses in Michigan.

The National Motorists Association hopes the committee will reject these bills.

I would be happy to take any questions.

Respectfully submitted,

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