



**House
Legislative
Analysis
Section**

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INCREASE FINE FOR IMPROPER PLATES

House Bill 4221 as introduced
First Analysis (3-12-87) Floor Copy

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Sponsor: Rep. Dick Allen
Committee: Transportation

Mich. State Law Library

H.B. 4221 (3-12-87)

THE APPARENT PROBLEM:

A person who drives a motor vehicle without a valid registration is guilty of a misdemeanor carrying a penalty of up to 90 days in jail and/or a fine of up to \$100. Although the courts have relied mainly on the fine to punish offenders, it still pays for some drivers of commercial vehicles not to comply with this law. (A "commercial vehicle" is defined in the Michigan Vehicle Code as a motor vehicle used for the transportation of goods or passengers, and/or used for drawing other vehicles, such as semitrailers.) For example, a truck with a gross vehicle weight of 80,000 pounds, which is typical of most of the trucks on the road, is assessed approximately \$275 for a 90-day license plate tab. This means that a driver would have to be stopped and fined \$100 three times during the 90-day period in order to make purchasing a tab worthwhile. Some believe an increase in the maximum allowable fine would result in a stronger incentive for owners to comply with the law because the cost of fines would outweigh the costs of registering.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code to increase the maximum allowable fine to \$500 for operating or knowingly permitting the operation of a commercial vehicle without a valid registration. The same penalty would be imposed on a person who displayed upon a commercial vehicle an illegal license plate, or one that was not issued for the vehicle (MCL 257.255 and 257.256).

FISCAL IMPLICATIONS:

Fiscal information is not available at this time.

BACKGROUND INFORMATION:

A similar bill, House Bill 5005, passed the House in 1985.

ARGUMENTS:

For:

The \$100 maximum fine worked well in an age when registration fees were lower, and the fine sufficed as a deterrent. However, registration fees for trucks have nearly doubled in the last 15 years, making the \$100 fine obsolete. As long as the maximum fine remains the same, an increase in commercial vehicle registration fees will only add to the incentive not to register. Thus, an increase in the maximum fine from \$100 to \$500 should bring more commercial haulers into compliance with vehicle registration fees.

Against:

Currently many judges are charging only 35 percent (or even less) of the maximum allowable fine per registration violation, therefore an increase in the maximum fine to \$500 may only lead to an average fine of \$175. For the heaviest trucks, which pay over \$400 for a 90-day tab, there would still be a strong incentive not to comply with the law. For the more frequent 80,000 pound weight class, there would also remain an incentive not to comply, since one violation would still be considerably cheaper than buying a plate. What is needed is either a message to judges to increase the fines, or an even greater increase in the maximum allowable fine.

Response: It is hoped that the fear of a \$500 fine will deter most commercial vehicle drivers from violating the registration law. Furthermore, there is no way of predicting how judges will respond to the increase in the maximum fine, and thus only time will tell.

POSITIONS:

The Michigan Trucking Association supports the bill (3-11-87).

The Department of State Police supports the bill (3-11-87).

The Ingham County weighmaster supports the bill (3-11-87).