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BILL ANALYSIS

MAR 03 1988

Senate Fiscal Agency

Lansing, Michigan 48909

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Mich. State Law Library

Senate Bill 135 (as enrolled)

Sponsor: Senator Doug Cruce

Committee: Local Government and Veterans Affairs

Date Completed: 11-16-87

RATIONALE

In 1974, as a fuel conservation measure in the wake of the 1973-74 Arab oil embargo, the speed limit for motor vehicles was lowered. The Federal Emergency Highway Energy Conservation Act of 1974 required all states to legislate maximum highway speed limits of 55 miles per hour to replace the then existing 70 miles per hour limit. Michigan complied by enacting Public Act 28 of 1974, since the Federal Act provided for a suspension of all Federal highway funds to noncomplying states. Reducing the highway speed of vehicles, it was argued, was necessary to conserve gasoline consumption at a time of dwindling gasoline supplies that sometimes created long lines at those service stations able to obtain adequate amounts of fuel. Now, however, some feel that the lowered speed limit has outlived its purpose and should be raised since fuel economy is no longer as crucial an issue in this era of relatively low gasoline prices and abundant supplies.

With Federal legislation now enacted that allows the states to raise speed limits to 65 miles per hour on stretches of interstate highways outside urbanized areas, it has been proposed that Michigan take advantage of this opportunity and raise its speed limit to 65 in those areas where permitted by Federal law.

In addition, there has been some concern that raising the speed limit without additional enforcement measures could result in higher accident rates on Michigan highways. Therefore, along with increasing the speed limit to 65 miles per hour, it has been suggested that a method of beefing up the current number of highway and freeway enforcement personnel also be established.

CONTENT

The bill would amend the Michigan Vehicle Code to increase the maximum lawful rate of speed by vehicles on a rural interstate highway from 55 to 65 miles per hour as permitted by Federal law. The bill would define "rural" as outside an area designated by Federal law as an urbanized area with a population of 50,000 or more. The bill would retain the 55-mile-per-hour speed limit on all roads for trucks, trailers and tractors, and 50 miles per hour for a person driving a school bus, and do the following:

- Establish a new system of points and minimum fines to be implemented for vehicle speed violations on a limited access freeway where the speed limit was 55 miles per hour or greater:

Speed of Vehicle at the Time of Violation	Points	Minimum Fine
56 to 60	0	\$10
61 to 70	1	\$20
71 to 80	2	\$30
81 to 85	3	\$40
86 or over	4	\$50

- Require a court to levy an assessment of \$5 for each civil infraction for a moving violation. The court would have to transmit the assessment to the State Treasury, which would have to deposit not more than \$6 million annually in the Highway Safety Fund that would be created by the bill. The Treasury would have to report annually to the Legislature all revenues that were received and disbursed under the bill. An assessment under the bill could not be considered a civil fine, and therefore would not be applied exclusively to the support of public libraries as required by the Vehicle Code.
- Create a Highway Safety Fund in the State Treasury, to be administered by the Department of State Police. Money in the Fund would have to serve as a supplement to, and not a replacement for, the funds budgeted for the State Police, to be used for the employment of additional personnel to enforce the traffic laws on the highways and freeways of the State. The Department of State Police would have to report annually to the Legislature all revenues received and disbursed under the bill.
- Provide that a citation or civil infraction for exceeding a lawful speed limit of 55 miles per hour by driving 65 miles per hour or less could not be considered by any person in establishing automobile insurance eligibility or insurance rates.
- Provide that no points could be entered on a driver's record for a civil infraction in another state, which resulted in a conviction solely due to the failure of the Michigan driver to appear in that state to contest the violation.
- Establish a highway safety task force to study the effects of the bill and to report its findings to the Legislature no later than December 31, 1988. Five members of the task force would be appointed by the Senate Majority Leader and five by the Speaker of the House. The Director of the State Police, the Director of the Department of Transportation and the Secretary of State would serve as ex officio members.

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OVER

the bill would take effect after 30 days following its enactment.

MCL 257.320 et al.

FISCAL IMPACT

The bill would increase revenues to the State as a result of the \$5 assessment for each civil infraction determination for a moving violation. However, the increased revenues would pay for additional highway patrol officers.

ARGUMENTS

Supporting Argument

The original rationale for lowering the speed limit from 70 to 55 miles per hour was to save fuel at a time of an oil crisis. With gasoline supplies now plentiful, this crisis and, therefore, the argument for a 55-mile-per-hour limit, no longer apply. In addition, gasoline consumption at higher speeds is less of a factor since today's cars are more fuel efficient than those on the road in 1974. Moreover, opinion polls have suggested that motorists overwhelmingly favor a change in the speed limit of vehicles from 55 to 65 for rural interstate highways.

Supporting Argument

The bill would establish a much needed increase in the speed limit on rural interstates in a way that is in compliance with Federal law. In addition, since the bill would raise the speed limit "on all highways...permitted by Federal law", this would allow, without any additional State legislation, the 65-mile-per-hour speed limit to be extended to additional highways in the State that may be permitted by future Federal legislation.

Supporting Argument

Much of the expenditure of billions of dollars on the more than 1,100 miles of interstate highways in Michigan was intended to build roads capable of handling speeds higher than 55 miles per hour, and the roads should be returned to serving that purpose by raising the speed limit to 65 miles per hour for rural interstate traffic. Additionally, the Michigan State Police have better things to do with their time than attempt to enforce the ineffective 55-mile-per-hour law.

Supporting Argument

The bill addresses many safety concerns about raising the speed limit by providing for a way to increase the number of officers patrolling the highways. Currently, law enforcement agencies are already stretched too thin to handle a growing traffic volume, without the increased patrol demand that the higher speed limit would entail. Fifteen years ago, State troopers spent two-thirds of their time on road patrol; today it's only one-fourth. Since 1979, the number of troopers on the road has shrunk from approximately 1,300, to only 1,000. During the same period, the number of drivers in Michigan has increased by 500,000. The bill would assist in rectifying this imbalance by levying a \$5 assessment on moving violations, to be used to employ additional patrol personnel to ensure a higher level of enforcement of the speed limit law.

Opposing Argument

Simply put, raising the speed limit would cost lives: some say 500 lives a year. The recent downward trend in highway fatalities would be reversed. No reasonable person can disagree with the claim that our present speed limit has saved lives, with some estimates crediting the 55-mile-per-hour limit with saving 26,000 since 1974.

Response: While some have maintained that the 55-mile-per-hour limit has saved many lives, raising the limit to 65 on rural interstate highways would not cause a dramatic increase in highway deaths or injuries, since rural interstates account for 19% of the nation's traffic but only 4% of the highway fatalities. Most of the reduction in the number of total lives lost due to traffic accidents by enactment of the 55-mile-per-hour limit has come from the fatality figures of noninterstate local, county and State roadways. These would not be affected by the bill. Furthermore, the bill's increased point and penalty system would discourage people from driving at dangerously high speeds.

Opposing Argument

Increased speeds may be appropriate for western states, where towns and cities are often separated by vast expanses of open country, but not for heavily urbanized Michigan. Although the bill is not supposed to affect urban roadways, the heavily traveled areas of urbanized, industrialized southern Michigan along the I-75 and I-94 corridors could be considered partly rural in nature and subject to the higher speed limit, causing problems for both motorists and law enforcement agencies. The bill should limit the higher speed to the Upper Peninsula and out-state portions of the Lower Peninsula, and expressly exclude heavily urbanized southeastern Michigan.

Opposing Argument

The speed limit should not be increased without recognizing that, absent increased enforcement tools for law enforcement agencies, Michigan would witness an increase in loss of life and the attendant social and economic costs. If the speed limit were raised, the following safety-oriented measures should be implemented: prohibiting use of radar detectors by motorists; and making violation of the safety belt law a primary offense.

Opposing Argument

Trucks should be allowed to drive 65 miles per hour. The bill differentiates between trucks and passenger vehicles and would keep trucks at the 55-mile-per-hour maximum speed limit. There are already too many rear-end collisions involving cars hitting trucks; increasing the difference in driving speeds would cause an increase in the number of these types of accidents.

Response: Even when the maximum speed was 70 miles per hour, trucks were never allowed to travel faster than 60 miles per hour. Higher truck speeds create problems for all drivers on the road and contribute to increased severity of accidents. Therefore, the speed limit for trucks should remain at 55 miles per hour.

Opposing Argument

While gasoline fuel economy is not the crucial issue that it once was, conservation of this nonrenewable resource is still an important goal, and one that the 55-mile-per-hour law has been instrumental in helping to achieve.

Opposing Argument

With the bill, the State would not be increasing enforcement, but decreasing it. Overall, the point system would be reduced below what it is now. As an example, someone driving on an urban highway at 70 miles and getting ticketed under present law would receive three points, but under the bill would only receive one point. It would be totally inconsistent to have the same point system for urban and rural highways: for those highways which have a speed limit of 55 miles per hour and for those that have a speed limit of 65 miles per hour.

Opposing Argument

Since there is already a fee charged on a ticket for a moving violation in the State, it would be unfair to add on a \$5 assessment. Further, the assessment really should be called a fine, which, under the Constitution, should go to the Library Fund. The State has enough dollars in the budget to put additional troopers on the highways; they should not be subsidized by a ticket tax, but by the General Fund.

Opposing Argument

Placing a \$5 assessment on each traffic ticket to be earmarked for hiring State Police could put police in an awkward situation. The police would be writing tickets, knowing that the more citations issued, the more funding would be available for their employment. This could create a dangerous conflict of interest, resulting in police using job security as a criteria in deciding wither or not to issue a citation.

Response: While giving police an added impetus to write tickets might not be such a bad idea to increase enforcement, in order to guard against the \$5 assessment affecting the judgment of officers, the bill would provide a limit of \$6 million on the amount that could be deposited each year in the Highway Safety Fund earmarked for State troopers, a figure judged to be an adequate, but not excessive, amount to raise enforcement personnel in the State.

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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.