

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4139 (Substitute H-2 as passed by the House)
Sponsor: Representative Penny Crissman
House Committee: Transportation
Senate Committee: Transportation and Tourism

Date Completed: 9-21-98

CONTENT

The bill would amend the Michigan Vehicle Code to permit a wrecker and a disabled vehicle, or a wrecker and a combination of a disabled vehicle and one trailer, that exceeded the Code's size and weight limits to operate on the State's highways under certain conditions. The bill also would establish civil penalties for the owner or operator of a wrecker who operated it on certain prohibited roads or structures, unless the disabled vehicle were located on one of them.

The bill would take effect October 1, 1998.

Currently, it is a misdemeanor, unless declared to be a civil infraction, for a person to drive or move, or for the owner to cause or permit to be driven or moved on a highway a vehicle exceeding the size or weight limits stated in the Code. The prohibition does not apply to a fire apparatus, an implement of husbandry incidentally moved on a highway, or a vehicle operated under the terms of a special permit issued under the Code.

Under the bill, a wrecker and a disabled vehicle, or a wrecker and a combination of a disabled vehicle and one trailer, that exceeded the size and weight limitations in the Code could be operated on the State's highways under the following conditions:

- The wrecker was designed specifically for towing operations; was equipped with flashing, oscillating, or rotating amber or red lights as permitted under the Code; and was capable of using the lighting and braking systems of the disabled vehicle or combination of disabled vehicles if those systems were operational.
- The wrecker was issued an extended restricted permit under the Code by the State Transportation Department if each trip beginning from the place of original disablement of the disabled vehicle or vehicles were 25 miles or less, except that for each trip that began and ended north of a line between Ludington and Pinconning, the trip beginning from the place of original disablement of a vehicle could be up to 50 miles.
- The wrecker did not operate on any highway, road, street, or structure included on a list provided by the Department unless the disabled vehicle were located on one of those roads or structures.

The owner or operator of a wrecker that did not comply with the last criteria would be responsible for a civil infraction and would have to pay a civil fine of at least \$250 but not more than \$500. The bill specifies that the civil fine would be in addition to any fine that could be imposed under Section

724 of the Code (which permits a police officer or agent of the Department or a county road commission to stop and submit for weighing a vehicle believed to have an illegal weight or load).

MCL 257.716

Legislative Analyst: L. Arasim

FISCAL IMPACT

The fiscal impact of this bill is indeterminate. As specified in the bill, the owner or operator of a wrecker operating without an extended restricted permit would be liable for a civil fine, in addition to fines levied for carrying an illegal weight or load. The revenues collected from these fines would vary based on the number and severity of violations that occur each year, and cannot be calculated. However, the revenues generated from these fines would be earmarked for the support of local public libraries.

Fiscal Analyst: P. Alderfer

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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.