



Senate Fiscal Agency  
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## BILL ANALYSIS



Telephone: (517) 373-5383  
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Senate Bill 836 (as reported without amendment)  
Sponsor: Senator Tom Casperson  
Committee: Transportation

Date Completed: 5-14-18

### **RATIONALE**

The Michigan Vehicle Code prescribes maximum axle loads and gross vehicle weights for various configurations of vehicles. Except as otherwise provided, the maximum axle load may not exceed a designated number of pounds (known as the normal loading maximum) based on the distance between axles, including a maximum axle load of 13,000 pounds if the spacing between two axles is less than nine feet but more than three-and-a-half feet. Evidently, there is inconsistent local enforcement regarding maximum axle weight distributions, as separate jurisdictions might levy different penalties under the same scenario, as described below.

Under the Code, when normal loading is in effect, the Michigan Department of Transportation or a local authority may designate certain highways on which the maximum tandem axle assembly loading may not exceed 16,000 pounds for any axle of the assembly. On a legal combination of vehicles, only one tandem axle assembly is permitted on the designated highways at the gross permissible weight of 16,000 pounds per axle if: 1) there is no other axle within nine feet of any axle of the assembly, and 2) no other tandem axle assembly in the combination of vehicles exceeds a gross weight of 13,000 pounds per axle. Apparently, if a combination of vehicles is loaded in a way that one axle in a tandem axle assembly surpasses the 13,000-pound limit described above, a local authority might determine that the vehicle combination no longer meets the criteria that allow a tandem axle assembly to be up to 16,000 pounds per axle. As a result, the vehicle's tandem axle assembly that is loaded according to the 16,000-pound limit is considered overweight.

The Code prescribes civil fines for overweight vehicles based on the number of pounds that exceed the weight limit. Under some circumstances, if a vehicle or combination of vehicles would be legal by a proper distribution of the load upon all of the axles, the violation is subject to a misload fine instead of the per-pound fine. Evidently, if an axle load exceeds 13,000 pounds in a tandem axle assembly, and the local authority considers it to be in violation of 13,000-pound per-axle limit, and not eligible for the 16,000-pound limit, a higher fine will be calculated. To address this issue, it has been suggested that the criteria a vehicle combination must meet to qualify for the 16,000-pounds-per-axle limit should be revised.

### **CONTENT**

**The bill would amend Section 722 of the Michigan Vehicle Code to revise a provision allowing a legal combination of vehicles that has one tandem axle at the gross permissible weight of 16,000 pounds per axle to operate on designated highways only if no other tandem axle assembly in the combination exceeds a gross weight of 13,000 pounds per axle.**

As described above, on a legal combination of vehicles, only one tandem axle assembly is permitted on a designated highway at the gross permissible weight of 16,000 pounds per axle if both of the following are met:

- There is no other axle within nine feet of any axle of the assembly.
- No other tandem axle assembly in the combination of vehicles exceeds a gross weight of 13,000 pounds per axle.

The bill would delete the condition that no other tandem axle assembly in the combination exceed a gross weight of 13,000 pounds per axle.

The bill would take effect 90 days after it was enacted.

MCL 257.722

**ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

**Supporting Argument**

Although Section 722 of the Code allows a combination of vehicles to contain a tandem axle assembly on designated highways at the gross permissible weight of 16,000 pounds per axle, that weight is acceptable only if no other tandem axle assembly in the combination exceeds a gross weight of 13,000 pounds. If a combination of vehicles were misloaded and a separate tandem axle assembly exceeded 13,000 pounds per axle, a local authority could conclude that the 16,000-pound exception no longer applied. Thus, while the combination of vehicles would be considered misloaded, the removal of the 16,000-pound tandem axle exception would make that axle assembly thousands of pounds overweight, resulting in a greater penalty.

The penalty imposed for a vehicle or combination of vehicles that exceeds the applicable weight limit in Section 722 depends on how many pounds exceed the maximum axle load. If a court determines that a vehicle or combination of vehicles would meet specified loading conditions by a proper distribution of the load upon all of the axles of the vehicle or vehicle combination, but that one or more axles exceeded the permitted axle weight by 1,000 pounds or less, the court must impose a misload fine of \$200 per axle, up to three axles. However, if one or more axles of the vehicle combination exceeded the permitted axle weight by more than 1,000 pounds, the court must impose a per-pound civil fine in an amount shown in Table 1.

**Table 1**

<b>Pounds of Excess Load</b>	<b>Penalty Per Excess Pound</b>
1,001-2,000	\$0.03
2,001-3,000	\$0.06
3,001-4,000	\$0.09
4,001-5,000	\$0.12
5,001-10,000	\$0.15
Over 10,000	\$0.20

According to Senate Transportation Committee testimony, some local authorities may calculate the fine as if the 16,000-pound limit still applies, while others may take the approach that the 16,000-pound allowance does not apply, resulting in a greater fine. The bill would ensure uniform and predictable enforcement of the Code's axle weight restrictions.

**Response:** By allowing combinations of vehicles to have different distributions of weights across separate axle assemblies, the bill could cause the Michigan Department of Transportation to reevaluate approximately 294 departmental and 1,886 local bridges, to determine if they could withstand the presumed weight distribution changes that would result from the enactment of the bill.

Legislative Analyst: Drew Krogulecki

## **FISCAL IMPACT**

The bill would have no fiscal impact on the State and could have a minimal negative fiscal impact on local government. A violation of the weight limits in Section 722 is a civil infraction. Under the Michigan Vehicle Code, civil infraction revenue is allocated to public libraries. If the bill reduced the amount of civil fines imposed for violations of Section 722, public libraries would experience a revenue loss.

Fiscal Analyst: Ryan Bergan

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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.