



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 1187 (as introduced 9-25-96)  
Sponsor: Senator Glenn D. Steil  
Committee: Local, Urban and State Affairs

Date Completed: 9-30-96

### CONTENT

The bill would amend Chapter 6 of the Michigan Vehicle Code (covering obedience to and effect of traffic laws) to:

- Prohibit the maximum gross vehicle weight for one or more vehicles and loads from exceeding 80,000 pounds.
- Permit the installation of unmanned sensors on State trunk line or county highways in order to enforce the loading maximum requirements.
- Establish civil fines for persons who were determined to have violated a speed restriction or limitation on the basis of evidence obtained from an unmanned traffic monitoring device.
- Specify that a sworn statement of an officer based on photographs or images produced by an unmanned traffic sensor would be prima facie evidence of the facts.
- Provide that in the prosecution of an offense, prima facie evidence that the vehicle had been operated in violation of the bill and proof that the defendant was the vehicle's owner would constitute a rebuttable presumption that the vehicle's owner was the person who committed the violation.

The bill would retain the current formula that determines vehicle weight, but provides that, notwithstanding any other provision of the Code, the maximum allowable gross vehicle weight of a single vehicle and load or a combination of vehicles and loads could not exceed 80,000 pounds.

To enforce the loading maximum requirements of Chapter 6, the State Transportation Department or a county road commission could authorize the installation of unmanned sensors on State trunk line or county highways within the State.

A person would be responsible for a civil infraction and subject to a civil fine as provided in the Code if he or she violated a speed restriction or limitation in the Code on the basis

of evidence obtained from an unmanned traffic monitoring device. (Under the Code, a vehicle owner or lessee who violates the Code's weight restrictions is responsible for a civil infraction and must pay a civil fine in an amount equal to 3 cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; 6 cents per pound of excess load when the excess is over 2,000 pounds but not over 3,000 pounds; 9 cents per pound for each pound of excess load when the excess is over 3,000 pounds but not over 4,000 pounds; 12 cents per pound for each pound of excess load when the excess is over 4,000 pounds but not over 5,000 pounds; 15 cents per pound for each pound of excess load when the excess is over 5,000 pounds but not over 10,000 pounds; and 20 cents per pound for each pound of excess load when the excess is over 10,000 pounds.)

A sworn statement of a police officer from the Transportation Department or a county road commission having jurisdiction over the highway or street, based on inspection of photographs or other recorded images produced by an unmanned traffic sensor, would be prima facie evidence of the facts. (Prima facie evidence is evidence that is sufficient to establish a given fact, unless rebutted or contradicted.) Any photographs or other recorded images evidencing a violation would have to be available for inspection in any proceeding to adjudicate the liability for a violation of the bill.

In the prosecution of an offense under the bill, prima facie evidence that the vehicle described in the citation had been operated in violation of the bill, together with proof that the defendant at the time of the violation had been the vehicle's owner, would constitute in evidence a rebuttable presumption that the registered vehicle owner was the person who committed the violation. The presumption could be rebutted if the registered vehicle owner filed an affidavit by regular mail with the clerk of the court, or testified under oath in open court, that he or she had not been the operator of the vehicle at the time of the alleged violation. The presumption also could be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen before the time of the alleged violation, were presented before the return date established on the citation issued to the court.

Notwithstanding the Code's provisions on the issuance of citations, a citation for a violation of the bill could be executed by mailing, by first-class mail, a copy to the address of the vehicle owner as shown on the records of the Secretary of State. If the summoned person failed to appear on the date of return set out in the citation, the citation would have to be executed in the manner provided by law for personal service. Proceedings for contempt or arrest of a person summoned by mailing would have to be instituted for failure to appear on the citation's return date.

MCL 257.722 et al.

Legislative Analyst: L. Arasim

### **FISCAL IMPACT**

The bill would have an indeterminate impact on the State and local units of government. The impact that lower weight limits would have on roads can not be qualified.

The enforcement costs and revenue from the use of unmanned traffic monitoring devices would depend on the level of enforcement. The State currently has 19 weigh stations at 12 sites. The FY 1995-96 budget for enforcement was \$7.7 million. Approximately 70% of the funding came from the State Trunkline Fund and the balance is from Motor Carrier fees.

Fiscal Analyst: B. Bowerman

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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.