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SFA

BILL ANALYSIS

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Senate Bill 943 (as introduced 12-11-01)
Sponsor: Senator Ken Sikkema
Committee: Judiciary

Date Completed: 1-28-02

CONTENT

The bill would amend the Motor Carrier Safety Act to do both of the following:

- Specify a penalty of imprisonment for violating the Act while transporting a package required to be marked or labeled under Federal regulations governing the transport of hazardous materials (49 C.F.R. parts 100 to 180).
- Prohibit the transport of hazardous material for which a placard is required under Federal regulations (49 C.F.R. parts 100 to 199), if the person transporting the hazardous material did not have the appropriate endorsement on his or her driver's license.

Under the Act, a person is subject to a maximum fine of \$500 for operating or driving a bus, truck, truck tractor, or trailer, or certain other motor vehicles in violation of the Act, or a rule promulgated under it, if the vehicle is transporting a package required to be marked or labeled under Federal regulations governing the transport of hazardous materials. Under the bill, a violation would be a misdemeanor, punishable by up to one year's imprisonment, a maximum fine of \$500, or both, for each violation.

In addition, the bill would prohibit a person from transporting, or requiring, permitting, or allowing to be transported, hazardous material for which a placard is required under Federal regulations if the person who was transporting the hazardous material did not have a hazardous material endorsement on his or her operator's or chauffeur's license. A violation would be a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$500, or both, for each violation.

MCL 480.17c

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 943 would have no impact on State government and an indeterminate impact on local government. There are no data to indicate how many offenders are convicted of violating this section of the Motor Carrier Safety Act or would be convicted under the bill. Offenders would be guilty of a misdemeanor and could receive up to one year's imprisonment and a maximum fine of \$500, or both. Offenders would be subject to probation or incarceration in a local facility. Local units would incur the cost of probation as well as incarceration, which may vary between \$27 and \$65 a day.

Fiscal Analyst: B. Wicksall

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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.