

In a posting to michlib-l, Christine Hage announced that Clinton-Macomb Public Library received a \$60,000 payout representing two years of penal fines on motor carrier violations. Her alert prompted Kay Elzinga and me to follow the breadcrumbs in an effort to track down a windfall for co-op members. Along the way, we learned a number of things that may be helpful to other libraries.

Libraries with weigh stations in their counties have been getting significant penal fine revenue from motor carrier weight violations. In May, 2000 an amendment to the Michigan Motor Carrier Safety Act, PA 181 of 1963, went into effect that required libraries to get penal fine revenue for **serious safety defect** violations, as well as weight violations. MCL 480.17b Sec. 7b(1) In a little bonus from legislators, libraries also were given a percentage of fines for serious safety defects ordered to be paid under a resolution by a city, twp., village, or county -- parallel ordinances. MCL 480.21 Sec. 11(3). The split under a parallel ordinance is 70% to the municipality and 30% to libraries.

This information posed more questions. Are libraries getting penal fines for serious safety defect violations? Have any local municipalities passed parallel ordinances under this section of the Motor Carrier Safety Act? If yes, are libraries getting their 30% share of these fines?

To get some answers, we first talked to the Lieutenant in charge of District 8 of the Motor Carrier Division of the Michigan State Police. There are eight districts in the Motor Carrier Division. These are the only state police officers who write tickets for truck violations. We found contact information for District 8 in the Upper Peninsula at this web site: http://www.michigan.gov/msp/0,1607,7-123-1593_3536_6248---,00.html and by searching 'motor carrier division' at www.michigan.gov. The Lieutenant actually knew all about penal fines for libraries. There are nine officers in District 8 who enforce truck violations in the Upper Peninsula.

"Serious safety defects" are defined in the Motor Carrier Act. MCL 480.17b Sec 7b(2). The Lt. gave us the total number of tickets written in District 8 for safety violations serious enough to take a truck off the road; however, he did not have that total broken down by type of defect or by county. The total number of safety violation tickets written in District 8 has increased from 62 in 1999 to 156 in 2004 (151.6% change U.P.-wide). All other variables being equal, we should see an increase in penal fines from 2000 to 2004 in counties that have truck routes, especially trucks from Canada.

Our next breadcrumb led us to the city and county treasurers' and clerks' offices to track parallel ordinances. This trail was cold, but just to be 100% sure we talked to the road patrol captains at the Marquette City police and Marquette County Sheriff's. These Captains confirmed there are no city or county parallel ordinances for violations under the Motor Carrier Act. We learned from them that if the city or county were to pass such ordinances, the local enforcement officers would be required to attend the same 12-week road patrol course, including annual training, that the State Police Motor Carrier Division officers are required to attend. Satisfied we had reached a dead end, we slowly drove away.

Next we wanted to look at penal fine revenue in 1999 (just before the Motor Carrier Act amendment went into effect) and compare that revenue to 2002 and 2004 to see if the increase in safety violation tickets resulted in increased penal fines for libraries.

We went to the County Treasurer's office and asked to photocopy the monthly transmittal sheets that are sent from the two district courts in Marquette County to the treasurer's office. These transmittals document fines and fine allocations. In two Marquette County district courts from 1999 to 2004, the total revenue from fines increased from \$1,504,933 in 1999 to \$1,860,067 in 2004 (23.6% change Marquette County). Penal fine revenue to libraries increased from \$143,598 to \$206,714 (44.0% change) and the share to the district courts for operation costs declined from \$711,777 in 1999 to \$690,857 in 2004 (-3% change). The split between penal fines to Marquette County libraries and district court costs for the years examined showed libraries moving from 16.8% to 23%.

1999

Penal Fines	16.8%
Court Costs	83.2%

2002

Penal Fines	18.6%
Court Costs	81.4%

2004

Penal Fines	23.0%
Court Costs	77.0%

[Note: We compared penal fines to court costs. It is also possible to compare penal fines to the total, including assessments, etc. This comparison would have given the following ratio of penal fines to total allocations: 1999 12.5% to 87.5%; 2002 13.8% to 86.2%; 2004 16.2% to 83.8%.]

Does this mean libraries have been getting revenue from tickets issued for serious safety defects since the 2000 amendment to the Motor Carrier Act? Now that we have held your attention all this time, I am seriously sorry to tell you that we don't know. We learned from examining revenues before and after the amendment went into effect that library penal fine revenue has gone up in one county and the number of tickets written for motor carrier safety violations has gone up in fifteen counties. However, we have not found information on tickets written within each district court jurisdiction. There are other variables that affect penal fines. This exercise can be valuable, however, if we use the information gathered to educate district court judges.

What about other district courts in our region? When we look at penal fine distributions in other counties, we may spot a trend or something that would indicate whether or not safety violations are affecting our penal fine amounts. We may discover whether the district court clerks follow some kind of written formula for distribution. We can compare the percentages allocated to libraries and court costs by each district court. In those areas where penal fines are declining, we will talk to the district court judges about the critical importance of penal fines to public libraries. We will show them how public library income is declining, including numbers for penal fines, state aid, and local appropriations. We will show them that penal fines are a large percentage of total public library income. We may compare the percentages of fines allocated to libraries and to court costs in other districts. This will be an opportunity to inform judges about the Motor Carrier Safety Act amendments, if they are not already aware.