MOTOR CARRIER SAFETY ACT OF 1963
Act 181 of 1963

AN ACT to promote safety upon highways open to the public by regulating the operation of certain vehicles; to provide consistent regulation of these areas by state agencies and local units of government; to establish the qualifications of persons necessary for the safe operation of such vehicles; to establish certain violations of shippers offering certain materials for transportation; to limit the hours of service of persons engaged in operating such vehicles; to require the keeping of records of such operations; to provide penalties for the violation of this act; to prescribe the powers and duties of certain state agencies; and to repeal acts and parts of acts.

History: 1963, Act 181, Eff. Sept. 6, 1963;—Am. 1984, Act 23, Imd. Eff. Mar. 8, 1984;—Am. 1990, Act 339, Eff. Apr. 2, 1991;—Am. 1995, Act 265, Imd. Eff. Jan. 8, 1996;—Am. 2005, Act 177, Imd. Eff. Oct. 20, 2005.

The People of the State of Michigan enact:

480.11 Motor carrier safety act; short title.

Sec. 1. This act shall be known as the “motor carrier safety act of 1963”.

History: 1963, Act 181, Eff. Sept. 6, 1963.

Compiler's note: For transfer of Public Service Commission highway enforcement functions relating to motor carriers to Department of State Police, see E.R.O. No. 1982-1, compiled at MCL 28.21 of the Michigan Compiled Laws.

Transfer of powers: See MCL 28.21.

480.11a Adoption of federal regulations; exceptions; definitions; applicability of act to bus operated by transit agency; applicability of subsection (1)(b) and sections 5(8) and 6(1).

Sec. 1a. (1) This state adopts the following provisions of title 49 of the code of federal regulations on file with the office of the secretary of state, except where modified by this act:

(a) Hazardous materials regulations, being 49 CFR parts 105 through 180 except for the transportation of agricultural products for which an exception from the application of 49 CFR subchapter C and 49 CFR part 172, subparts G and H, is provided under 49 CFR 173.5, is specifically authorized if the transportation is in compliance with this act and other state law.

(b) Motor carrier safety regulations, being 49 CFR parts 40, 356, 365, 368, 371 through 373, 375, 376, 379, 382, 383, 385, 387, 390 through 393, 395 through 399 including the appendices of each part, except for the following:

(*i*) Except as provided in this subparagraph, where the term "United States department of transportation", "federal motor carrier safety administration", "federal motor carrier safety administrator", "director", "bureau of motor carrier safety", "pipeline and hazardous materials administration", or "associate administrator for hazardous materials safety" appears, it refers to the department of state police. If the term is being used for the purposes of 49 CFR part 397 as it relates to routing and movement of hazardous materials, it refers to the Michigan state transportation department.

(*ii*) Where "interstate" appears, it means intrastate or interstate, or both, as applicable, except as specifically provided in this act.

(*iii*) Where "special agent of the federal motor carrier safety administration", "administration personnel", or "hazardous materials enforcement specialist" appears, it either means a peace officer or an enforcement member of the motor carrier division of the department of state police.

(*iv*) Where MCS 63 appears, it means MC 9 and MC 9b.

(*v*) Where MCS 64 appears, it means UD-70.

(*vi*) Exempt intracity zones and the regulations applicable to exempt intracity zones do not apply to this act.

(2) This act does not apply to a bus operated by a public transit agency operating under any of the following:

(a) A county, city, township, or village as provided by law, or other authority incorporated under 1963 PA 55, MCL 124.351 to 124.359. Each authority and governmental agency incorporated under 1963 PA 55, MCL 124.351 to 124.359, has the exclusive jurisdiction to determine its own contemplated routes, hours of service, estimated transit vehicle miles, costs of public transportation services, and projected capital improvements or projects within its service area.

(b) An authority incorporated under the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426, or that operates a transportation service under an interlocal agreement as that term is defined in section 2 of the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.502.

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(c) A contract entered into under 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, or 1951 PA 35, MCL 124.1 to 124.13.

(d) An authority incorporated under the public transportation authority act, 1986 PA 196, MCL 124.451 to 124.479, or a nonprofit corporation organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, that provides transportation services.

(e) An authority financing public improvements to transportation systems under the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140.

(3) Except as otherwise provided in this subsection, subsection (1)(b) and sections 5(8) and 6(1) do not apply to a vehicle that is not a commercial motor vehicle as defined in 49 CFR 383.5 and that is operated in intrastate commerce as defined in 49 CFR 390.5. A vehicle to which subsection (1)(b) does not apply under this subsection remains subject to 49 CFR parts 391 through 393.

(4) As used in this act:

(a) "Hazardous material vehicle inspection or repair facility" means a commercial enterprise that performs inspections, certification, testing, or repairs to commercial motor vehicles transporting hazardous materials as required by 49 CFR parts 105 to 180 and includes motor carriers that perform the inspections, certification, testing, or repairs to vehicles owned or leased by the motor carrier.

(b) "Medical examiner" means that term as defined under 49 CFR 390.5.

History: Add. 1973, Act 171, Eff. Mar. 29, 1974;—Am. 1984, Act 23, Imd. Eff. Mar. 8, 1984;—Am. 1990, Act 339, Eff. Apr. 2, 1991;—Am. 1995, Act 265, Imd. Eff. Jan. 8, 1996;—Am. 2005, Act 177, Imd. Eff. Oct. 20, 2005;—Am. 2006, Act 50, Imd. Eff. Mar. 9, 2006;—Am. 2011, Act 160, Imd. Eff. Sept. 30, 2011;—Am. 2012, Act 231, Imd. Eff. June 29, 2012.

480.11b Repealed. 2005, Act 177, Imd. Eff. Oct. 20, 2005.

Compiler's note: The repealed section pertained to the motor carrier safety appeal board.

480.12 Repealed. 1984, Act 23, Imd. Eff. Mar. 8, 1984.

Compiler's note: The repealed section pertained to hour limitations for person driving truck or truck tractor.

480.12a-480.12c Repealed. 2005, Act 177, Imd. Eff. Oct. 20, 2005.

Compiler's note: The repealed sections pertained to qualifications of persons operating certain motor vehicles and safety standards for certain equipment, devices, and facilities.

480.12d Person qualified to operate commercial motor vehicle.

Sec. 2d. (1) A person shall not operate a commercial motor vehicle unless he or she is qualified to operate that vehicle. A motor carrier shall not require or permit a person to operate a commercial motor vehicle unless that person is qualified to operate that vehicle.

(2) In the case of intrastate transportation, a person is qualified to operate a commercial motor vehicle if he or she meets all of the requirements of 49 CFR parts 383 and 391, except all of the following provisions:

(a) Except as otherwise provided in subdivision (b), the person is at least 18 years old when transporting intrastate property or passengers.

(b) The person is at least 21 years old when transporting hazardous materials in a quantity that requires the vehicle to be marked or placarded under 49 CFR parts 105 to 180.

(c) The person is eligible for and displays a valid medical waiver card, is excepted from the medical waiver card provisions under this act, or, until December 31, 2014, displays a grandfather rights card issued in accordance with this act.

History: Add. 1990, Act 339, Eff. Apr. 2, 1991;—Am. 1995, Act 265, Imd. Eff. Jan. 8, 1996;—Am. 2005, Act 177, Imd. Eff. Oct. 20, 2005;—Am. 2011, Act 160, Imd. Eff. Sept. 30, 2011.

Compiler's note: Former MCL 480.12d, which pertained to the promulgation of qualifications, rules, and standards by the public service commission, was repealed by Act 23 of 1984, Imd. Eff. Mar. 8, 1984.

480.12e Person applying to operate commercial motor vehicle; providing list of applicant's former employers and related information.

Sec. 2e. A person who applies to operate a commercial motor vehicle as defined by section 7a of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.7a of the Michigan Compiled Laws, shall submit a list of the names and addresses of the applicant's employers during the 7-year period preceding the 3-year period required by 49 C.F.R. 391.21(b)(10) for which the applicant was an operator of a commercial motor vehicle, together with the dates of employment and the reasons for leaving such employment.

History: Add. 1990, Act 339, Eff. Apr. 2, 1991.

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480.12f Motor carrier; review of driving records required; exception.

Sec. 2f. Except as provided in this act, each motor carrier shall, at least once every 12 months, review a copy of the driver's record from each state in which the driver held a license during the preceding year to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive a commercial motor vehicle pursuant to 49 C.F.R. 391.15. In reviewing a driving record, the motor carrier shall consider any evidence that the driver has violated applicable provisions of the federal motor carrier safety regulations and the hazardous materials regulations. The motor carrier shall also consider the driver's accident record and any evidence that the driver has violated laws governing the operation of motor vehicles, and shall give great weight to violations, such as speeding, reckless driving, and operating while under the influence of alcohol or drugs, that indicate that the driver has exhibited a disregard for the safety of the public. A note setting forth the date upon which the review was performed and the name of the person who reviewed the driving record shall be included in the driver's qualification file.

History: Add. 1990, Act 339, Eff. Apr. 2, 1991;—Am. 1995, Act 265, Imd. Eff. Jan. 8, 1996.

480.12g, 480.12h Repealed. 1995, Act 265, Imd. Eff. Jan. 8, 1996;—2005, Act 177, Imd. Eff. Oct. 20, 2005.

Compiler's note: The repealed sections pertained to road tests and written examination.

480.12i-480.12w Repealed. 2005, Act 177, Imd. Eff. Oct. 20, 2005.

Compiler's note: The repealed sections pertained to qualifications of and requirements for certain drivers of motor carriers and farm vehicles.

480.13 Motor carrier safety appeal board; creation; membership; duties; person not physically qualified to drive; waiver to drive commercial motor vehicle; application; requirements; issuance of waiver; validity; renewal; notice; suspension or revocation; denial of application for waiver; appeal; effect on worker's compensation status.

Sec. 3.

(1) The motor carrier safety appeal board is created. The board shall consist of the director of the department of state police or his or her designee, the secretary of state or his or her designee, the director of the state transportation department or his or her designee, and 1 representative of the motor carrier industry chosen jointly by these 3 department heads and the Michigan trucking association. The appeal board shall hear and decide applications for waivers from medical requirements of this act and the rules promulgated pursuant to this act.

(2) A person who is not physically qualified to drive under 49 CFR 391.41 and who is otherwise qualified to drive a commercial motor vehicle may drive a commercial motor vehicle if the motor carrier division of the department of state police or the appeal board has granted a waiver to that person.

(3) An application for a waiver shall be submitted jointly by the person who seeks a waiver of his or her physical disqualification and by the motor carrier that will employ the person if the application is granted. The application shall be delivered to the headquarters of the motor carrier division of the department of state police.

(4) An application for a waiver shall contain all of the following:

(a) A description of all of the following:

(*i*) The type, size, and special equipment, if any, of the vehicles the individual applicant intends to drive.

(*ii*) The general area and type of roads the individual applicant intends to traverse while driving.

(*iii*) The maximum distances the individual applicant intends to drive.

(*iv*) The nature of the commodities or cargo the individual applicant intends to transport.

(*v*) The methods the applicant or any other person will use to load and secure the commodities or cargo.

(*vi*) The nature and extent of the individual applicant's experience at operating commercial motor vehicles of the type he or she intends to drive.

(b) An agreement that the motor carrier will promptly file with the motor carrier division of the department of state police reports that the division may require, including accident reports.

(c) An agreement that if a waiver is granted, it authorizes the individual applicant to drive intrastate only when employed by the motor carrier that joined in the individual's application.

(5) An application for a waiver shall be accompanied by all of the following:

(a) Not less than 2 reports of medical examinations, conducted within the preceding 60 days of the date of the application, pursuant to 49 CFR 391.43, each of which includes the medical examiner's opinion concerning the individual applicant's ability to operate safely a vehicle of the type the applicant intends to drive.

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(b) A copy of the individual applicant's application for employment made pursuant to 49 CFR 391.21 or this act.

(6) An application for a waiver shall be signed by both the individual applicant and the motor carrier. If the motor carrier is a corporation, the application shall be signed by an officer of the corporation. If the motor carrier is a partnership, the application shall be signed by a general partner.

(7) The driver applicant or motor carrier applicant shall not falsify information in the letter of application or the renewal application.

(8) The motor carrier division of the department of state police may deny the application or may approve the application, in whole or in part, and issue a waiver subject to the terms, conditions, and limitations as it considers consistent with safety and the public interest. A waiver is valid for not more than 2 years, and a waiver may be renewed upon submission of a new application under this act.

(9) If the motor carrier division of the department of state police grants a waiver, it shall notify each applicant by a letter, that sets forth the terms, conditions, and limitations of the waiver. The motor carrier shall retain the letter or a legible copy of it and a copy of the medical waiver card in the driver's qualification file as long as the individual applicant is employed by that motor carrier and for 3 years thereafter. The individual applicant shall have the current medical waiver card in his or her possession when he or she drives a commercial motor vehicle or is otherwise on duty.

(10) The motor carrier division of the department of state police may suspend a waiver at any time. The motor carrier division may revoke a waiver after the person to whom it was issued is given notice of the proposed revocation and a reasonable opportunity to appeal for review.

(11) An applicant who was denied in whole or in part his or her application for a waiver of physical defect under this act or conflict of medical evaluation under 49 CFR 391.47 may make an appeal for review by contacting the motor carrier division.

(12) Notwithstanding any other provisions of this section, the determination of the motor carrier safety appeal board shall have no bearing on worker's compensation status.

History: Add. 1990, Act 339, Eff. Apr. 2, 1991;—Am. 1995, Act 265, Imd. Eff. Jan. 8, 1996;—Am. 2005, Act 177, Imd. Eff. Oct. 20, 2005.

Compiler's note: Former MCL 480.13, which pertained to sleeper berths, was repealed by Act 23 of 1984, Imd. Eff. Mar. 8, 1984.

480.13a Trailers or trailer-vehicle combinations; surge brakes equipment for intrastate operation.

Sec. 3a. Trailers with a gross vehicle weight or gross vehicle weight rating of 15,000 pounds or less or trailer-vehicle combinations with an actual gross vehicle weight or a gross vehicle weight rating of 26,000 pounds or less may be equipped with surge brakes for intrastate operation as allowed by section 705(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.705.

History: Add. 2000, Act 213, Imd. Eff. June 27, 2000.

***** *480.14 THIS SECTION IS REPEALED BY ACT 160 OF 2011 EFFECTIVE DECEMBER 31, 2014* *****

480.14 Exceptions to act and federal provisions; exemption from medical qualification; grandfather rights; preexisting conditions; maintaining copy of grandfather card.

Sec. 4.

(1) The provisions of this act and 49 CFR 391.21 relating to applications for employment, 49 CFR 391.23 relating to investigations and inquiries, and 49 CFR 391.31 and CFR 391.33 relating to road tests do not apply to a driver who has been a regularly employed driver of an intrastate motor carrier of property for a continuous period which began on or before June 10, 1984, as long as he or she continues to be a regularly employed driver of that motor carrier or to a driver who has been a regularly employed driver of an intrastate motor carrier of passengers for a continuous period which began on or before March 3, 1991, as long as he or she continued to be a regularly employed driver of that motor carrier. Such a driver is qualified to drive a commercial motor vehicle if he or she fulfills the requirements of section 2d(2).

(2) The provisions in this act pertaining to an intrastate driver's medical qualifications do not apply to any driver who:

(a) Has been a regularly employed driver of the motor carrier for a continuous period that began on or before June 10, 1984.

(b) Has continued to be a regularly employed driver of that motor carrier.

(c) Is otherwise qualified to drive a commercial motor vehicle under this act.

(d) Has made application to the appeal board claiming grandfathering rights.

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(e) Has received a grandfather rights card from the motor carrier division of the department of state police. The grandfather rights card shall be carried at all times on the person of the driver while he or she is operating a commercial motor vehicle. The original grandfather rights application form or a legible copy of it will be retained in the driver's qualification file in accordance with this act.

(3) Notwithstanding subsection (2), the provisions of this act pertaining to random, reasonable cause, and postaccident drug and alcohol testing apply to all drivers as required by 49 CFR part 382 granted grandfather rights under this section.

(4) Grandfather rights shall remain valid until December 31, 2014.

(5) The exemption from medical qualification under this section applies only to preexisting conditions before January 1, 1996. Any medical condition that would normally disqualify a driver under this act automatically voids any grandfather rights. Any driver who develops a normally disqualifying medical condition or violates any provision of subsection (2) of this section after being issued a grandfather card must return the grandfather card to the motor carrier division of the department of state police and apply for a medical waiver as provided in this act.

(6) A motor carrier shall maintain the original or a legible copy of the grandfather card issued under this act in the file of each driver that has been issued one.

History: 1963, Act 181, Eff. Sept. 6, 1963;—Am. 1984, Act 23, Imd. Eff. Mar. 8, 1984;—Am. 1995, Act 265, Imd. Eff. Jan. 8, 1996;—Am. 2005, Act 177, Imd. Eff. Oct. 20, 2005.

Administrative rules: R 460.16101 et seq. of the Michigan Administrative Code.

****** 480.14a THIS SECTION IS REPEALED BY ACT 160 OF 2011 EFFECTIVE DECEMBER 31, 2014 ******

480.14a Issuance of new grandfather cards; prohibition.

Sec. 4a. The department is not authorized to issue new grandfather cards under section 4 after the effective date of the amendatory act that added this section.

History: Add. 2005, Act 177, Imd. Eff. Oct. 20, 2005.

480.15 Intrastate transportation; exceptions; applicability to farm vehicle driver, public utility driver, government-owned commercial motor vehicle, certain combination of vehicles, and buses; motor vehicle engaged in seasonal construction-related activities; definitions.

Sec. 5. (1) In the case of intrastate transportation, the provisions of 49 CFR 391.21 relating to application for employment, 49 CFR 391.23 relating to investigations and inquiries, 49 CFR 391.31 relating to road tests, 49 CFR part 395 relating to hours of service, 49 CFR 383.71 and 391.41 to 391.45 to the extent that they require a driver to be medically qualified or examined and to have a medical examiner's certificate on his or her person, and the provisions of this act relating to files and records do not apply to a farm vehicle driver as defined in 49 CFR 390.5.

(2) For intrastate transportation, the provisions of this act do not apply to a self-propelled implement of husbandry or an implement of husbandry being drawn by a farm tractor or another implement of husbandry.

(3) The provisions of this act related to driver qualifications do not apply to public utility, telephone, and cable television company service employees if those employees are not otherwise being used as a regularly employed driver and are not operating a vehicle that meets the definition of a commercial motor vehicle in 49 CFR part 383.

(4) The requirements of 49 CFR part 395 do not apply to any driver of a public utility service vehicle when being used in cases of emergency. As used in this subsection, "emergency" means any instance of loss of public utility service due to an unforeseen circumstance, a natural disaster, or an act of God. A declaration of emergency by a public official is not required to constitute an emergency under this subsection.

(5) This act and the rules promulgated under this act do not apply to a commercial motor vehicle owned and operated by a unit of government or its employees, except as otherwise provided by this act, and except for 49 CFR 383.71(h) and all of 49 CFR parts 382, 391, 392, and 393.

(6) A combination of vehicles with an actual combination gross vehicle weight or a gross combination weight rating of 26,000 pounds or less, if the trailer or semitrailer has an actual gross vehicle weight or gross vehicle weight rating of 15,000 pounds or less, may be equipped with surge brakes for intrastate operation as allowed by section 705(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.705. Vehicles of any size that are transporting hazardous materials in an amount that requires placarding or vehicles that are designed to transport more than 8 passengers, including the driver, shall not be equipped with surge brakes for intrastate operation.

(7) Except for the purpose of granting a waiver in accordance with section 53 of the pupil transportation

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act, 1990 PA 187, MCL 257.1853, this act and the rules promulgated under this act do not apply to a school bus as defined in section 7 of the pupil transportation act, 1990 PA 187, MCL 257.1807, or a bus defined, and for which a certificate of authority was issued, under the motor bus transportation act, 1982 PA 432, MCL 474.101 to 474.141.

(8) A motor carrier operating entirely in intrastate commerce solely within Michigan shall not permit or require an operator of a commercial motor vehicle engaged in seasonal construction-related activities, regardless of the number of motor carriers using the operator's services, to do either of the following:

(a) Operate for any period after having been on duty 70 hours in any 7 consecutive days or having been on duty 80 hours in any period of 8 consecutive days.

(b) Operate more than 12 hours or be on duty more than 16 hours in any day.

(9) As used in subsections (3) and (4), "public utility" means a person or corporation operating equipment or facilities for producing, generating, transmitting, delivering, or furnishing gas or electricity for the production of light, heat, or power for the public for compensation.

(10) As used in this section:

(a) "Implement of husbandry" means that term as defined in section 21 of the Michigan vehicle code, 1949 PA 300, MCL 257.21.

(b) "Farm tractor" means that term as defined in section 16 of the Michigan vehicle code, 1949 PA 300, MCL 257.16.

History: Add. 1998, Act 337, Imd. Eff. Sept. 30, 1998;—Am. 2005, Act 177, Imd. Eff. Oct. 20, 2005;—Am. 2006, Act 595, Imd. Eff. Jan. 3, 2007;—Am. 2011, Act 156, Imd. Eff. Sept. 27, 2011;—Am. 2011, Act 160, Imd. Eff. Sept. 30, 2011.

Compiler's note: Former MCL 480.15, which pertained to adoption of title 49 of the code of federal regulations as of February 28, 1990 by reference, was repealed by Act 265 of 1995, Imd. Eff. Jan. 8, 1996.

480.16 Motor carriers; submission of documents to motor carrier officer; inspection of cargo.

Sec. 6. (1) Motor carriers shall submit, upon demand, all their transportation safety related documents, such as all records and information pertaining to any accident, drivers' records of duty status, bills of lading, shipping records, driver time and payroll records, driver qualification records, vehicle maintenance records, and equipment for inspection or copying during regular business hours to any enforcement member of the motor carrier division displaying a valid Michigan department of state police, motor carrier division identification card.

(2) Hazardous materials vehicle inspection and repair facilities shall submit, upon demand, all their transportation safety related documents as required by this act, such as hazardous materials tank certification and repair documents, and annual inspection certification documents to any enforcement member of the motor carrier division displaying a valid Michigan department of state police motor carrier division identification card.

(3) A motor carrier or a hazardous material vehicle inspection or repair facility operating within this state with main offices in another state or province shall submit all transportation safety related documents as outlined in subsection (1) for inspection and copying within 10 working days after receiving formal notification requesting the documents.

(4) An enforcement member of the motor carrier division of the department of state police displaying valid identification may, without a warrant, require the cargo carrying portion of a vehicle to be opened for inspection of the cargo, any object within that portion of the vehicle, or the interior of the vehicle or any compartment within the interior of the vehicle. If a commercial motor vehicle is inspected by breaking the load seal, then the enforcement member shall give to the driver a signed receipt of inspection and the enforcement member shall be responsible for applying a state of Michigan seal.

History: Add. 1990, Act 339, Eff. Apr. 2, 1991;—Am. 1995, Act 265, Imd. Eff. Jan. 8, 1996;—Am. 2005, Act 177, Imd. Eff. Oct. 20, 2005.

Compiler's note: Former MCL 480.16, which pertained to exemptions from this act, was repealed by Act 23 of 1984, Imd. Eff. Mar. 8, 1984.

480.17 Violation of act or rules; penalty.

Sec. 7. (1) Except as provided in sections 7b, 7c, and 7d, any person, driver, or motor carrier as defined by 49 CFR 390.5 who violates this act or a rule promulgated under this act, or permits or requires any person to violate this act or a rule promulgated under this act, is responsible for a state civil infraction and may be ordered to pay a fine of not more than $250.00 for each violation.

(2) A peace officer or an enforcement member of the motor carrier division of the department of state police, upon probable cause to believe that a motor vehicle is being operated in violation of this act or a rule

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promulgated under this act, may stop the motor vehicle and inspect the motor vehicle. If a violation is found, the officer may issue a notice to appear for that violation.

(3) An enforcement member of the motor carrier division of the department of state police, upon notification of a valid out-of-service order upon a motor carrier issued by the United States department of transportation, by a state or a political subdivision of a state, by the Canadian or Mexican government, or by the government of a province of Canada, may stop and detain any vehicle operated by the motor carrier and place the vehicle and driver out of service pursuant to the order. A driver or motor carrier operating a vehicle in violation of an out-of-service order is responsible for a state civil infraction and shall be assessed a fine of not more than $500.00.

History: 1963, Act 181, Eff. Sept. 6, 1963;—Am. 1973, Act 171, Eff. Mar. 29, 1974;—Am. 1984, Act 23, Imd. Eff. Mar. 8, 1984;—Am. 1988, Act 353, Eff. Apr. 1, 1989;—Am. 1988, Act 360, Imd. Eff. Dec. 7, 1988;—Am. 1990, Act 339, Eff. Apr. 2, 1991;—Am. 1995, Act 265, Imd. Eff. Jan. 8, 1996;—Am. 2000, Act 98, Imd. Eff. May 15, 2000;—Am. 2005, Act 177, Imd. Eff. Oct. 20, 2005.

480.17a Rules; rescission.

Sec. 7a. The department of state police may promulgate rules necessary to the accomplishment of the purpose of this act. The administrative rules promulgated and filed with the secretary of state on June 22, 1984 and any subsequent revisions to those rules were rescinded effective January 1, 1996 by 1995 PA 265.

History: Add. 1988, Act 359, Imd. Eff. Dec. 7, 1988;—Am. 2005, Act 177, Imd. Eff. Oct. 20, 2005.

480.17b Penalties; "serious safety defect" defined.

Sec. 7b. (1) A driver, person, or motor carrier as defined by 49 CFR 390.5 who operates or who requires or permits the driver to operate a commercial motor vehicle with a serious safety defect in violation of this act or a rule promulgated under this act is responsible for a state civil infraction and shall be assessed a fine of not more than $500.00 for each violation. A fine ordered to be paid by the district court under this subsection shall be paid to the county treasurer and applied for library purposes as provided by law. A fine ordered to be paid by a municipal court shall be paid to the treasurer of the political subdivision whose ordinance is violated.

(2) As used in this section, "serious safety defect" means a violation of this act or a rule promulgated pursuant to this act relative to brakes, tires, steering, coupling devices, headlights, taillights, brake lights, and turn signals that results in the vehicle being placed out of service.

History: Add. 1988, Act 353, Eff. Apr. 1, 1989;—Am. 1990, Act 339, Eff. Apr. 2, 1991;—Am. 2000, Act 98, Imd. Eff. May 15, 2000;—Am. 2005, Act 177, Imd. Eff. Oct. 20, 2005.

480.17c Transporting package relating to hazardous material required to be marked or labeled; violation; penalty; owner or user of hazardous materials vehicle inspection or repair facility; violation as misdemeanor.

Sec. 7c. (1) A person who operates or who requires or permits a person to operate a commercial motor vehicle in violation of this act or a rule promulgated under this act related to the transportation of hazardous materials if the vehicle is transporting a package required to be marked or labeled under 49 CFR parts 100 to 180 is responsible for a state civil infraction and may be ordered to pay a fine of not more than $500.00 for each violation.

(2) A person or entity identified in subsection (1) who knowingly or willfully violates this act or a rule promulgated under this act is, upon conviction, guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $500.00, or both, for each violation.

(3) A person or entity identified in subsection (1) who causes injury or death during a violation of this act, while a vehicle identified in subsection (1) that is transporting a package required to be marked or labeled under 49 CFR parts 100 to 180 is used, is, upon conviction, guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $500.00, or both, for each violation.

(4) An officer, employee, owner, or agent of an individual, partnership, corporation, or association, or their lessees or receiver appointed by a court that is the owner or user of any hazardous materials vehicle inspection or repair facility that violates a section of this act, or a rule promulgated under this act, related to the transportation of hazardous materials, is guilty of a misdemeanor punishable as prescribed in this section.

History: Add. 1995, Act 265, Imd. Eff. Jan. 8, 1996;—Am. 2000, Act 98, Imd. Eff. May 15, 2000;—Am. 2002, Act 118, Eff. May 1, 2002;—Am. 2004, Act 168, Imd. Eff. June 24, 2004;—Am. 2005, Act 177, Imd. Eff. Oct. 20, 2005.

480.17d Definitions; compliance order; shut down order; noncompliance as misdemeanor; impoundment of vehicle.

Sec. 7d. (1) As used in this section:

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(a) "Immediate destination" means the next scheduled stop of a commercial motor vehicle already in motion where the cargo on board can be safely secured.

(b) "Motor carrier division" means the motor carrier division of the department of state police.

(c) "Person" means an individual, driver, or employee or a firm, motor carrier, lessee, lessor, association, partnership, or corporation, and their affiliated or related successors, that undertakes to control, direct, conduct, or otherwise perform transportation by commercial motor vehicle upon the public highways of this state.

(d) "Shut down order" means a court order issued to a motor carrier upon proof shown of unreasonable risk or an imminent hazard.

(e) "Unreasonable risk or an imminent hazard" shall be defined as any condition of commercial motor vehicle, employee, or commercial motor vehicle operation which creates, causes, or compounds the substantial likelihood that death, serious illness, or severe personal injury may occur if not discontinued immediately.

(2) Upon determination that the continued operation of commercial motor vehicles by a person upon the highways of this state poses an unreasonable risk or an imminent hazard to the public safety, the motor carrier division shall issue a compliance order. The order may direct a person to make certain changes, repairs, or alterations to the person's vehicles or operations, to comply with the laws of this state. In making an order, restrictions shall not be imposed on any employee or person beyond that required to abate the hazard. Any vehicle or driver operating during the specified time period of the order shall be in compliance with all applicable laws and rules.

(3) A compliance order shall include the name and address of the person and the chief operating officer of the person, the reason or reasons for the order, and the requirements or conditions that must be met for rescission of the order. The order shall also include a statement that the person has a set time limit to comply with the order. If the set time limit expires and the person is not in compliance with the order, the motor carrier division may seek a shut down order from a circuit court. The motor carrier division shall set the time limit for compliance with the compliance order to be not less than 30 days and not more than 180 days.

(4) Upon petition to the circuit court having jurisdiction by the motor carrier division, the court may issue a shut down order. The order shall direct a vehicle or vehicles or employee or employees out of service from further operations, or shall direct a person to cease all or part of the person's commercial motor vehicle operation. In making such an order, restrictions shall not be imposed on any employee or person beyond that required to abate the hazard.

(5) A shut down order shall include the name and address of the person and the chief operating officer of the person, the reason or reasons for the order, the requirements or conditions that must be met for rescission of the order, and a statement of the right to appeal.

(6) An order to any person to cease all or part of its operation shall not prevent vehicles in transit at the time the order is served from proceeding to their immediate destinations, unless that vehicle or person is specifically ordered out of service. However, vehicles and drivers proceeding to their immediate destination shall be subject to compliance upon arrival.

(7) A person who fails to comply with a shut down order is guilty of a misdemeanor, punishable by a fine of not more than $1,000.00 for each violation, or by imprisonment for not more than 90 days, or both. A person or vehicle found operating on the highways of this state while under a shut down order shall be immediately stopped, and impounded or arrested. The owner or lessee of the vehicle shall be responsible for any costs incurred during impoundment. The vehicle shall be released upon the court's determination that the order has been complied with.

History: Add. 1995, Act 265, Imd. Eff. Jan. 8, 1996;—Am. 2005, Act 177, Imd. Eff. Oct. 20, 2005.

480.18 Venue.

Sec. 8. When this act or a rule promulgated under this act has been violated, the offense may be prosecuted in any county, city, or jurisdiction in or through which the motor vehicle, driver, or operator implicated was situated or passed when the offense was committed.

History: 1963, Act 181, Eff. Sept. 6, 1963;—Am. 1984, Act 23, Imd. Eff. Mar. 8, 1984.

480.19 Notification of incident; definition.

Sec. 9. (1) Immediately following any of the following occurrences involving the transportation of hazardous materials, the owner, driver, or lessee, or representative of the owner, driver, or lessee, shall notify the motor carrier division of the department of state police and the organized fire department of the area in which the incident occurred of the known details regarding the incident:

(a) A person is killed.

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(b) A person is hospitalized due to an injury.

(c) A person is hospitalized due to hazardous material contamination or exposure.

(d) There is an unintentional release of hazardous materials that affects highway transportation safety or is caused, or believed to be caused, by a violation of this act or a rule promulgated under this act.

(2) For the purposes of this section, "notify the motor carrier division of the department of state police" includes contacting the local state police post, the operations section of the department of state police, or the motor carrier division headquarters by telephone, facsimile machine, or other means.

History: 1963, Act 181, Eff. Sept. 6, 1963;—Am. 1995, Act 265, Imd. Eff. Jan. 8, 1996.

480.20 Vehicle combination transporting combustible liquid; requirements; information required to be on file; retention and transfer of information; applicability of requirements in subsections (2) and (3); transport of flammable liquids, gases, or compressed gases.

Sec. 10. (1) A truck tractor pulling a semitrailer and a trailer, or pulling 2 semitrailers, shall not transport a combustible liquid unless the vehicle combination meets the following requirements:

(a) Is equipped with a device that restricts the horizontal and vertical rotation of the dolly assemblage of the vehicle combination in a manner that maintains the longitudinal tracking of the dolly and semitrailer in a truck tractor, semitrailer, and trailer combination, or the dolly and the truck in a truck and trailer combination. This device shall be welded to the vehicle in a workmanlike manner, and the efficiency of a weld shall not be less than 85% of the mechanical properties of the adjacent metal in the chassis.

(b) Is equipped with stops in the spring hangers of each semitrailer and trailer in the vehicle combination in a manner that improves the stability of the vehicle combination by reducing the free play of the leaf spring suspension to a maximum of 3/4 of an inch when the spring passes from tension to compression.

(2) The owner of the semitrailer or trailer to which the device described in subsection (1) is attached shall keep on file in their principal place of business the following information:

(a) Specifications and plans of the device.

(b) Name of the manufacturer of the device.

(c) Date of installation of the device.

(d) An individual manufacturer identification number which is stamped or permanently affixed to the device.

(3) The information required in subsection (2) shall be kept by the vehicle's owner and shall be transferred to the new owner if the vehicle is sold, or may be destroyed if the vehicle is retired from service or scrapped.

(4) The requirements specified in subsections (2) and (3) apply to devices affixed to vehicles on or after the effective date of the amendatory act that added this subsection.

(5) Commercial motor vehicles used to transport flammable liquids, flammable gases, or compressed flammable gases shall also comply with section 722a of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.722a of the Michigan Compiled Laws.

History: Add. 1984, Act 23, Imd. Eff. Mar. 8, 1984;—Am. 1995, Act 265, Imd. Eff. Jan. 8, 1996.

480.21 Ordinances or resolutions inconsistent with act; "inconsistent" defined; fine for operating vehicle with serious safety defect; exception; issuance of more than 1 citation; requirements as motor carrier enforcement officer.

Sec. 11. (1) A township, city, village, county, or another state agency shall not adopt or enforce an ordinance or resolution that is inconsistent with this act or any rule promulgated pursuant to this act. As used in this section, "inconsistent" means a rule or ordinance that is more permissive than this act, that is more restrictive than this act, that would require more action, equipment, or permits than this act would require, or that prevents or obstructs compliance with this act.

(2) The fine for operating a vehicle with a serious safety defect ordered to be paid under an ordinance or resolution adopted by a township, city, village, or county that is consistent with section 7b shall be paid to the county treasurer and shall be allocated as follows:

(a) Seventy percent to the township, city, village, or county in which the citation is issued.

(b) Thirty percent for library purposes as provided by law.

(3) Subsection (2) does not apply to a fine ordered to be paid for a case in which the citation is dismissed pursuant to subsection (4).

(4) The owner or operator of a commercial motor vehicle shall not be issued more than 1 citation for each violation of a code or ordinance regulating the operation of a commercial motor vehicle and substantially corresponding to a provision of sections 683 to 725a of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.725a, within a 24-hour period. If the owner or operator of a commercial motor vehicle is issued a citation by a township, city, village, or county for an equipment violation that does not result in the

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vehicle being placed out of service, the court shall dismiss the citation if the owner or operator of that commercial motor vehicle provides written proof to the court within 14 days after the citation is issued showing that the defective equipment indicated in the citation has been repaired.

(5) In order to be classified as a motor carrier enforcement officer, a police officer must have training equal to the minimum training requirements, including any annual training updates, established by the department of state police for an officer of the motor carrier division of the department of state police. A police officer who has received training equal to these minimum training requirements before the effective date of this section is considered a motor carrier enforcement officer for purposes of this act.

History: Add. 1984, Act 23, Imd. Eff. Mar. 8, 1984;—Am. 1995, Act 265, Imd. Eff. Jan. 8, 1996;—Am. 2000, Act 98, Imd. Eff. May 15, 2000;—Am. 2005, Act 177, Imd. Eff. Oct. 20, 2005.

480.22 Transfer of hazardous material; prohibitions; exceptions; overfilling container; violation; penalty.

Sec. 12. (1) Except as provided in subsection (2), a person, driver, owner, carrier, lessee, or lessor shall not transfer or allow to be transferred a hazardous material from a cargo tank, portable tank, or any other container to any cargo tank, portable tank, fuel tank, or any other container on a highway, road, street, or alley within this state.

(2) Subsection (1) does not apply to the following transfer situations:

(a) Fueling machinery or equipment for construction, farm, and maintenance use.

(b) Fueling emergency vehicles.

(c) Under emergency conditions, a transfer may be made provided it is approved by the local fire chief, the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, or a hazardous materials investigator of the motor carrier division of the department of state police pursuant to their respective authority under the fire prevention code, 1941 PA 207, MCL 29.1 to 29.34.

(3) A person shall not overfill a container, including a storage tank, during a transfer of a hazardous material from or into a vehicle, so that hazardous material is released from the package or container.

(4) The penalty for violating this section is as prescribed in section 7c.

History: Add. 1995, Act 265, Imd. Eff. Jan. 8, 1996;—Am. 2005, Act 177, Imd. Eff. Oct. 20, 2005;—Am. 2006, Act 204, Imd. Eff. June 19, 2006.

Compiler's note: For transfer of powers and duties of state fire marshal to department of labor and economic growth, bureau of construction codes and fire safety, by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

480.23 Transporting hazardous materials in amount requiring placard on publicly maintained route; prohibition; violation; penalty.

Sec. 13. (1) A person, driver, owner, carrier, lessee, or lessor shall not transport or allow to be transported a vehicle carrying hazardous materials in an amount required to be placarded under title 49 of the code of federal regulations on a publicly maintained route as identified on the national hazardous materials route registry as determined by the department of transportation under title 49 CFR.

(2) The penalty for violating this section shall be as prescribed in section 7c.

History: Add. 2005, Act 177, Imd. Eff. Oct. 20, 2005.

480.24 Enforcement of state civil infraction.

Sec. 14. (1) A state civil infraction shall be enforced in the manner provided for enforcement of state civil infractions in chapter 88 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8801 to 600.8835.

(2) When a person who is not a resident of this state is stopped for a state civil infraction under this act or any rule under this act, the police officer making the stop shall take security for the nonresident's appearance in court. The person stopped may recognize to the officer or to the court for his or her appearance by leaving with the officer or court a guaranteed appearance certificate or a sum of money not to exceed $100.00.

(3) If a magistrate is available for an immediate appearance, upon demand of the person stopped, the officer immediately shall take the nonresident driver before the magistrate to answer to the state civil infraction alleged. If the nonresident defendant requests a hearing, the hearing shall be scheduled and the defendant shall leave with the court the guaranteed appearance certificate or deposit as security for appearance at the scheduled informal or formal hearing.

(4) The officer receiving a guaranteed appearance certificate or deposit of money shall give a receipt to the person stopped for the guaranteed appearance certificate or the money deposited together with the written citation.

(5) At or before the completion of his or her tour of duty, a police officer taking a certificate or deposit of money shall deliver the certificate or deposit of money and the citation either to the court named in the

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citation or to the police chief or person authorized by the police chief to receive certificates or deposits. The police chief or person authorized by the police chief shall deposit the certificate or the money deposited and the citation with the court. Failure to deliver the money deposited shall be embezzlement of public money.

(6) If the person who posts a certificate or deposit fails to appear as required in the citation or fails to appear for a scheduled informal or formal hearing, the court having jurisdiction and venue over the civil infraction shall enter a default judgment against the person, and the guaranteed appearance certificate or money deposited shall be forfeited and applied to any civil fine or costs ordered.

(7) For purposes of this section, "guaranteed appearance certificate" means a card or certificate containing a printed statement that a surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate and that the company, if the person fails to appear in court at the time of a scheduled informal or formal hearing or to pay any fine or costs imposed, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed $200.00.

(8) As used in this act, "state civil infraction" means that term as defined in section 113(1)(a) of the revised judicature act of 1961, 1961 PA 236, MCL 600.113.

History: Add. 2005, Act 177, Imd. Eff. Oct. 20, 2005.

480.25 Prevention of water or road surface substances being thrown from rear wheels.

Sec. 15. A truck, truck tractor, trailer, semitrailer, or any combination of these, when used on a highway, shall be constructed, equipped, or operated to prevent water or other road surface substances from being thrown from the rear wheels of the vehicle or combination at tangents exceeding 22-1/2 degrees measured from the road surface. If a flap type device is used, it shall not have attached any type of lamp, breakable reflective material, or reflecting buttons nor may the device extend beyond the maximum width of the vehicle or combination.

History: Add. 2005, Act 177, Imd. Eff. Oct. 20, 2005.

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