

HOUSE BILL No. 5868

March 14, 2006, Introduced by Reps. Marleau, Farhat, Kolb, Taub, Brown, Hood, Hansen, Caswell, Gaffney, Hildenbrand, LaJoy, Schuitmaker, Kahn, Polidori, Caul, Nofs, Sheltroun, Baxter, Whitmer, Farrah, Byrnes, Huizenga, Stahl, Proos, Rocca, Garfield, Sak, Gleason, Pastor, Stewart, Jones, Booher, Angerer, Gillard, McDowell, Byrum, Zelenko, Vagnozzi, Alma Smith, Lipsey, Nitz, Mortimer, Ball, Brandenburg, Amos, Bieda, Moolenaar, David Law, Stakoe, Wenke, Mayes, Pavlov, Palsrok and Cheeks and referred to the Committee on Appropriations.

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 12 (MCL 480.22), as amended by 2005 PA 177.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

9 (a) Fueling machinery or equipment for construction, farm, and

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1 maintenance use.

2 (b) Fueling emergency vehicles.

3 (c) Under emergency conditions, a transfer may be made
 4 provided it is approved by the local fire chief, the ~~state fire~~
 5 ~~marshal~~ **BUREAU OF FIRE SERVICES CREATED IN SECTION 1B OF THE FIRE**
 6 **PREVENTION CODE, 1941 PA 207, MCL 29.1B,** or a hazardous materials
 7 investigator of the motor carrier division of the department of
 8 state police pursuant to their respective authority under the fire
 9 prevention code, 1941 PA 207, MCL 29.1 to 29.34.

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

14 (4) The penalty for violating this section ~~shall be~~ **IS** as
 15 prescribed in section 7c.

16 <<Enacting section 1. This amendatory act does not take effect
 17 unless all of the following bills of the 93rd Legislature are enacted
 18 into law:

- (a) Senate Bill No. 1133.
- (b) House Bill No. 5860.>>