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ADOPT REVISIONS TO FEDERAL MOTOR CARRIER SAFETY REGULATIONS

House Bill 4734

Sponsor: Rep. Judson Gilbert

Committee: Transportation

Complete to 5-8-01

A SUMMARY OF HOUSE BILL 4734 AS INTRODUCED 5-8-01

House Bill 4734 would amend the Motor Bus Transportation Act to make certain revisions to the references to federal motor carrier safety regulations. Under the law, the state adopts provisions of title 49 of the Code of Federal Regulation (49 C.F.R.) by reference, with the intent of following the policies and procedures of the United States Department of Transportation. This bill would update those references, and also revise the exceptions.

Under the law, the state has adopted 49 C. F. R. part 382, part 387, parts 390 through 393, parts 395 through 397, and part 399 including appendices C, D, E, B and G. Under the bill, the state would continue to adopt these parts except for two changes: Appendices C, D, and E of part 399 would be deleted; and, part 374 would be added.

In addition, when certain terms appear in the Code of Federal Regulation, current state law specifies that they are to be construed as referring to the state transportation department. The terms that are currently so construed are: United States Department of Transportation, Federal Highway Administration, federal highway administrator, director, and Bureau of Motor Carrier Safety. House Bill 4734 would add two terms: Office of Motor Carrier Safety, and Federal Motor Carrier Safety Administration.

Further, where the term “interstate” appears in the regulations, the state law specifies that it means intrastate or interstate, or both as applicable. House Bill 4734 would retain this definition but add the condition: except as otherwise specifically provided in this act.

Finally, where the terms “special agent of the federal highway administration,” or “administration personnel” appear in the regulations, the state law specifies that they be construed to mean a peace officer or an enforcement member or a commercial vehicle safety inspector of the state transportation department. House Bill 4734 would retain this definition and add two terms that also should be so construed: special agent of the Office of Motor Carrier Safety, and special agent of the Federal Motor Carrier Safety Administration.

MCL 474.131

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.