

HOUSE BILL No. 4489

March 20, 2001, Introduced by Reps. Sheltroun, Julian, Neumann, Rivet, Bovin and Minore and referred to the Committee on Transportation.

A bill to amend 1963 PA 181, entitled
"Motor carrier safety act of 1963,"
by amending section 1a (MCL 480.11a), as amended by 1995 PA 265.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1a. (1) This state hereby adopts the following provi-
2 sions of title 49 of the code of federal regulations, on file
3 with the office of the secretary of state except where modified
4 by this act, to provide for the safe transportation of persons
5 and property with the intent of following the policies and proce-
6 dures of the United States department of transportation's federal
7 highway administration as they relate to title 49 of the code of
8 federal regulations and the north american standard uniform out
9 of service criteria and inspection procedures:

10 (a) Hazardous materials regulations, being 49 C.F.R. parts
11 100 through 180.

1 (b) Motor carrier safety regulations, being 49
2 C.F.R. part 382, part 387, parts 390 through 393, parts 395
3 through 397, and part 399 including appendices 1, D, E, and G,
4 except for the following:

5 (i) Where the term "United States department of
6 transportation", "federal highway administration", "federal high-
7 way administrator", "director", "bureau of motor carrier safety",
8 "research and special projects administration", or "associate
9 administrator for hazardous materials safety" appears, it refers
10 to the department of state police.

11 (ii) Where "interstate" appears, it shall mean intrastate or
12 interstate, or both, as applicable, except as otherwise specifi-
13 cally provided in this act.

14 (c) Where "special agent of the federal highway
15 administration", "administration personnel", or "hazardous mate-
16 rials enforcement specialist" appears, it either means a peace
17 officer or an enforcement member or a vehicle inspector of the
18 motor carrier division of the department of state police.

19 (d) Where MCS 63 appears, it means MC 9 and MC 9b.

20 (e) Where MCS 64 appears, it means MC 5.

21 (f) Exempt intracity zones and the regulations applicable to
22 exempt intracity zones do not apply to this act.

23 (2) When a commercial motor vehicle is operated entirely
24 within this state and not otherwise involved with the movement of
25 interstate property or passengers in commerce, the definitions in
26 this subsection apply. The definitions contained in those parts

1 of 49 C.F.R. adopted in subsection (1)(b) apply to this act
2 except for the following definitions as added or modified:

3 (a) "Appeal board" means the motor carrier safety appeal
4 board created in section 1b.

5 (b) "Bus" means any motor vehicle designed for carrying 16
6 or more passengers, including the driver. Bus does not include a
7 school bus, a bus defined and certificated under the motor bus
8 transportation act, ~~Act No. 432 of the Public Acts of 1982,~~
9 ~~being sections 474.101 to 474.141 of the Michigan Compiled Laws~~
10 1982 PA 432, MCL 474.101 TO 474.141, or a bus operated by a
11 public transit agency operating under any of the following:

12 (i) A county, city, township, or village as provided by law,
13 or other authority incorporated under ~~Act No. 55 of the Public~~
14 ~~Acts of 1963, being sections 124.351 to 124.359 of the Michigan~~
15 ~~Compiled Laws~~ 1963 PA 55, MCL 124.351 TO 124.359. Each author-
16 ity and governmental agency incorporated under ~~Act No. 55 of the~~
17 ~~Public Acts of 1963~~ 1963 PA 55, MCL 124.351 TO 124.359, has the
18 exclusive jurisdiction to determine its own contemplated routes,
19 hours of service, estimated transit vehicle miles, costs of
20 public transportation services, and projected capital improve-
21 ments or projects within its service area.

22 (ii) An authority incorporated under the metropolitan trans-
23 portation authorities act of 1967, ~~Act No. 204 of the Public~~
24 ~~Acts of 1967, being sections 124.401 to 124.426 of the Michigan~~
25 ~~Compiled Laws~~ 1967 PA 204, MCL 124.401 TO 124.426, or that oper-
26 ates a transportation service pursuant to an interlocal agreement
27 under the urban cooperation act of 1967, ~~Act No. 7 of the Public~~

1 ~~Acts of the Extra Session of 1967, being sections 124.501 to~~
2 ~~124.512 of the Michigan Compiled Laws 1967 (EX SESS) PA 7, MCL~~
3 ~~124.501 TO 124.512.~~

4 (iii) A contract entered into pursuant to ~~Act No. 8 of the~~
5 ~~Public Acts of the Extra Session of 1967, being sections 124.531~~
6 ~~to 124.536 of the Michigan Compiled Laws 1967 (EX SESS) PA 8,~~
7 ~~MCL 124.531 TO 124.536, or Act No. 35 of the Public Acts of~~
8 ~~1951, being sections 124.1 to 124.13 of the Michigan Compiled~~
9 ~~Laws 1951 PA 35, MCL 124.1 TO 124.13.~~

10 (iv) An authority incorporated under the public transporta-
11 tion authority act, ~~Act No. 196 of the Public Acts of 1986,~~
12 ~~being sections 124.451 to 124.479 of the Michigan Compiled Laws~~
13 ~~1986 PA 196, MCL 124.451 TO 124.479, or a nonprofit corporation~~
14 ~~organized under the nonprofit corporation act, Act No. 162 of~~
15 ~~the Public Acts of 1982, being sections 450.2101 to 450.3192 of~~
16 ~~the Michigan Compiled Laws 1982 PA 162, MCL 450.2101 TO~~
17 ~~450.3192, that provides transportation services.~~

18 (v) An authority financing public improvements to transpor-
19 tation systems under the revenue bond act of 1933, ~~Act No. 94 of~~
20 ~~the Public Acts of 1933, being sections 141.101 to 141.140 of the~~
21 ~~Michigan Compiled Laws 1933 PA 94, MCL 141.101 TO 141.140.~~

22 (c) "Commercial motor vehicle" means any self-propelled or
23 towed vehicle designed or used on public highways to transport
24 passengers or property, except for a bus exempted in
25 subdivision (b), if the vehicle is 1 or more of the following:

1 (i) Has either a gross vehicle weight rating or an actual
2 gross weight or gross combination weight rating or an actual
3 gross combination weight of ~~10,001~~ 26,001 or more pounds.

4 (ii) Is designed for carrying 16 or more passengers, includ-
5 ing the driver.

6 (iii) Is used in the transportation of hazardous materials
7 in a quantity that requires the vehicle to be marked or placarded
8 pursuant to 49 C.F.R. parts 100 to 180.

9 (d) "Gross combination weight" or "GCW" means the combined
10 weight of a combination of vehicles and any load on those
11 vehicles.

12 (e) "Gross weight", "gross vehicle weight", or "GVW" means
13 the combined weight of a motor vehicle and any load on that
14 vehicle.

15 (f) "Hazardous material vehicle inspection or repair
16 facility" is a commercial enterprise that performs inspections,
17 certification, testing, or repairs to commercial motor vehicles
18 transporting hazardous materials as required by 49 C.F.R. parts
19 100 to 180 and includes motor carriers that perform the inspec-
20 tions, certification, testing, or repairs to vehicles owned or
21 leased by the motor carrier.

22 (g) "Motor carrier" means a carrier of passengers or prop-
23 erty in a commercial motor vehicle and includes a person who owns
24 or leases a commercial motor vehicle or that assigns employees to
25 operate the vehicle. Motor carrier includes a motor carrier's
26 agents, officers, and representatives, as well as employees
27 responsible for hiring, supervising, training, assigning, or

1 dispatching of drivers and employees concerned with the
2 installation, inspection, and maintenance of motor vehicle equip-
3 ment and accessories.