

# HOUSE BILL No. 5406

January 20, 2004, Introduced by Reps. Sheltroun and Julian 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  
2 provisions of title 49 of the code of federal regulations, on  
3 file with the office of the secretary of state except where  
4 modified by this act, to provide for the safe transportation of  
5 persons and property with the intent of following the policies  
6 and procedures of the United States department of  
7 transportation's federal highway administration as they relate to  
8 title 49 of the code of federal regulations and the north  
9 american standard uniform out of service criteria and inspection  
10 procedures:

11       (a) Hazardous materials regulations, being 49 ~~C.F.R.~~ **CFR**

1 parts 100 through 180.

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

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

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

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

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

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

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

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

1 of 49 ~~C.F.R.~~ **CFR** 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 or  
6 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  
16 authority and governmental agency incorporated under ~~Act No. 55~~  
17 ~~of the Public Acts of 1963~~ **1963 PA 55, MCL 124.351 to 124.359**,  
18 has the exclusive jurisdiction to determine its own contemplated  
19 routes, hours of service, estimated transit vehicle miles, costs  
20 of public transportation services, and projected capital  
21 improvements or projects within its service area.

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

1 ~~the Public Acts of the Extra Session of 1967, being sections~~  
2 ~~124.501 to 124.512 of the Michigan Compiled Laws 1967 (Ex Sess)~~  
3 **PA 7, MCL 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  
11 transportation authority act, ~~Act No. 196 of the Public Acts of~~  
12 ~~1986, being sections 124.451 to 124.479 of the Michigan Compiled~~  
13 ~~Laws 1986 PA 196, MCL 124.451 to 124.479,~~ or a nonprofit  
14 corporation organized under the nonprofit corporation act, ~~Act~~  
15 ~~No. 162 of the Public Acts of 1982, being sections 450.2101 to~~  
16 ~~450.3192 of the Michigan Compiled Laws 1982 PA 162, MCL 450.2101~~  
17 **to 450.3192,** that provides transportation services.

18 (v) An authority financing public improvements to  
19 transportation systems under the revenue bond act of 1933, ~~Act~~  
20 ~~No. 94 of the Public Acts of 1933, being sections 141.101 to~~  
21 ~~141.140 of the Michigan Compiled Laws 1933 PA 94, MCL 141.101 to~~  
22 **141.140.**

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

27 (i) Has either a gross vehicle weight rating or an actual

1 gross weight or gross combination weight rating or an actual  
2 gross combination weight of ~~10,001~~ **26,001** or more pounds.

3 (ii) Is designed for carrying 16 or more passengers,  
4 including the driver.

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

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

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

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

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

- 1 installation, inspection, and maintenance of motor vehicle
- 2 equipment and accessories.