

# HOUSE BILL No. 4360

March 1, 2011, Introduced by Rep. Haines and referred to the Committee on Transportation.

A bill to amend 1963 PA 181, entitled  
"Motor carrier safety act of 1963,"  
by amending section 5 (MCL 480.15), as amended by 2006 PA 595.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 5. (1) In the case of intrastate transportation, the  
2 provisions of 49 CFR 391.21 relating to application for employment,  
3 49 CFR 391.23 relating to investigations and inquiries, 49 CFR  
4 391.31 relating to road tests, 49 CFR part 395 relating to hours of  
5 service, 49 CFR 391.41 to 391.45 to the extent that they require a  
6 driver to be medically qualified or examined and to have a medical  
7 examiner's certificate on his or her person and the provisions of  
8 this act relating to files and records do not apply to a farm  
9 vehicle driver as defined in 49 CFR 390.5.

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

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

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

18 ~~—— (5) A commercial motor vehicle constructed and maintained so  
19 that the body chassis or other parts of the vehicle afford the rear  
20 end protection required by 49 CFR 393.86 is in compliance with that  
21 section.~~

22           (5) ~~(6)~~ This act and the rules promulgated under this act do  
23 not apply to a commercial motor vehicle owned and operated by a  
24 unit of government or its employees, except as otherwise provided  
25 by this act, and except for all of the following parts of 49 CFR:

26           (a) Part 382.

27           (b) Part 391.

1 (c) Part 392.

2 (d) Part 393.

3 (6) ~~(7)~~—A combination of vehicles with an actual combination  
4 gross vehicle weight or a gross combination weight rating of 26,000  
5 pounds or less, provided the trailer or semitrailer has an actual  
6 gross vehicle weight or gross vehicle weight rating of 15,000  
7 pounds or less, may be equipped with surge brakes for intrastate  
8 operation as allowed by section 705(1)(c) of the Michigan vehicle  
9 code, 1949 PA 300, MCL 257.705. Vehicles of any size that are  
10 transporting hazardous materials in an amount that requires  
11 placarding or vehicles that are designed to transport more than 8  
12 passengers, including the driver, are prohibited from being  
13 equipped with surge brakes for intrastate operation.

14 (7) ~~(8)~~ **This EXCEPT FOR THE PURPOSE OF GRANTING A WAIVER IN**  
15 **ACCORDANCE WITH SECTION 53 OF THE PUPIL TRANSPORTATION ACT, 1990 PA**  
16 **187, MCL 257.1853, THIS** act and the rules promulgated under this  
17 act do not apply to a school bus as defined in the pupil  
18 transportation act, 1990 PA 187, MCL 257.1801 to 257.1877, or a bus  
19 defined and certificated under the motor bus transportation act,  
20 1982 PA 432, MCL 474.101 to 474.141.

21 (8) ~~(9)~~—A motor carrier operating entirely in intrastate  
22 commerce solely within Michigan shall not permit or require a  
23 driver of a commercial motor vehicle engaged in seasonal  
24 construction-related activities, regardless of the number of motor  
25 carriers using the driver's services, to do either of the  
26 following:

27 (a) Drive for any period after having been on duty 70 hours in

1 any 7 consecutive days or having been on duty 80 hours in any  
2 period of 8 consecutive days.

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

5 (9) ~~(10)~~—As used in subsections (3) and (4), "public utility"  
6 means a person or corporation operating equipment or facilities for  
7 producing, generating, transmitting, delivering, or furnishing gas  
8 or electricity for the production of light, heat, or power for the  
9 public for compensation.

10 (10) ~~(11)~~—As used in this section:

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

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