

HOUSE BILL No. 5143

November 2, 2011, Introduced by Rep. Goike and referred to the Committee on Appropriations.

A bill to amend 1951 PA 51, entitled

"An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk

line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,"

by amending section 25 (MCL 247.675), as amended by 1993 PA 20.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 25. (1) The truck safety fund is established and shall be
2 maintained in the state treasury. The truck safety fund shall be
3 administered by the office of highway safety planning within the
4 department of state police.

5 (2) The Michigan truck safety commission is established in the
6 office of highway safety planning within the department of state
7 police. The commission shall control the expenditures of the truck
8 safety fund. The commission shall consist of the following members:

9 (a) A member of the state transportation commission, or his or
10 her authorized representative who is a member of the state
11 transportation commission.

12 (b) The director of the office of highway safety planning,
13 within the department of state police.

14 (c) The secretary of state.

15 (d) The commanding officer of the ~~motor carrier~~ **TRAFFIC SAFETY**
16 division within the department of state police.

17 (e) Seven individuals appointed by the governor with the

1 advice and consent of the senate as follows:

2 (i) One individual representing Michigan community colleges.

3 (ii) One individual representing 4-year colleges or
4 universities.

5 (iii) One individual representing the Michigan trucking
6 association.

7 (iv) One individual representing private motor carriers.

8 (v) One individual representing organized labor.

9 (vi) Two individuals representing the general public.

10 (3) The appointed members of the Michigan truck safety
11 commission shall be appointed for 2-year terms. The chairperson of
12 the Michigan truck safety commission shall be elected by a majority
13 of the members serving on the Michigan truck safety commission. A
14 vacancy shall be filled for the balance of the unexpired term in
15 the same manner as the original appointment. The business ~~which~~
16 **THAT** the Michigan truck safety commission ~~shall~~ **MAY** perform shall
17 be conducted at a quarterly meeting held in compliance with the
18 open meetings act, ~~Act No. 267 of the Public Acts of 1976, being~~
19 ~~sections 1976 PA 267, MCL 15.261 to 15.275. of the Michigan~~
20 ~~Compiled Laws.~~ Public notice of the meeting shall be given in the
21 manner required under ~~Act No. 267 of the Public Acts of 1976.~~ **THE**
22 **OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.** A majority of
23 the commission members serving ~~shall be required to constitute~~
24 **CONSTITUTE** a quorum **FOR THE PERFORMANCE OF ITS BUSINESS.**

25 (4) The truck safety fund shall be expended in the following
26 order of priority and in the following manner:

27 (a) ~~Not more than~~ **UP TO** 5%, but not more than \$100,000.00, of

1 the money deposited in the truck safety fund shall be expended for
2 the fund's administrative expenses. The office of highway safety
3 planning may employ not more than 2 persons to assist in the
4 administration of the fund.

5 (b) ~~Not less than 30%~~ **AT LEAST 25%**, but not less than
6 ~~\$1,000,000.00~~ **\$700,000.00**, of the balance of the money deposited in
7 the truck safety fund shall be expended for the following purposes:

8 (i) Establishing truck driver safety education programs.

9 (ii) Encouraging, coordinating, and administering grants for
10 research and demonstration projects to develop the application of
11 new ideas and concepts in truck driver safety education as applied
12 to state, as opposed to nationwide, problems.

13 (iii) Applying for, receiving, and accepting any grant, gift,
14 contribution, loan, or other assistance in the form of money,
15 property, labor, and any other form from a public or private source
16 for the enhancement of truck driver safety education, including
17 matching funds and other assistance from an agency or
18 instrumentality of the United States and doing ~~each thing as is~~
19 **ANYTHING** necessary to apply for, receive, and administer that
20 assistance in accordance with the laws of this state.

21 (c) ~~Not less than \$750,000.00~~ **AT LEAST \$600,000.00** of the
22 balance of the money deposited in the truck safety fund shall be
23 expended for the establishment of special transportation
24 enforcement team operations within the ~~motor carrier~~ **TRAFFIC SAFETY**
25 division of the department of state police and any expenses
26 incurred by the special transportation enforcement team including,
27 but not limited to, required equipment. The ~~motor carrier~~ **TRAFFIC**

1 **SAFETY** division of the department of state police shall submit an
2 annual report of the activities of the special transportation
3 enforcement team operations and expenditures of the fund for those
4 operations provided by this subdivision.

5 (D) AT LEAST \$750,000.00 OF THE BALANCE OF THE MONEY DEPOSITED
6 IN THE TRUCK SAFETY FUND SHALL BE EXPENDED TO DEFRAY THE COST OF
7 COMPLIANCE WITH 49 CFR PART 383 INCURRED BY THE SECRETARY OF STATE.

8 (E) ~~(d)~~—The balance of the money deposited in the truck safety
9 fund, if any, shall be expended for the following purposes:

10 (i) Investigating, performing data collection and analysis, and
11 making recommendations on truck accidents within this state.

12 (ii) Investigating and making recommendations on the truck
13 safety enforcement procedures of local law enforcement agencies.

14 (iii) Performing other functions considered necessary by the
15 Michigan truck safety commission for the enhancement of truck and
16 truck driver safety within this state.

17 (5) The **MICHIGAN TRUCK SAFETY** commission shall make an annual
18 report to the chairpersons of the house transportation and senate
19 transportation ~~and tourism~~ committees on the status of the **TRUCK**
20 **SAFETY** fund. The report shall be submitted within 45 days after the
21 end of the fiscal year and shall include the year end balance of
22 the fund and the disbursements made from the fund during the
23 previous fiscal year.