

THE MOTOR CARRIER ACT (EXCERPT)
Act 254 of 1933

479.2 Exemptions; "corporate family" defined; applicability of exemptions.

Sec. 2.

(1) Except as provided in section 7 of article IV, this act does not apply to any of the following:

(a) A vehicle owned or operated by this state or the United States, or by a state or federal corporation, agency, or instrumentality.

(b) A vehicle owned or operated by an incorporated city, village, or school district, or by a county or township in this state or by a corporation, agency, or instrumentality of this state, for governmental purposes.

(c) A vehicle used exclusively for carrying United States mail.

(d) A vehicle used for the transportation of farm products, including livestock, when transported by a person other than the owner, from the farm to the market in the raw state, or used for the transportation of milk from the farm to milk stations, or a truck owned by a farmer bearing a farm truck license issued under section 801(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.801, when being used by the farmer in hauling farm produce, livestock, or farm equipment, and supplies for other farmers for remuneration in kind or in labor, but not for money.

(e) A vehicle used for the transportation of fruits, eggs, poultry, fish and seafood, grain, vegetables, seeds, nursery stock, horticultural products, or sugar beets. This subdivision does not exempt a vehicle transporting the commodities described in this subdivision in other than the raw state.

(f) A vehicle used for occasional accommodative service of seasonal transportation of perishable commodities even though the cost of the accommodative service and seasonal transportation of perishable commodities may be paid by the person accommodated.

(g) A dump truck having not more than 4 axles or any dump vehicle moving directly to and from a public highway, airport, or railroad or bridge construction site, when used for the transportation of sand, gravel, slag, stone, limestone, crushed stone, marl, pebbles, cinders, bituminous aggregates, asphalt, blacktop, dirt, or fill material, or any dump vehicle transporting commodities generally transported in the dump vehicle operating within an 8-mile radius of a city having a population of 500,000 or more and including all other cities or villages, any part of which is located within the 8-mile radius.

(h) A vehicle used for the transportation of pulpwood, logs, wood chips, bark, and sawdust when the vehicle is being used to move the commodities from a forest, woodlot, cutting site, sawmill, or chipping site to a market or railroad siding of not more than a 140-mile radius from the place where the vehicle is loaded.

(i) A vehicle having a manufacturer's rating of not more than 1-1/2 tons capacity or the equivalent gross vehicle weight rating used for the transportation of newspapers.

(j) A vehicle used in the transportation of livestock, poultry feed, chemicals, pesticides, or fertilizers on movements directly to a farm for use in agricultural production.

(k) A vehicle used for the transportation of property for compensation provided by a person who is a member of a corporate family for other members of the corporate family, if all of the following conditions are met:

(i) The parent corporation notifies the commission annually of its intent or the intent of 1 of its subsidiaries to provide the transportation.

(ii) The notice described in subparagraph (i) contains a list of participating subsidiaries and an affidavit that the parent corporation owns directly or indirectly a 100% interest in each of the subsidiaries.

(iii) The notice described in subparagraph (i) is accompanied by a fee of \$100.00.

(iv) A copy of the notice described in subparagraph (i) is carried in the cab of all vehicles conducting the transportation.

(l) A vehicle transporting animal and poultry feed or feed ingredients to sites of agricultural production or to a business enterprise engaged in the sale to agricultural producers of goods used in agricultural production.

(m) A vehicle transporting recyclable materials to or from a resource recovery facility. As used in this subdivision, "recyclable materials" and "resource recovery facility" mean those terms as defined in part 115 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11501 to 324.11550, except that the term recyclable materials does not include industrial scrap metal. This subdivision does not exempt a vehicle transporting new products from this act.

(n) A vehicle transporting property for, or on behalf of, a nonprofit charitable institution or for a house of public worship.

(2) As used in subsection (1)(k), "corporate family" means a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly a 100% interest.

(3) The exemptions in this section do not apply to a vehicle entering this state from another state, foreign country, or subdivision of a state or foreign country that does not extend similar exemptions to vehicles from this

state entering the state, foreign country, or subdivision of the state or foreign country.

History: 1933, Act 254, Eff. Oct. 17, 1933 ;-- Am. 1941, Act 211, Imd. Eff. June 16, 1941 ;-- Am. 1943, Act 41, Imd. Eff. Mar. 29, 1943 ;-- Am. 1948, 1st Ex. Sess., Act 36, Imd. Eff. May 10, 1948 ;-- CL 1948, 479.2 ;-- Am. 1954, Act 127, Eff. Aug. 13, 1954 ;-- Am. 1956, Act 164, Imd. Eff. Apr. 16, 1956 ;-- Am. 1957, Act 150, Eff. Sept. 27, 1957 ;-- Am. 1965, Act 37, Imd. Eff. May 19, 1965 ;-- Am. 1971, Act 194, Imd. Eff. Dec. 20, 1971 ;-- Am. 1978, Act 558, Imd. Eff. Dec. 22, 1978 ;-- Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982 ;-- Am. 1984, Act 94, Imd. Eff. Apr. 20, 1984 ;-- Am. 1986, Act 153, Imd. Eff. July 3, 1986 ;-- Am. 1989, Act 249, Imd. Eff. Dec. 21, 1989 ;-- Am. 1993, Act 352, Imd. Eff. Jan. 13, 1994 ;-- Am. 1996, Act 76, Imd. Eff. Feb. 26, 1996 ;-- Am. 2007, Act 33, Imd. Eff. July 10, 2007 ;-- Am. 2008, Act 584, Imd. Eff. Jan. 16, 2009 ;-- Am. 2011, Act 111, Eff. Jan. 1, 2012 ;-- Am. 2014, Act 493, Eff. Apr. 1, 2015

Constitutionality: Subdivision (a) of this section, exempting from provisions of the motor carrier act carriers of property whose operations may extend to an area not exceeding statutory 8 miles beyond city or village boundary, is not so clear that an ordinary person can tell what he may or may not do thereunder, and is therefore invalid. *People v Wiegand*, 369 Mich 204; 119 NW2d 545 (1963).