

Act No. 152
Public Acts of 1996
Approved by the Governor
March 24, 1996
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**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Reps. Bush, Brewer, Jellema and McBryde

ENROLLED HOUSE BILL No. 5214

AN ACT to amend sections 1, 3b, 3c, 5a, 5c, 5d, 5e, and 31 of Act No. 207 of the Public Acts of 1941, entitled as amended "An act to provide for the prevention of fires and the protection of persons and property from exposure to the dangers of fire or explosion; to authorize the investigation of fires and the discovery of crime or other offenses in relation thereto; to require the razing, repair, or alteration of buildings, and the clearing and improvement of premises which constitute a fire hazard or a menace to the peace, security, or safety of persons or property; to control the construction, use, and occupancy of those buildings and premises for fire safety purposes; to provide for the certification of fire inspectors and the delegation of certain powers to those certified fire inspectors; to provide for the regulation of the storage and transportation of hazardous material; to provide for the issuance of certificates; to prohibit the use of certain fire extinguishers and fire extinguishing agents; to provide immunity from liability for certain persons; to provide for the administration of this act and prescribe procedure for the enforcement of its provisions; to fix penalties for violation of this act; to provide for the promulgation of rules; to provide for the assessment of fees; and to repeal certain acts and parts of acts," sections 1 and 5c as amended by Act No. 70 of the Public Acts of 1987, sections 3b and 5a as amended by Act No. 247 of the Public Acts of 1980, section 3c as amended by Act No. 132 of the Public Acts of 1990, section 5d as amended by Act No. 337 of the Public Acts of 1990, and section 31 as added by Act No. 144 of the Public Acts of 1982, being sections 29.1, 29.3b, 29.3c, 29.5a, 29.5c, 29.5d, 29.5e, and 29.31 of the Michigan Compiled Laws; to add section 34; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Section 1. Sections 1, 3b, 3c, 5a, 5c, 5d, 5e, and 31 of Act No. 207 of the Public Acts of 1941, sections 1 and 5c as amended by Act No. 70 of the Public Acts of 1987, sections 3b and 5a as amended by Act No. 247 of the Public Acts of 1980, section 3c as amended by Act No. 132 of the Public Acts of 1990, section 5d as amended by Act No. 337 of the Public Acts of 1990, and section 31 as added by Act No. 144 of the Public Acts of 1982, being sections 29.1, 29.3b, 29.3c, 29.5a, 29.5c, 29.5d, 29.5e, and 29.31 of the Michigan Compiled Laws, are amended and section 34 is added to read as follows:

Sec. 1. As used in this act:

(a) "Director" means the director of the department of state police.

(b) "Department" means the department of state police.

(c) "Building" means a structure, framework, or place for housing 1 or more persons and includes a tank, receptacle, or container for the storage of commodities or other materials.

(d) "Premises" means a lot or parcel of land, exclusive of buildings, and includes a parking lot, tourist camp, trailer camp, airport, stockyard, junkyard, wharf, pier, and any other place or enclosure, however owned, used, or occupied.

- (e) "Fire hazard" means a building, premises, place, or thing which by reason of its nature, location, occupancy, condition, or use may cause loss, damage, or injury to persons or property by reason of fire, explosion, or action of the elements.
- (f) "Person" means an individual, partnership, corporation, or voluntary association.
- (g) "Owner" means a person with an ownership interest in property, and includes a trustee, a board of trustees of property, or a person having a freehold interest in property. Owner does not include a lessee or mortgagee of property.
- (h) "Organized fire department" means an organization or department which provides fire suppression and other fire related services within a city, village, or township and is a fire department of a city, village, or township, or a fire service designated by a city, village, or township, pursuant to a contract. Organized fire department includes a department of county employees who are responsible for fire suppression and other fire related services for an airport operated by the county or an agency of the county.
- (i) "State fire marshal" means the director or an officer of the department appointed by the director to implement this act.
- (j) "Firm" means a sole proprietorship, partnership, association, or corporation.
- (k) "Vehicle" means a tank vehicle or bulk transportation vehicle, excluding the tractor of a tank vehicle or bulk transportation vehicle.
- (l) "Hazardous material" means explosives, pyrotechnics, flammable gas, flammable compressed gas, nonflammable compressed gas, flammable liquid, combustible liquid, oxidizing material, poisonous gas, poisonous liquid, irritating material, etiologic material, radioactive material, corrosive material, or liquefied petroleum gas.
- (m) "Fire fighter" means a member of an organized fire department who is responsible for fire suppression and other fire related services.
- (n) "Place of public assemblage" means a room or other space in a building which room or other space can accommodate 50 or more individuals, including all connected rooms and space which share a common means of entrance and egress. Place of public assemblage does not include a private 1- or 2-family dwelling.
- (o) "Fire chief" or "chief of an organized fire department" means the chief operating officer of an organized fire department.
- (p) "Board" means the state fire safety board created in section 3b.
- (q) "Terminal" means a location at which an above ground liquid storage tank containing a flammable liquid is located.
- (r) "Attended terminal" means a terminal, other than a remote control terminal, where an individual knowledgeable in the above ground liquid storage tank filling operation is physically in attendance and control during the entire delivery of a flammable liquid and has as his or her primary responsibility, supervising the storage tank filling operation.
- (s) "Unattended terminal" means a terminal, other than a remote control terminal, where an individual knowledgeable in the above ground liquid storage tank filling operation is only in attendance during a portion of the time when a flammable liquid is being delivered or has as his or her primary responsibility, a function other than supervising the storage tank filling operation.
- (t) "Remote control terminal" means a terminal where the filling of the above ground liquid storage tank with a flammable liquid is controlled at a remote location by the individual who conveyed the flammable liquid to the terminal.
- (u) "Pipeline" means a pipeline used to convey a flammable liquid from a crude petroleum wellhead collection site to a refinery or terminal or from a refinery to a terminal. A pipeline does not mean gathering lines from the wellhead to a crude petroleum collection tank or piping used within a plant operation.
- (v) "Fire alarm system" means an assemblage of components which indicates or provides a warning of a fire emergency, installation of which is required by the state fire marshal pursuant to rules promulgated by the state fire safety board under section 3c.
- (w) "Fire suppression system" means an integrated combination of a fire alarm system and fire suppression equipment which, as a result of predetermined temperature, rate of temperature rise, products of combustion, flame, or human intervention will discharge a fire extinguishing substance over a fire area, installation of which is required by the state fire marshal pursuant to rules promulgated by the state fire safety board under section 3c.
- (x) "Flammable liquid" means a liquid having a flash point below 100 degrees fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch absolute at 100 degrees fahrenheit.
- (y) "Combustible liquid" means a liquid having a flash point at or above 100 degrees fahrenheit and below 200 degrees fahrenheit.
- (z) "Owner of vehicle" means either of the following:
- (i) Any person renting or leasing a vehicle or having the exclusive use of a vehicle for a period greater than 30 days.
 - (ii) A person who holds the legal title to a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease of the vehicle with the right of purchase upon performance of the conditions stated in the agreement and

with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be considered the owner.

(aa) "Noncommercial transportation" means the occasional transportation of personal property by an individual not for compensation or in the furtherance of a commercial enterprise, and transportation not regulated under the motor carrier safety act, Act No. 181 of the Public Acts of 1963, being sections 480.11 to 480.21 of the Michigan Compiled Laws.

Sec. 3b. (1) The state fire safety board is created and shall consist of 16 members who are residents of this state. Of the 16 members:

- (a) Three shall be representatives of organized fire departments in the lower peninsula.
- (b) One shall be a representative of organized fire departments in the upper peninsula.
- (c) One shall be a representative of hospital administration.
- (d) One shall be a registered professional engineer.
- (e) One shall be a registered architect.
- (f) One shall be a representative of the nursing home industry.
- (g) One shall be a school board member or a school administrator.
- (h) One shall be a representative of the building trades.
- (i) One shall be a representative of persons who own a place of public assemblage.
- (j) One shall be a representative of the flammable liquids industry.
- (k) One shall be a representative of the liquefied petroleum gas industry or the flammable compressed gases industry.
- (l) One shall be a representative of the chemical manufacturing industry.
- (m) One shall be a licensed electrical contractor or master electrician.
- (n) One shall be a representative of persons who own adult foster care facilities.

(2) Even if the number of board members is reduced by statute, each board member serving at the time of the reduction may complete the balance of the board member's unexpired term. Board members shall be appointed by the governor with the advice and consent of the senate. The members shall have the qualifications the governor considers essential to enable them to competently pass upon matters pertaining to fire prevention and fire safety for the establishments or facilities specified in section 3c(1).

(3) Each member shall be appointed for a term of 3 years. Continued absence of a member from regular or special meetings of the board renders the member subject to immediate removal by the governor.

(4) A majority of the members appointed to and serving on the board constitutes a quorum. Affirmative votes of at least a majority of the members appointed to and serving on the board shall be required to pass upon any question, action, or business of the board, except that a hearing of a contested case may be conducted in the presence of 3 board members who, after hearing the facts and considering the evidence and testimony, shall recommend the action the board should take.

(5) Annually the board shall elect a chairperson from its members, and shall hold at least 6 regular meetings a year. Special meetings may be called by the chairperson, or upon written request of 5 board members. Meetings shall be held at a location designated by the chairperson.

(6) The business which the board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(7) Each member of the board shall receive per diem compensation as the legislature prescribes, and shall be entitled to actual and necessary expenses incurred in the performance of duty. The legislature shall appropriate sufficient money for the board to conduct its business and discharge its responsibilities.

(8) The board shall keep minutes of its proceedings, showing the vote of each member on each proposition or question, or indicating if a member is absent or fails to vote. A record of board action and business shall be made and maintained.

(9) Except as provided in subsections (10) and (11), a writing prepared, owned, or used which is in the possession of, or retained by the board, department, its agents or others in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(10) A person regulated under this act may designate a report or other information furnished to or obtained by the department, its agents, or others as being only for the confidential use of the department, its agents, or others in the performance of an official function. If the department, its agents, or others receive a request for a public record under section 5 of Act No. 442 of the Public Acts of 1976, being section 15.235 of the Michigan Compiled Laws, which public

record includes either information designated as confidential or information obtained under section 4 of this act, the department, its agents, or others shall notify the regulated person. The person regulated under this act shall have 30 days after the receipt of the notice to demonstrate to the department, its agents, or others, that either the information designated as confidential or information obtained under section 4 of this act, constitutes a trade secret or confidential business information which, if disclosed, may cause a competitive disadvantage. The department, its agents or others shall grant the request for the information unless the person regulated under this act has made a satisfactory demonstration to the department, its agents, or others that the information, if disclosed, may cause a competitive disadvantage. If a dispute occurs between the person regulated and the person requesting information under Act No. 442 of the Public Acts of 1976, the fire safety board shall make a final decision to grant or deny the request.

(11) Nothing in this act shall be construed to either prevent the use of records or information by the department in compiling or publishing reports, analyses or summaries relating to general conditions for the prevention of fire, or the use of any record or other information for the purposes of administration or enforcement of any federal, state, or local fire prevention laws. However, a report, analysis, summary, or use shall not directly or indirectly publicly reveal information otherwise confidential under this section.

(12) The board may maintain an office, hire employees, either full or part time as necessary, and purchase, rent, or lease equipment and supplies considered essential to the proper discharge of its responsibilities.

Sec. 3c. (1) The board shall promulgate rules pertaining to fire safety requirements for the construction, operation, or maintenance of all of the following:

(a) Schools and dormitories, including state supported schools, colleges, and universities and school, college, and university dormitories.

(b) Buildings for which the state is the lessee or which are owned by the state.

(c) A health facility or agency as defined in section 20106 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.20106 of the Michigan Compiled Laws.

(d) Places of public assemblage.

(e) Penal facilities as described in section 62 of Act No. 232 of the Public Acts of 1953, being section 791.262 of the Michigan Compiled Laws.

(f) Dry cleaning establishments using flammable liquids.

(g) Mental facilities as described in section 135 of the mental health code, Act No. 258 of the Public Acts of 1974, being section 330.1135 of the Michigan Compiled Laws.

(2) The board shall promulgate rules for the storage, transportation, and handling of liquefied petroleum gas and for the storage, noncommercial transportation, and handling of other hazardous materials and for the implementation of this act.

(3) Rules promulgated pursuant to this act shall be consistent with recognized good practice as evidenced by standards adopted by nationally recognized authorities in the field of fire protection. Experiences identified in the department's fire incidents reports may be considered by the board as a qualified basis for review of rules promulgated and promulgation of rules pursuant to this act.

(4) The state fire safety board, pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, shall submit the initial rules to the joint committee on administrative rules not later than October 28, 1982 for the certification of a firm which does any of the following:

(a) Installs, modifies, or documents the installation or modification of a required fire suppression system.

(b) Documents the installation or modification of a required fire alarm system.

(c) Performs testing, servicing, inspections, or maintenance which has not been exempted by the rules promulgated by the board on required fire alarm systems or required fire suppression systems.

(d) Submits a drawing, print, or sketch of a required fire alarm system or required fire suppression system to the state fire marshal for approval pursuant to section 29, except an architect or professional engineer licensed under article 20 of the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.2001 to 339.2014 of the Michigan Compiled Laws.

(5) The state fire marshal shall not be required to consider fire safety rules other than those provided for in this act and in Act No. 306 of the Public Acts of 1937, being sections 388.851 to 388.855a of the Michigan Compiled Laws.

(6) A person may request a variation of the application of a rule promulgated pursuant to this act by applying to the state fire marshal. The state fire marshal may make a variation upon a finding that the variation does not result in a hazard to life or property. The finding shall be transmitted to the person requesting the variation and shall be entered into the records of the department. If the variation requested concerns a building, the finding shall also be transmitted to the governing body of the city, village, or township in which the building is located.

(7) The entire board, except as provided in section 3b(4), shall act as a hearing body in accordance with Act No. 306 of the Public Acts of 1969, to review and render decisions on a contested case, a rule specified in this act, or a ruling of the state fire marshal in the marshal's interpretation or application of the rules. After a hearing, the board may vary the application of a rule or may modify the ruling or interpretation of the state fire marshal if the enforcement of the ruling or interpretation would do manifest injustice and would be contrary to the spirit and purpose of the rules or the public interest.

(8) A decision of the board to vary the application of a rule, or to modify or change a ruling of the state fire marshal, shall specify in what manner the variation, modification, or change is made, the conditions upon which it is made, and the reasons for the variation, modification, or change.

(9) If a local school board has passed a resolution calling for an election on the question of the issuance of bonds for the construction, remodeling, or addition to a school, which election was held not later than September 28, 1989, which approved issuance of the bonds and which construction was reasonably anticipated to have begun not later than June 30, 1990, then the construction, remodeling, or addition to that school is exempt from the rules promulgated by the fire safety board entitled "schools, colleges, and universities", being R 29.301 to R 29.321 of the Michigan administrative code, that were filed with the Secretary of State on July 14, 1989 and became effective on July 29, 1989. The construction, remodeling, or addition to that school is, however, subject to the standards contained in rules promulgated by the fire safety board entitled "school fire safety", being the former R 29.1 to R 29.298 of the Michigan administrative code. This subsection does not prevent the construction, remodeling, or addition of a school from complying with R 29.301 to R 29.321 of the Michigan administrative code.

Sec. 5a. (1) The state fire marshal, the chief of an organized fire department or police department, a peace officer, or a fire fighter in uniform, which fire fighter is acting under the orders and directions of the local fire chief, may inspect a vehicle transporting a hazardous material. Except as otherwise provided in subsection (3), if upon inspection a vehicle is found to be in violation of the rules with respect to safety equipment, the state fire marshal or the inspecting chief, fire fighter, or peace officer shall attach to the vehicle a notice identifying the vehicle and stating that it is condemned against further use in the transportation of hazardous material, and listing the violations found. If the vehicle is en route to a destination where its load is to be delivered, the state fire marshal, chief, fire fighter, or peace officer, except as otherwise provided in this act, shall allow the vehicle to proceed to make deliveries after which the vehicle shall be returned to its base or customary place of maintenance and repair or taken to a suitable place for repair. If, upon inspection, a vehicle while en route to a delivery destination is found to be in a condition such that further operation under normal road and traffic conditions is likely to result in spillage of hazardous material, the state fire marshal, chief, fire fighter, or peace officer shall cause the vehicle to be impounded. The vehicle shall be impounded at a suitable place where the hazardous material being transported can be unloaded with reasonable safety, and until the unloading is accomplished and arrangements are made to return the vehicle with reasonable safety to its base or customary place of maintenance and repair, or to move the vehicle to a suitable place of repair. If, upon inspection, the braking, lighting, steering, coupling, sounding, or other devices on a vehicle are found to be in a condition such that the vehicle cannot be operated by a prudent operator without undue risk of accident, the state fire marshal, chief, fire fighter, or peace officer shall cause the vehicle to be impounded at a suitable place until the necessary repairs are made.

(2) Except as provided for in this act, a vehicle condemned pursuant to this act shall not again be used in transporting hazardous material until released as provided for in this section. Upon being returned to its base or customary place of maintenance and repair, or to a suitable place of repair, the condemned vehicle may be impounded there upon order of the state fire marshal until the conditions for which the condemnation was issued have been corrected. However, the state fire marshal may authorize the temporary release of the condemned vehicle for a reasonable time as may be needed to procure parts or appurtenances necessary for correction of the conditions for which condemnation was issued. Upon correction of the conditions, the state fire marshal, chief of an organized fire department or police department, a peace officer, or a fire fighter in uniform, which fire fighter is acting under a chief's direction, shall be notified and shall reinspect the vehicle. The state fire marshal, chief, peace officer, or fire fighter shall release the vehicle, if upon reinspection, the vehicle is found to be in compliance with this act and the rules promulgated pursuant to this act, and if reasonable impounding expenses have been paid by the owner of the vehicle. A person inspecting a vehicle pursuant to this act shall notify the state fire marshal under rules promulgated under this act, of the circumstances and conditions of each violation, condemnation, impounding, and release.

(3) Notwithstanding subsections (1) and (2), an official named in subsection (1) inspecting a commercial motor vehicle under the authority of this section shall affix notices, and place vehicles and drivers out of service, only as provided under the motor carrier safety act, Act No. 181 of the Public Acts of 1963, being sections 480.11 to 480.21 of the Michigan Compiled Laws, and as provided under the out of service criteria issued under the authority of the commercial vehicle safety alliance. As used in this subsection, "commercial motor vehicle" means that term as defined in Act No. 181 of the Public Acts of 1963.

Sec. 5c. (1) A firm or person shall not establish or maintain 1 or more of the following without obtaining a certificate from the state fire marshal:

(a) A flammable compressed gas or liquefied petroleum gas container filling location.

(b) An aboveground flammable compressed gas or liquefied petroleum gas storage location which has a tank with a water capacity of more than 2,000 gallons or has 2 or more tanks with an aggregate water capacity of more than 4,000 gallons.

(c) An aboveground storage location for a flammable liquid or combustible liquid, which storage location has an individual tank storage capacity of more than 1,100 gallons. Crude petroleum collection tanks that receive crude petroleum directly from a wellhead and are certified by the state fire marshal may be maintained without further inspection by the state fire marshal, except as the state fire marshal may consider necessary to assure compliance with this act.

(2) The state fire marshal may require that persons or firms obtain approval from the state fire marshal before the installation of an aboveground storage tank for flammable or combustible liquids having an individual tank storage capacity of 1,100 gallons or less. However, this requirement does not apply to farm location storage tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes or heating oil for consumptive use on the premises where stored.

Sec. 5d. (1) The certificates specified in section 5c shall be issued every 3 years by the state fire marshal after the state fire marshal determines by an inspection that the firm location is in satisfactory compliance with this act. The board may authorize a firm specified in section 5c to conduct inspections required in this section after application to the state fire marshal and payment of an annual fee of \$1,000.00. Upon annual determination by the state fire marshal that the firm is in satisfactory compliance with this act, the state fire marshal may recommend to the board that the authorization be given. This authorization may be revoked by the board for cause. Firms authorized to conduct inspections required in this section shall be exempt from the fees provided in subsection (2). The state fire marshal may review procedures utilized by the firm to assure compliance with this act.

(2) Each firm required to be certified under section 5c shall submit an installation application to the state fire marshal according to rules promulgated under this act. Each firm shall pay a fee of \$203.00 per tank. This fee shall be submitted with the installation application to the state fire marshal. The state fire marshal shall not approve an installation application unless this fee has been paid as required in this subsection. Payment of this fee shall waive the first annual storage tank fee required in this subsection. The owner of a firm specified in section 5c shall pay an annual fee of \$61.50 for each tank located at each storage or filling location specified in section 5c. Fees required by this subsection shall be paid before the issuance of a certificate when storage tanks operated by firms described in section 5c are used and until such tanks are closed or removed, and notification of the closure or removal is received by the state fire marshal. Owners of firms described in section 5c shall notify the state fire marshal of the closure or removal of storage tanks within 30 days after closure or removal on a form provided by the state fire marshal. Storage tanks that receive crude petroleum directly from a wellhead are exempt from fees under this section.

(3) Beginning October 1, 1990, a local unit of government shall not enact or enforce a provision of an ordinance that requires a permit, license, approval, inspection, or the payment of a fee or tax for the installation, use, closure, or removal of an aboveground storage tank system.

(4) The fees specified in subsection (2) shall be collected and deposited into the hazardous materials storage tank regulatory enforcement fund created in subsection (5).

(5) The hazardous materials storage tank regulatory enforcement fund is created in the state treasury. The fund may receive money as provided in this act and as otherwise provided by law. The state treasurer shall direct the investment of the fund. Interest and earnings of the fund shall be credited to the fund. Money in the fund at the close of the fiscal year shall remain in the fund and shall not revert to the general fund. Money in the fund shall be used only by the department to enforce this act and the rules promulgated under this act pertaining to the delivery, dispensing, noncommercial transportation, or storage of hazardous materials. If at the close of any fiscal year the amount of money in the fund exceeds \$1,000,000.00, the department shall not collect a fee for the following year for the fund from existing storage tank systems. After the fee has been suspended under this subsection, it shall only be reinstated if at the close of any succeeding fiscal year, the amount of money in the fund is less than \$250,000.00. The department of treasury shall, before November 1 of each year, notify the department of the balance in the fund at the close of the preceding fiscal year.

Sec. 5e. Upon a finding of noncompliance with this act, or rules promulgated pursuant to this act, the state fire marshal may revoke or deny the renewal of a certificate and order the firm required to be certified to cease all or part of its operation until the firm is in compliance.

Sec. 31. (1) A township, city, village, or county shall not adopt or enforce an ordinance or resolution that is inconsistent with this act or any rule promulgated under this act.

(2) A state agency shall not promulgate rules inconsistent with this act. This subsection does not apply to the motor carrier safety act of 1963, Act No. 181 of the Public Acts of 1963, being sections 480.11 to 480.21 of the Michigan Compiled Laws, or rules promulgated under that act by the motor carrier division of the department of state police.

(3) As used in this section, "inconsistent" means a rule or ordinance that is more permissive than the provisions of this act, or is more restrictive, or requires more action, equipment, or permits, or prevents or obstructs compliance with the provisions of this act.

Sec. 34. (1) Each vehicle transporting flammable liquids, combustible liquids, or liquefied petroleum gas, in bulk, in this state, shall not be operated without annual certification by the motor carrier division of the department. A truck carrying a cargo tank with a capacity of less than 300 gallons and engaged in agricultural or horticultural operations is not required to be certified.

(2) The motor carrier division of the department shall determine compliance with this act by conducting an annual inspection before certifying the vehicle.

(3) Each vehicle certified under this section shall bear an identification number as assigned by the motor carrier division of the department. The motor carrier division shall prescribe the size, color, design, and placement of the identification number. The owner of each vehicle certified under this section shall provide information relative to certification, as required by the motor carrier division.

(4) The annual fee for certification is \$95.00 for each vehicle described in this section. Fees required under this subsection shall be paid by the owner of the vehicle before the issuance of a certificate when the vehicle specified in this section is used at any time during the state fiscal year to transport a flammable liquid, combustible liquid, or liquefied petroleum gas in bulk.

(5) Upon a finding of noncompliance with this act, the motor carrier division may revoke or deny the renewal of a certificate and prohibit the owner of a vehicle required to be certified from being operated in this state.

(6) Fees received under this section shall be deposited in the hazardous materials transportation regulatory enforcement fund. Interest and earnings shall be credited to the fund. Money in the fund at the end of the fiscal year shall remain in the fund and shall not revert to the general fund. Money in the fund shall be used by the motor carrier division for enforcement of this act. If at the close of any fiscal year the amount of money in the fund exceeds \$1,000,000.00, the division shall not collect a fee for the following year for the fund from existing vehicles. After the fee has been suspended under this subsection, it shall only be reinstated if, at the close of any succeeding fiscal year, the amount of money in the fund is less than \$250,000.00. The department of treasury shall, before November 1 of each year, notify the department of the balance in the fund at the close of a preceding fiscal year.

(7) Subsections (1) through (6) apply until October 1, 1996.

(8) The owner or the lessee of a vehicle displaying a Michigan state police certification decal shall remove the decal from the vehicle by January 1, 1997. Failure to remove a Michigan state police certification decal from a vehicle by January 1, 1997 is a misdemeanor.

Section 2. Sections 5b and 5f of Act No. 207 of the Public Acts of 1941, being sections 29.5b and 29.5f of the Michigan Compiled Laws, are repealed.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved _____

Governor.