

**SUBSTITUTE FOR
HOUSE BILL NO. 4852**

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending the title and sections 1a, 2d, 3, 4, 5, 6, 7, 7a, 7b, 7c, 7d, 11, and 12 (MCL 480.11a, 480.12d, 480.13, 480.14, 480.15, 480.16, 480.17, 480.17a, 480.17b, 480.17c, 480.17d, 480.21, and 480.22), the title and sections 1a, 2d, 3, 4, and 6 as amended and sections 7d and 12 as added by 1995 PA 265, section 5 as added by 1998 PA 337, sections 7, 7b, and 11 as amended by 2000 PA 98, section 7a as added by 1988 PA 359, and section 7c as amended by 2004 PA 168, and by adding sections 4a, 13, 14, and

15; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to promote safety upon ~~the public~~ highways **OPEN TO**
 3 **THE PUBLIC** by regulating the operation of certain vehicles; to
 4 provide consistent regulation of these areas by state agencies
 5 and local units of government; to establish the qualifications of
 6 persons necessary for the safe operation of such vehicles; **TO**
 7 **ESTABLISH CERTAIN VIOLATIONS OF SHIPPERS OFFERING CERTAIN**
 8 **MATERIALS FOR TRANSPORTATION;** to limit the hours of service of
 9 persons engaged in operating such vehicles; to require the
 10 keeping of records of such operations; to provide penalties for
 11 the violation of this act; to prescribe the powers and duties of
 12 certain state agencies; and to repeal ~~certain~~ acts and parts of
 13 acts.

14 Sec. 1a. ~~(1)~~ This state ~~hereby~~ adopts the following
 15 provisions of title 49 of the code of federal regulations, on
 16 file with the office of the secretary of state except where
 17 modified by this act: ~~—, to provide for the safe transportation~~
 18 ~~of persons and property with the intent of following the policies~~
 19 ~~and procedures of the United States department of~~
 20 ~~transportation's federal highway administration as they relate to~~
 21 ~~title 49 of the code of federal regulations and the north~~
 22 ~~american standard uniform out of service criteria and inspection~~
 23 ~~procedures:~~

24 (a) Hazardous materials regulations, being ~~49 C.F.R.~~ **49**
 25 **CFR** parts 100 through 180 ~~—~~ **EXCEPT FOR THE FOLLOWING:**

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1 (i) THE PROVISIONS OF 49 CFR 171.2 LIMITING THE REGULATION OF
2 THE SPECIFICATION AND QUALIFICATIONS OF PACKAGING TO
3 TRANSPORTATION IN COMMERCE SHALL NOT APPLY TO INTRASTATE
4 TRANSPORTATION.

5 (ii) THE TRANSPORTATION OF AGRICULTURAL PRODUCTS FOR WHICH AN
6 EXCEPTION FROM THE APPLICATION OF 49 CFR SUBCHAPTER C AND 49 CFR
7 SUBCHAPTERS G AND H, PART 172, IS PROVIDED UNDER 49 CFR 173.5, IS
8 SPECIFICALLY AUTHORIZED IF THE TRANSPORTATION IS IN COMPLIANCE
9 WITH THIS ACT AND OTHER STATE LAW.

10 (b) Motor carrier safety regulations, being ~~49 C.F.R. part~~
11 **49 CFR PARTS 40, 356, 365, [368,] 371 THROUGH 373, 375, 376, 379, 382,**
12 ~~part 385, 387, parts 390 through 393, parts 395 through~~
13 ~~397, and part 399 including THE~~ appendices ~~1, D, E, and G, OF~~
14 **EACH PART** except for the following:

15 (i) ~~Where~~ **EXCEPT AS PROVIDED IN THIS SUBPARAGRAPH, WHERE**
16 the term "United States department of transportation", "federal
17 ~~highway~~ **MOTOR CARRIER SAFETY** administration", "federal ~~highway~~
18 **MOTOR CARRIER SAFETY** administrator", "director", "bureau of motor
19 carrier safety", "~~research and special projects~~ **"PIPELINE AND**
20 **HAZARDOUS MATERIALS** administration", or "associate administrator
21 for hazardous materials safety" appears, it refers to the
22 department of state police. **IF THE TERM IS BEING USED FOR THE**
23 **PURPOSES OF 49 CFR 397 AS IT RELATES TO ROUTING AND MOVEMENT OF**
24 **HAZARDOUS MATERIALS, IT REFERS TO THE UNITED STATES DEPARTMENT OF**
25 **TRANSPORTATION.**

26 (ii) Where "interstate" appears, it shall mean intrastate or
27 interstate, or both, as applicable, except as ~~otherwise~~

1 specifically provided in this act.

2 (c) Where "special agent of the federal ~~highway~~ **MOTOR**
 3 **CARRIER SAFETY** administration", "administration personnel", or
 4 "hazardous materials enforcement specialist" appears, it either
 5 means a peace officer or an enforcement member ~~or a vehicle~~
 6 ~~inspector~~ of the motor carrier division of the department of
 7 state police.

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

9 (e) Where MCS 64 appears, it means ~~MC 5~~ **UD-70**.

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

12 ~~—— (2) When a commercial motor vehicle is operated entirely~~
 13 ~~within this state and not otherwise involved with the movement of~~
 14 ~~interstate property or passengers in commerce, the definitions in~~
 15 ~~this subsection apply. The definitions contained in those parts~~
 16 ~~of 49 C.F.R. adopted in subsection (1)(b) apply to this act~~
 17 ~~except for the following definitions as added or modified:~~

18 ~~—— (a) "Appeal board" means the motor carrier safety appeal~~
 19 ~~board created in section 1b.~~

20 (2) ~~(b) "Bus" means any motor vehicle designed for carrying~~
 21 ~~16 or more passengers, including the driver. Bus does not include~~
 22 ~~a school bus, a bus defined and certificated under the motor bus~~
 23 ~~transportation act, Act No. 432 of the Public Acts of 1982, being~~
 24 ~~sections 474.101 to 474.141 of the Michigan Compiled Laws, or a~~
 25 **THIS ACT DOES NOT APPLY TO A** bus operated by a public transit
 26 agency operating under any of the following:

27 (A) ~~(i)~~ A county, city, township, or village as provided by

1 law, or other authority incorporated under ~~Act No. 55 of the~~
2 ~~Public Acts of 1963, being sections 124.351 to 124.359 of the~~
3 ~~Michigan Compiled Laws~~ **1963 PA 55, MCL 124.351 TO 124.359**. Each
4 authority and governmental agency incorporated under ~~Act No. 55~~
5 ~~of the Public Acts of 1963~~ **1963 PA 55, MCL 124.351 TO 124.359**,
6 has the exclusive jurisdiction to determine its own contemplated
7 routes, hours of service, estimated transit vehicle miles, costs
8 of public transportation services, and projected capital
9 improvements or projects within its service area.

10 (B) ~~(ii)~~ An authority incorporated under the metropolitan
11 transportation authorities act of 1967, ~~Act No. 204 of the~~
12 ~~Public Acts of 1967, being sections 124.401 to 124.426 of the~~
13 ~~Michigan Compiled Laws~~ **1967 PA 204, MCL 124.401 TO 124.426**, or
14 that operates a transportation service pursuant to an interlocal
15 agreement under the urban cooperation act of 1967, ~~Act No. 7 of~~
16 ~~the Public Acts of the Extra Session of 1967, being sections~~
17 ~~124.501 to 124.512 of the Michigan Compiled Laws~~ **1967 (EX SESS)**
18 **PA 7, MCL 124.501 TO 124.512**.

19 (C) ~~(iii)~~ A contract entered into pursuant to ~~Act No. 8 of~~
20 ~~the Public Acts of the Extra Session of 1967, being sections~~
21 ~~124.531 to 124.536 of the Michigan Compiled Laws~~ **1967 (EX SESS)**
22 **PA 8, MCL 124.531 TO 124.536**, or ~~Act No. 35 of the Public Acts~~
23 ~~of 1951, being sections 124.1 to 124.13 of the Michigan Compiled~~
24 ~~Laws~~ **1951 PA 35, MCL 124.1 TO 124.13**.

25 (D) ~~(iv)~~ An authority incorporated under the public
26 transportation authority act, ~~Act No. 196 of the Public Acts of~~
27 ~~1986, being sections 124.451 to 124.479 of the Michigan Compiled~~

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1 ~~Laws— 1986 PA 196, MCL 124.451 TO 124.479~~, or a nonprofit
 2 corporation organized under the nonprofit corporation act, ~~Act~~
 3 ~~No. 162 of the Public Acts of 1982, being sections 450.2101 to~~
 4 ~~450.3192 of the Michigan Compiled Laws— 1982 PA 162, MCL 450.2101~~
 5 ~~TO 450.3192~~, that provides transportation services.

6 (E) ~~(v)~~ An authority financing public improvements to
 7 transportation systems under the revenue bond act of 1933, ~~Act~~
 8 ~~No. 94 of the Public Acts of 1933, being sections 141.101 to~~
 9 ~~141.140 of the Michigan Compiled Laws— 1933 PA 94, MCL 141.101 TO~~
 10 ~~141.140~~.

11 [(F) ~~(e)~~ "Commercial motor vehicle" means any self-propelled or
 12 towed vehicle designed or used on public highways to transport
 13 passengers or property, except for a bus exempted in subdivision
 14 (b), if the vehicle is 1 or more of the following:

15 (i) Has either a gross vehicle weight rating or an actual
 16 gross weight or gross combination weight rating or an actual
 17 gross combination weight of 10,001 or more pounds.

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

20 (iii) Is used in the transportation of hazardous materials in
 21 a quantity that requires the vehicle to be marked or placarded
 22 pursuant to 40 ~~C.F.R.~~ CFR parts 100 to 180.

23 (G) ~~(d)~~ "Gross combination weight" or "GCW" means the combined
 24 weight of a combination of vehicles and any load on those
 25 vehicles.

26 (H) ~~(e)~~ "Gross weight", "gross vehicle weight", or "GVW" means
 27 the combined weight of a motor vehicle and any load on that

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1 vehicle.

2 (I) ~~(f)~~ "Hazardous material vehicle inspection or repair
3 facility" is a commercial enterprise that performs inspections,
4 certification, testing, or repairs to commercial motor vehicles
5 transporting hazardous materials as required by 49 ~~C.F.R.~~ **CFR** parts
6 100 to 180 and includes motor carriers that perform the
7 inspections, certification, testing, or repairs to vehicles owned
8 or leased by the motor carrier.]

9 ~~—— (g) "Motor carrier" means a carrier of passengers or
10 property in a commercial motor vehicle and includes a person who
11 owns or leases a commercial motor vehicle or that assigns
12 employees to operate the vehicle. Motor carrier includes a motor
13 carrier's agents, officers, and representatives, as well as
14 employees responsible for hiring, supervising, training,
15 assigning, or dispatching of drivers and employees concerned with
16 the installation, inspection, and maintenance of motor vehicle
17 equipment and accessories.~~

18 Sec. 2d. (1) A person shall not drive a commercial motor
19 vehicle unless he or she is qualified to drive that vehicle. A
20 motor carrier shall not require or permit a person to drive a
21 commercial motor vehicle unless that person is qualified to drive
22 that vehicle.

23 (2) ~~A~~ **IN THE CASE OF INTRASTATE TRANSPORTATION, A** person
24 is qualified to drive a commercial motor vehicle if he or she
25 meets all of the requirements of ~~49 C.F.R.~~ **49 CFR** part 391
26 except ~~for~~ **ALL OF** the following ~~circumstances~~ **PROVISIONS:**

27 ~~—— (a) In the case of intrastate transportation, meets 1 or~~

1 ~~more of the following:~~

2 ~~—— (i) Is at least 18 years old when transporting intrastate~~
 3 ~~property or passengers, except as provided in subparagraphs (ii)~~
 4 ~~and (iii).~~

5 ~~—— (ii) Is at least 16 years of age when acting as a farm~~
 6 ~~vehicle driver as defined in 49 C.F.R. 390.5.~~

7 ~~—— (iii) Is at least 21 years old when transporting hazardous~~
 8 ~~materials in a quantity that requires the vehicle to be marked or~~
 9 ~~placarded pursuant to the provisions of 49 C.F.R. parts 100 to~~
 10 ~~180. This subparagraph does not apply to a vehicle eligible for~~
 11 ~~and displaying valid farm plates with a gross vehicle weight of~~
 12 ~~40,000 pounds or less if the driver is 18 years of age or over.~~

13 ~~—— (b) In the case of intrastate transportation, is eligible~~
 14 ~~for and displays a valid medical waiver card or grandfather~~
 15 ~~rights card issued in accordance with this act.~~

16 **(A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (B), THE**
 17 **PERSON IS AT LEAST 18 YEARS OLD WHEN TRANSPORTING INTRASTATE**
 18 **PROPERTY OR PASSENGERS.**

19 **(B) THE PERSON IS AT LEAST 21 YEARS OLD WHEN TRANSPORTING**
 20 **HAZARDOUS MATERIALS IN A QUANTITY THAT REQUIRES THE VEHICLE TO BE**
 21 **MARKED OR PLACARDED UNDER 49 CFR PARTS 100 TO 180.**

22 **(C) THE PERSON IS ELIGIBLE FOR AND DISPLAYS A VALID MEDICAL**
 23 **WAIVER CARD, IS EXCEPTED FROM THE MEDICAL CARD PROVISIONS UNDER**
 24 **THIS ACT, OR DISPLAYS A GRANDFATHER RIGHTS CARD ISSUED IN**
 25 **ACCORDANCE WITH THIS ACT.**

26 ~~Sec. 3. This act and the rules promulgated under this act~~
 27 ~~do not apply to:~~

1 ~~———— (a) A semitrailer or truck used exclusively for storage~~
 2 ~~purposes.~~

3 ~~———— (b) A commercial motor vehicle owned and operated by a unit~~
 4 ~~of government or its employees, except as otherwise provided in~~
 5 ~~this act, and except for the following parts of 49 C.F.R.: part~~
 6 ~~382, controlled substances and alcohol use and testing; part 391,~~
 7 ~~qualification of drivers; part 392, driving of motor vehicles;~~
 8 ~~and part 393, parts and accessories necessary for safe operation.~~

9 ~~———— (c) A self-propelled implement of husbandry or a drawn~~
 10 ~~implement of husbandry if:~~

11 ~~———— (i) The implement of husbandry is as defined by section 21 of~~
 12 ~~the Michigan vehicle code, Act No. 300 of the Public Acts of~~
 13 ~~1949, being section 257.21 of the Michigan Compiled Laws.~~

14 ~~———— (ii) The motor vehicle hauling the implement of husbandry~~
 15 ~~does not exceed a maximum speed of 25 miles per hour if the drawn~~
 16 ~~or self-propelled implement of husbandry being drawn is not~~
 17 ~~equipped with brakes or coupling devices, or both, that meet the~~
 18 ~~standards set forth in 49 C.F.R. 393.40 adopted by this act.~~

19 ~~———— (iii) It does not exceed any other implement or component~~
 20 ~~design maximum speed limitation.~~

21 **(1) THE MOTOR CARRIER SAFETY APPEAL BOARD IS CREATED. THE**
 22 **BOARD SHALL CONSIST OF THE DIRECTOR OF THE DEPARTMENT OF STATE**
 23 **POLICE OR HIS OR HER DESIGNEE, THE SECRETARY OF STATE OR HIS OR**
 24 **HER DESIGNEE, THE DIRECTOR OF THE STATE TRANSPORTATION DEPARTMENT**
 25 **OR HIS OR HER DESIGNEE, AND 2 REPRESENTATIVES OF THE MOTOR**
 26 **CARRIER INDUSTRY CHOSEN JOINTLY BY THESE 3 DEPARTMENT HEADS AND**
 27 **THE MICHIGAN TRUCKING ASSOCIATION. THE APPEAL BOARD SHALL HEAR**

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1 AND DECIDE APPLICATIONS FOR WAIVERS FROM MEDICAL REQUIREMENTS OF
2 THIS ACT AND THE RULES PROMULGATED PURSUANT TO THIS ACT.

3 (2) A PERSON WHO IS NOT PHYSICALLY QUALIFIED TO DRIVE UNDER
4 49 CFR 391.41 AND WHO IS OTHERWISE QUALIFIED TO DRIVE A
5 COMMERCIAL MOTOR VEHICLE MAY DRIVE A COMMERCIAL MOTOR VEHICLE IF
6 THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE POLICE OR
7 THE APPEAL BOARD HAS GRANTED A WAIVER TO THAT PERSON.

8 (3) AN APPLICATION FOR A WAIVER SHALL BE SUBMITTED JOINTLY
9 BY THE PERSON WHO SEEKS A WAIVER OF HIS OR HER PHYSICAL
10 DISQUALIFICATION AND BY THE MOTOR CARRIER THAT WILL EMPLOY THE
11 PERSON IF THE APPLICATION IS GRANTED. THE APPLICATION SHALL BE
12 DELIVERED TO THE HEADQUARTERS OF THE MOTOR CARRIER DIVISION OF
13 THE DEPARTMENT OF STATE POLICE.

14 (4) AN APPLICATION FOR A WAIVER SHALL CONTAIN ALL OF THE
15 FOLLOWING:

16 (A) A DESCRIPTION OF ALL OF THE FOLLOWING:

17 (i) THE TYPE, SIZE, AND SPECIAL EQUIPMENT, IF ANY, OF THE
18 VEHICLES THE INDIVIDUAL APPLICANT INTENDS TO DRIVE.

19 (ii) THE GENERAL AREA AND TYPE OF ROADS THE INDIVIDUAL
20 APPLICANT INTENDS TO TRAVERSE WHILE DRIVING.

21 (iii) THE MAXIMUM DISTANCES THE INDIVIDUAL APPLICANT INTENDS
22 TO DRIVE.

23 [

24

25 (iv)] THE NATURE OF THE COMMODITIES OR CARGO THE INDIVIDUAL
26 APPLICANT INTENDS TO TRANSPORT.

27 [(v)] THE METHODS THE APPLICANT OR ANY OTHER PERSON WILL USE

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1 TO LOAD AND SECURE THE COMMODITIES OR CARGO.

2 [(vi)] THE NATURE AND EXTENT OF THE INDIVIDUAL APPLICANT'S
3 EXPERIENCE AT OPERATING COMMERCIAL MOTOR VEHICLES OF THE TYPE HE
4 OR SHE INTENDS TO DRIVE.

5 (B) AN AGREEMENT THAT THE MOTOR CARRIER WILL PROMPTLY FILE
6 WITH THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE POLICE
7 REPORTS THAT THE DIVISION MAY REQUIRE, INCLUDING [ACCIDENT] REPORTS[.
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14 (C) AN AGREEMENT THAT IF A WAIVER IS GRANTED, IT AUTHORIZES
15 THE INDIVIDUAL APPLICANT TO DRIVE INTRASTATE ONLY WHEN EMPLOYED
16 BY THE MOTOR CARRIER THAT JOINED IN THE INDIVIDUAL'S APPLICATION.

17 (5) AN APPLICATION FOR A WAIVER SHALL BE ACCOMPANIED BY ALL
18 OF THE FOLLOWING:

19 (A) NOT LESS THAN 2 REPORTS OF MEDICAL EXAMINATIONS,
20 CONDUCTED WITHIN THE PRECEDING 60 DAYS OF THE DATE OF THE
21 APPLICATION, PURSUANT TO 49 CFR 391.43, AT LEAST 1 OF WHICH WAS
22 CONDUCTED BY A MEDICAL EXAMINER SELECTED AND COMPENSATED BY THE
23 MOTOR CARRIER, EACH OF WHICH INCLUDES THE MEDICAL EXAMINER'S
24 OPINION CONCERNING THE INDIVIDUAL APPLICANT'S ABILITY TO OPERATE
25 SAFELY A VEHICLE OF THE TYPE THE APPLICANT INTENDS TO DRIVE.

26 (B) A COPY OF THE CERTIFICATE OF THE DRIVER'S ROAD TEST THAT
27 WAS ISSUED TO THE INDIVIDUAL APPLICANT PURSUANT TO 49 CFR 391.31

1 OR A LEGIBLE COPY OF THE LICENSE OR CERTIFICATE WHICH THE MOTOR
2 CARRIER ACCEPTS AS EQUIVALENT TO THE DRIVER'S ROAD TEST IN
3 ACCORDANCE WITH 49 CFR 391.33.

4 (C) A COPY OF THE INDIVIDUAL APPLICANT'S APPLICATION FOR
5 EMPLOYMENT MADE PURSUANT TO 49 CFR 391.21 OR THIS ACT.

6 (6) AN APPLICATION FOR A WAIVER SHALL BE SIGNED BY BOTH THE
7 INDIVIDUAL APPLICANT AND THE MOTOR CARRIER. IF THE MOTOR CARRIER
8 IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER
9 OF THE CORPORATION. IF THE MOTOR CARRIER IS A PARTNERSHIP, THE
10 APPLICATION SHALL BE SIGNED BY A GENERAL PARTNER.

11 (7) THE DRIVER APPLICANT OR MOTOR CARRIER APPLICANT SHALL
12 NOT FALSIFY INFORMATION IN THE LETTER OF APPLICATION OR THE
13 RENEWAL APPLICATION.

14 (8) THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE
15 POLICE MAY DENY THE APPLICATION OR MAY APPROVE THE APPLICATION,
16 IN WHOLE OR IN PART, AND ISSUE A WAIVER SUBJECT TO THE TERMS,
17 CONDITIONS, AND LIMITATIONS AS IT CONSIDERS CONSISTENT WITH
18 SAFETY AND THE PUBLIC INTEREST. A WAIVER IS VALID FOR NOT MORE
19 THAN 2 YEARS, AND A WAIVER MAY BE RENEWED UPON SUBMISSION OF A
20 NEW APPLICATION UNDER THIS ACT.

21 (9) IF THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE
22 POLICE GRANTS A WAIVER, IT SHALL NOTIFY EACH APPLICANT BY A
23 LETTER, THAT SETS FORTH THE TERMS, CONDITIONS, AND LIMITATIONS OF
24 THE WAIVER. THE MOTOR CARRIER SHALL RETAIN THE LETTER OR A
25 LEGIBLE COPY OF IT AND A COPY OF THE MEDICAL WAIVER CARD IN THE
26 DRIVER'S QUALIFICATION FILE AS LONG AS THE INDIVIDUAL APPLICANT
27 IS EMPLOYED BY THAT MOTOR CARRIER AND FOR 3 YEARS THEREAFTER. THE

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1 INDIVIDUAL APPLICANT SHALL HAVE THE CURRENT MEDICAL WAIVER CARD
2 IN HIS OR HER POSSESSION WHEN HE OR SHE DRIVES A COMMERCIAL MOTOR
3 VEHICLE OR IS OTHERWISE ON DUTY.

4 (10) THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE
5 POLICE MAY SUSPEND A WAIVER AT ANY TIME. THE MOTOR CARRIER
6 DIVISION MAY REVOKE A WAIVER AFTER THE PERSON TO WHOM IT WAS
7 ISSUED IS GIVEN NOTICE OF THE PROPOSED REVOCATION AND A
8 REASONABLE OPPORTUNITY TO [APPEAL FOR REVIEW].

9 (11) AN APPLICANT WHO WAS DENIED IN WHOLE OR IN PART HIS OR
10 HER APPLICATION FOR A WAIVER OF PHYSICAL DEFECT UNDER THIS ACT OR
11 CONFLICT OF MEDICAL EVALUATION UNDER 49 CFR 391.47 MAY MAKE AN
12 APPEAL FOR REVIEW BY CONTACTING THE MOTOR CARRIER DIVISION.

[(12) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION, THE
DETERMINATION OF THE MOTOR CARRIER SAFETY APPEAL BOARD SHALL HAVE NO
BEARING ON WORKER'S COMPENSATION STATUS.]

13 Sec. 4. ~~(1) The department of state police may promulgate~~
14 ~~rules and regulations reasonably necessary to the accomplishment~~
15 ~~of the purpose of this act.~~

16 ~~————(2) The administrative rules promulgated pursuant to the~~
17 ~~authority granted under subsection (1) that were filed with the~~
18 ~~secretary of state on June 22, 1984 and any subsequent revision~~
19 ~~to those rules are hereby rescinded on the effective date of the~~
20 ~~amendatory act that added this subsection.~~

21 (1) THE PROVISIONS OF THIS ACT AND 49 CFR 391.21 RELATING TO
22 APPLICATIONS FOR EMPLOYMENT, 49 CFR 391.23 RELATING TO
23 INVESTIGATIONS AND INQUIRIES, AND 49 CFR 391.31 AND CFR 391.33
24 RELATING TO ROAD TESTS DO NOT APPLY TO A DRIVER WHO HAS BEEN A
25 REGULARLY EMPLOYED DRIVER OF AN INTRASTATE MOTOR CARRIER OF
26 PROPERTY FOR A CONTINUOUS PERIOD WHICH BEGAN ON OR BEFORE JUNE
27 10, 1984, AS LONG AS HE OR SHE CONTINUES TO BE A REGULARLY

1 EMPLOYED DRIVER OF THAT MOTOR CARRIER OR TO A DRIVER WHO HAS BEEN
2 A REGULARLY EMPLOYED DRIVER OF AN INTRASTATE MOTOR CARRIER OF
3 PASSENGERS FOR A CONTINUOUS PERIOD WHICH BEGAN ON OR BEFORE MARCH
4 3, 1991, AS LONG AS HE OR SHE CONTINUED TO BE A REGULARLY
5 EMPLOYED DRIVER OF THAT MOTOR CARRIER. SUCH A DRIVER IS QUALIFIED
6 TO DRIVE A COMMERCIAL MOTOR VEHICLE IF HE OR SHE FULFILLS THE
7 REQUIREMENTS OF SECTION 2D(2).

8 (2) THE PROVISIONS IN THIS ACT PERTAINING TO AN INTRASTATE
9 DRIVER'S MEDICAL QUALIFICATIONS DO NOT APPLY TO ANY DRIVER WHO:

10 (A) HAS BEEN A REGULARLY EMPLOYED DRIVER OF THE MOTOR
11 CARRIER FOR A CONTINUOUS PERIOD THAT BEGAN ON OR BEFORE JUNE 10,
12 1984.

13 (B) HAS CONTINUED TO BE A REGULARLY EMPLOYED DRIVER OF THAT
14 MOTOR CARRIER.

15 (C) IS OTHERWISE QUALIFIED TO DRIVE A COMMERCIAL MOTOR
16 VEHICLE UNDER THIS ACT.

17 (D) HAS MADE APPLICATION TO THE APPEAL BOARD CLAIMING
18 GRANDFATHERING RIGHTS.

19 (E) HAS RECEIVED A GRANDFATHER RIGHTS CARD FROM THE MOTOR
20 CARRIER DIVISION OF THE DEPARTMENT OF STATE POLICE. THE
21 GRANDFATHER RIGHTS CARD SHALL BE CARRIED AT ALL TIMES ON THE
22 PERSON OF THE DRIVER WHILE HE OR SHE IS OPERATING A COMMERCIAL
23 MOTOR VEHICLE. THE ORIGINAL GRANDFATHER RIGHTS APPLICATION FORM
24 OR A LEGIBLE COPY OF IT WILL BE RETAINED IN THE DRIVER'S
25 QUALIFICATION FILE IN ACCORDANCE WITH THIS ACT.

26 (3) NOTWITHSTANDING SUBSECTION (2), THE PROVISIONS OF THIS
27 ACT PERTAINING TO RANDOM, REASONABLE CAUSE, AND POSTACCIDENT DRUG

1 AND ALCOHOL TESTING APPLY TO ALL DRIVERS AS REQUIRED BY 49 CFR
2 PART 382 GRANTED GRANDFATHER RIGHTS UNDER THIS SECTION.

3 (4) GRANDFATHER RIGHTS SHALL REMAIN VALID UNTIL DECEMBER 31,
4 2014.

5 (5) THE EXEMPTION FROM MEDICAL QUALIFICATION UNDER THIS
6 SECTION APPLIES ONLY TO PREEXISTING CONDITIONS BEFORE JANUARY 1,
7 1996. ANY MEDICAL CONDITION THAT WOULD NORMALLY DISQUALIFY A
8 DRIVER UNDER THIS ACT AUTOMATICALLY VOIDS ANY GRANDFATHER RIGHTS.
9 ANY DRIVER WHO DEVELOPS A NORMALLY DISQUALIFYING MEDICAL
10 CONDITION OR VIOLATES ANY PROVISION OF SUBSECTION (2) OF THIS
11 SECTION AFTER BEING ISSUED A GRANDFATHER CARD MUST RETURN THE
12 GRANDFATHER CARD TO THE MOTOR CARRIER DIVISION OF THE DEPARTMENT
13 OF STATE POLICE AND APPLY FOR A MEDICAL WAIVER AS PROVIDED IN
14 THIS ACT.

15 (6) A MOTOR CARRIER SHALL MAINTAIN THE ORIGINAL OR A LEGIBLE
16 COPY OF THE GRANDFATHER CARD ISSUED UNDER THIS ACT IN THE FILE OF
17 EACH DRIVER THAT HAS BEEN ISSUED ONE.

18 SEC. 4A. THE DEPARTMENT IS NOT AUTHORIZED TO ISSUE NEW
19 GRANDFATHER CARDS UNDER SECTION 5 AFTER THE EFFECTIVE DATE OF THE
20 AMENDATORY ACT THAT ADDED THIS SECTION.

21 ~~Sec. 5. The transportation of agricultural products for~~
22 ~~which an exception is provided by 49 C.F.R. 173.5 from the~~
23 ~~application of subchapter C of title 49 of the code of federal~~
24 ~~regulations, or from the application of subparts G and H of part~~
25 ~~172 of title 49 of the code of federal regulations, is~~
26 ~~specifically authorized if in compliance with this act and other~~
27 ~~state law.~~

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1 (1) IN THE CASE OF INTRASTATE TRANSPORTATION, THE PROVISIONS
2 OF 49 CFR 391.21 RELATING TO APPLICATION FOR EMPLOYMENT, 49 CFR
3 391.23 RELATING TO INVESTIGATIONS AND INQUIRIES, 49 CFR 391.31
4 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
6 A DRIVER TO BE MEDICALLY QUALIFIED OR EXAMINED AND TO HAVE A
7 MEDICAL EXAMINER'S CERTIFICATE ON HIS OR HER PERSON AND THE
8 PROVISIONS OF THIS ACT RELATING TO FILES AND RECORDS DO NOT APPLY
9 TO A FARM VEHICLE DRIVER AS DEFINED IN 49 CFR 390.5.

10 (2) FOR INTRASTATE TRANSPORTATION, THE PROVISIONS OF THIS
11 ACT DO NOT APPLY TO A SELF-PROPELLED IMPLEMENT OF HUSBANDRY OR A
12 DRAWN IMPLEMENT OF HUSBANDRY IF:

13 (A) THE IMPLEMENT OF HUSBANDRY IS AS DEFINED IN SECTION 21
14 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.21.

15 (B) THE MOTOR VEHICLE OR FARM TRACTOR HAULING THE IMPLEMENT
16 OF HUSBANDRY [DOES NOT EXCEED ANY OTHER IMPLEMENT OR COMPONENT DESIGN
17 MAXIMUM SPEED LIMITATION.]

18 (C) IT DOES NOT EXCEED ANY OTHER IMPLEMENT OR COMPONENT
19 DESIGN MAXIMUM SPEED LIMITATION.

20 (3) THE PROVISIONS OF THIS ACT RELATED TO DRIVER
21 QUALIFICATIONS DO NOT APPLY TO PUBLIC UTILITY, TELEPHONE, AND
22 CABLE TELEVISION COMPANY SERVICE EMPLOYEES IF THOSE EMPLOYEES ARE
23 NOT OTHERWISE BEING USED AS A REGULARLY EMPLOYED DRIVER AND ARE
24 NOT OPERATING A VEHICLE THAT MEETS THE DEFINITION OF A COMMERCIAL
25 MOTOR VEHICLE IN 49 CFR PART 383.

26 (4) THE REQUIREMENTS OF 49 CFR PART 395 DO NOT APPLY TO ANY
27 DRIVER OF A PUBLIC UTILITY SERVICE VEHICLE WHEN BEING USED IN

1 CASES OF EMERGENCY. AS USED IN THIS SUBSECTION, "EMERGENCY" MEANS
2 ANY INSTANCE OF LOSS OF PUBLIC UTILITY SERVICE DUE TO AN
3 UNFORESEEN CIRCUMSTANCE, A NATURAL DISASTER, OR AN ACT OF GOD. A
4 DECLARATION OF EMERGENCY BY A PUBLIC OFFICIAL IS NOT REQUIRED TO
5 CONSTITUTE AN EMERGENCY UNDER THIS SUBSECTION.

6 (5) AN ASPHALT HAULING VEHICLE THAT IS REQUIRED TO BE
7 EQUIPPED WITH AN UNDERRIDE GUARD UNDER 49 CFR 393.86 SHALL BE
8 EXEMPT FROM THAT REQUIREMENT IF THE UNDERRIDE GUARD PREVENTS THE
9 VEHICLE FROM BEING ATTACHED TO AN ASPHALT PAVING MACHINE. AS USED
10 IN THIS SUBSECTION, ASPHALT HAULING VEHICLE MEANS A COMMERCIAL
11 MOTOR VEHICLE, TRAILER, OR SEMITRAILER SPECIFICALLY DESIGNED FOR
12 ATTACHMENT TO ASPHALT PAVING MACHINES AND WHICH IS USED FOR
13 HAULING ASPHALT PAVING MATERIALS.

14 (6) A COMMERCIAL MOTOR VEHICLE CONSTRUCTED AND MAINTAINED SO
15 THAT THE BODY CHASSIS OR OTHER PARTS OF THE VEHICLE AFFORD THE
16 REAR END PROTECTION REQUIRED BY 49 CFR 393.86 IS IN COMPLIANCE
17 WITH THAT SECTION.

18 (7) THIS ACT AND THE RULES PROMULGATED UNDER THIS ACT DO NOT
19 APPLY TO A COMMERCIAL MOTOR VEHICLE OWNED AND OPERATED BY A UNIT
20 OF GOVERNMENT OR ITS EMPLOYEES, EXCEPT AS OTHERWISE PROVIDED BY
21 THIS ACT, AND EXCEPT FOR ALL OF THE FOLLOWING PARTS OF 49 CFR:

22 (A) PART 382.

23 (B) PART 391

24 (C) PART 392.

25 (D) PART 393.

26 (8) A COMBINATION OF VEHICLES WITH AN ACTUAL COMBINATION
27 GROSS VEHICLE WEIGHT OR A GROSS COMBINATION WEIGHT RATING OF

1 26,000 POUNDS OR LESS, PROVIDED THE TRAILER OR SEMITRAILER HAS AN
2 ACTUAL GROSS VEHICLE WEIGHT OR GROSS VEHICLE WEIGHT RATING OF
3 15,000 POUNDS OR LESS, MAY BE EQUIPPED WITH SURGE BRAKES FOR
4 INTRASTATE OPERATION AS ALLOWED BY SECTION 705(1)(C) OF THE
5 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.705. VEHICLES OF ANY
6 SIZE THAT ARE TRANSPORTING HAZARDOUS MATERIALS IN AN AMOUNT THAT
7 REQUIRES PLACARDING OR VEHICLES THAT ARE DESIGNED TO TRANSPORT
8 MORE THAN 8 PASSENGERS, INCLUDING THE DRIVER, ARE PROHIBITED FROM
9 BEING EQUIPPED WITH SURGE BRAKES FOR INTRASTATE OPERATION.

10 (9) THIS ACT AND THE RULES PROMULGATED UNDER THIS ACT DO NOT
11 APPLY TO A SCHOOL BUS AS DEFINED IN THE PUPIL TRANSPORTATION ACT,
12 1990 PA 187, MCL 257.1801 TO 257.1877, OR A BUS DEFINED AND
13 CERTIFICATED UNDER THE MOTOR BUS TRANSPORTATION ACT, 1982 PA 432,
14 MCL 474.101 TO 474.141.

15 (10) AS USED IN SUBSECTIONS (3) AND (4), "PUBLIC UTILITY"
16 MEANS A PERSON OR CORPORATION OPERATING EQUIPMENT OR FACILITIES
17 FOR PRODUCING, GENERATING, TRANSMITTING, DELIVERING, OR
18 FURNISHING GAS OR ELECTRICITY FOR THE PRODUCTION OF LIGHT, HEAT,
19 OR POWER FOR THE PUBLIC FOR COMPENSATION.

20 Sec. 6. (1) Motor carriers shall submit, upon demand, all
21 their transportation safety related documents, such as all
22 records and information pertaining to any accident, drivers'
23 records of duty status, bills of lading, shipping records, driver
24 time and payroll records, driver qualification records, vehicle
25 maintenance records, and equipment for inspection or copying
26 during regular business hours to any **ENFORCEMENT MEMBER OF THE**
27 motor carrier ~~officer~~ **DIVISION** displaying a valid Michigan

1 department of state police, motor carrier division identification
2 card.

3 (2) Hazardous materials vehicle inspection and repair
4 facilities shall submit, upon demand, all their transportation
5 safety related documents as required by this act, such as
6 hazardous materials tank certification and repair documents, and
7 annual inspection certification documents to any **ENFORCEMENT**
8 **MEMBER OF THE** motor carrier ~~officer~~ **DIVISION** displaying a valid
9 Michigan department of state police motor carrier division
10 identification card.

11 ~~—— (3) The following is a facsimile of the motor carrier~~
12 ~~division identification card:~~

13		Michigan
14		State Police
15		This is to certify that
16		(rank and name)
17		Whose photograph appears
18		hereon is a member of the
19		Michigan State Police and
20	Photo	is vested with the
21		authority of a motor
22		carrier enforcement
23		officer as prescribed by
24		law.
25		
26	Not valid after	(signature)
27	(date)	Director

1 OR REQUIRES ANY PERSON TO VIOLATE this act or a rule promulgated
2 under this act, is responsible for a **STATE** civil infraction and
3 may be ordered to pay a fine of not more than \$250.00 for each
4 violation. **SECTION 907(9) OF THE MICHIGAN VEHICLE CODE, 1949 PA**
5 **300, MCL 257.907, DOES NOT APPLY TO THIS ACT.**

6 (2) A peace officer or an ~~officer~~ **ENFORCEMENT MEMBER** of
7 the motor carrier division of the department of state police,
8 upon ~~reasonable~~ **PROBABLE** cause to believe that a motor vehicle
9 is being operated in violation of this act or a rule promulgated
10 under this act, may stop the motor vehicle and inspect the motor
11 vehicle. If a violation is found, the officer may issue a notice
12 to appear for that violation. ~~If a motor vehicle is inspected by~~
13 ~~breaking the load seal, then the peace officer shall give to the~~
14 ~~driver a signed receipt of inspection and the peace officer shall~~
15 ~~be responsible for reapplying a Michigan department of~~
16 ~~transportation seal.~~

17 (3) **AN ENFORCEMENT MEMBER OF THE MOTOR CARRIER DIVISION OF**
18 **THE DEPARTMENT OF STATE POLICE, UPON NOTIFICATION OF A VALID OUT-**
19 **OF-SERVICE ORDER UPON A MOTOR CARRIER ISSUED BY THE UNITED STATES**
20 **DEPARTMENT OF TRANSPORTATION, BY A STATE OR A POLITICAL**
21 **SUBDIVISION OF A STATE, BY THE CANADIAN OR MEXICAN GOVERNMENT, OR**
22 **BY THE GOVERNMENT OF A PROVINCE OF CANADA, MAY STOP AND DETAIN**
23 **ANY VEHICLE OPERATED BY THE MOTOR CARRIER AND PLACE THE VEHICLE**
24 **AND DRIVER OUT OF SERVICE PURSUANT TO THE ORDER. A DRIVER OR**
25 **MOTOR CARRIER OPERATING A VEHICLE IN VIOLATION OF AN OUT-OF-**
26 **SERVICE ORDER IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND**
27 **SHALL BE ASSESSED A FINE OF NOT MORE THAN \$500.00. SECTION 907(9)**

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1 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.907, DOES NOT
2 APPLY TO THIS ACT.

3 Sec. 7a. ~~(1) By December 31, 1989, the truck safety~~
4 ~~commission shall make recommendations to the legislature with~~
5 ~~respect to an accident report form regarding accidents involving~~
6 ~~commercial motor vehicles.~~

7 ~~—— (2) As used in this section, "commercial motor vehicle"~~
8 ~~means that term as defined in section 7a of the Michigan vehicle~~
9 ~~code, Act No. 300 of the Public Acts of 1949, being section~~
10 ~~257.7a of the Michigan Compiled Laws. THE DEPARTMENT OF STATE~~
11 ~~POLICE MAY PROMULGATE RULES NECESSARY TO THE ACCOMPLISHMENT OF~~
12 ~~THE PURPOSE OF THIS ACT. THE ADMINISTRATIVE RULES PROMULGATED AND~~
13 ~~FILED WITH THE SECRETARY OF STATE ON JUNE 22, 1984 AND ANY~~
14 ~~SUBSEQUENT REVISIONS TO THOSE RULES WERE RESCINDED EFFECTIVE~~
15 ~~JANUARY 1, 1996 BY 1995 PA 265.~~

16 Sec. 7b. (1) A driver, **PERSON**, or ~~operator or an owner or~~
17 ~~user of any bus, truck, truck tractor, or trailer, or certain~~
18 ~~other motor vehicles or any officer or agent of an individual,~~
19 ~~partnership, corporation, or association or their lessees or~~
20 ~~receivers appointed by any court that is the owner or user of any~~
21 ~~vehiele, MOTOR CARRIER AS DEFINED BY 49 CFR 390.5 WHO OPERATES~~
22 ~~OR who [KNOWINGLY] requires or permits the driver or operator to~~
~~operate a~~
23 **COMMERCIAL MOTOR** vehicle with a serious safety defect **IN**
24 **VIOLATION OF THIS ACT OR A RULE PROMULGATED UNDER THIS ACT** is
25 ~~subject to~~ **RESPONSIBLE FOR** a **STATE** civil ~~fine~~ **INFRACTION [AND SHALL BE**
ASSESSED A FINE] of
26 not more than ~~-\$300.00~~ **\$500.00** for each violation. A fine
27 ordered to be paid by the district court under this subsection

1 shall be paid to the county treasurer and applied for library
 2 purposes as provided by law. A fine ordered to be paid by a
 3 municipal court shall be paid to the treasurer of the political
 4 subdivision whose ordinance is violated. **SECTION 907(9) OF THE**
 5 **MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.907, DOES NOT APPLY**
 6 **TO THIS ACT.**

7 (2) As used in this section, "serious safety defect" means a
 8 violation of this act or a rule promulgated pursuant to this act
 9 relative to brakes, tires, steering, coupling devices,
 10 headlights, taillights, brake lights, and turn signals that
 11 results in the vehicle being placed out of service.

12 Sec. 7c. (1) A driver ~~or operator or an owner or user of a~~
 13 ~~bus, truck, truck tractor, or trailer, or certain other motor~~
 14 ~~vehicles, or an officer or agent of an individual, partnership,~~
 15 ~~corporation, or association, or their lessees or receiver~~
 16 ~~appointed by a court that is the owner or user of a vehicle,~~ who
 17 **OPERATES OR WHO** requires or permits ~~the driver or operator~~ **A**
 18 **PERSON** to operate ~~or drive a bus, truck, truck tractor, or~~
 19 ~~trailer, or certain other~~ **A COMMERCIAL** motor ~~vehicles, that~~
 20 ~~violates~~ **VEHICLE IN VIOLATION OF** this act or a rule promulgated
 21 under this act **RELATED TO THE TRANSPORTATION OF HAZARDOUS**
 22 **MATERIALS** if the vehicle is transporting a package required to be
 23 marked or labeled under 49 CFR parts 100 to 180 — is
 24 responsible for a state civil infraction and may be ordered to
 25 pay a fine of not more than \$500.00 for each violation. **SECTION**
 26 **907(9) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.907,**
 27 **DOES NOT APPLY TO THIS ACT.**

1 ~~— (2) A motor carrier shall not transport, or require, permit,~~
2 ~~or allow to be transported, hazardous material for which a~~
3 ~~placard is required under 49 CFR parts 100 to 199, in a vehicle~~
4 ~~identified in subsection (1) if the person that is transporting~~
5 ~~the hazardous material does not have a hazardous material~~
6 ~~endorsement on his or her operator's or chauffeur's license. A~~
7 ~~motor carrier that violates this section is guilty of a~~
8 ~~misdemeanor punishable by imprisonment for not more than 1 year~~
9 ~~or a fine of not more than \$500.00, or both, for each violation.~~

10 (2) ~~—(3)~~ A person or entity identified in subsection (1)
11 ~~or (2)~~ who knowingly or willfully violates this act or a rule
12 promulgated under this act is, upon conviction, guilty of a
13 misdemeanor punishable by imprisonment for not more than 1 year
14 or a fine of not more than \$500.00, or both, for each violation.

15 (3) ~~—(4)~~ A person or entity identified in subsection (1)
16 ~~or (2)~~ who causes injury or death during a violation of this
17 act, while a vehicle identified in subsection (1) that is
18 transporting a package required to be marked or labeled under 49
19 CFR parts 100 to 180 is used, is, upon conviction, guilty of a
20 misdemeanor punishable by imprisonment for not more than 1 year
21 or a fine of not more than \$500.00, or both, for each violation.

22 (4) ~~—(5)~~ An officer, employee, owner, or agent of an
23 individual, partnership, corporation, or association, or their
24 lessees or receiver appointed by a court that is the owner or
25 user of any hazardous materials vehicle inspection or repair
26 facility that violates a section of this act, or a rule
27 promulgated under this act, related to the transportation of

1 hazardous materials, is guilty of a misdemeanor punishable as
2 prescribed in this section.

3 Sec. 7d. (1) As used in this section:

4 (a) "Immediate destination" means the next scheduled stop of
5 a commercial motor vehicle already in motion where the cargo on
6 board can be safely secured.

7 (b) "Motor carrier division" means the motor carrier
8 division of the department of state police.

9 (c) "Person" means an individual, driver, or employee or a
10 firm, motor carrier, lessee, lessor, association, partnership, or
11 corporation, and their affiliated or related successors, that
12 undertakes to control, direct, conduct, or otherwise perform
13 transportation by commercial motor vehicle upon the public
14 highways of this state.

15 (d) "Shut down order" means a court order issued to a motor
16 carrier upon proof shown of unreasonable risk or an imminent
17 hazard.

18 (e) "Unreasonable risk or an imminent hazard" shall be
19 defined as any condition of commercial motor vehicle, employee,
20 or commercial motor vehicle operation which creates, causes, or
21 compounds the substantial likelihood that death, serious illness,
22 or severe personal injury may occur if not discontinued
23 immediately.

24 (2) Upon determination that the continued operation of
25 commercial motor vehicles by a person upon the highways of this
26 state poses an unreasonable risk or an imminent hazard to the
27 public safety, the motor carrier division shall issue a

1 compliance order. The order may direct a person to make certain
2 changes, repairs, or alterations to the person's vehicles or
3 operations, to comply with the laws of this state. In making an
4 order, restrictions shall not be imposed on any employee or
5 person beyond that required to abate the hazard. Any vehicle or
6 driver operating during the specified time period of the order
7 shall be in compliance with all applicable laws and rules.

8 (3) A compliance order shall include the name and address of
9 the person and the chief operating officer of the person, the
10 reason or reasons for the order, and the requirements or
11 conditions that must be met for rescission of the order. The
12 order shall also include a statement that the person has ~~-30 days~~
13 **A SET TIME LIMIT** to comply with the order. If the ~~-30 day~~ **SET**
14 time limit expires and the person is not in compliance with the
15 order, the motor carrier division may seek a shut down order from
16 a circuit court. **THE MOTOR CARRIER DIVISION SHALL SET THE TIME**
17 **LIMIT FOR COMPLIANCE WITH THE COMPLIANCE ORDER TO BE NOT LESS**
18 **THAN 30 DAYS AND NOT MORE THAN 180 DAYS.**

19 (4) Upon petition to the circuit court having jurisdiction
20 by the motor carrier division, the court may issue a shut down
21 order. The order shall direct a vehicle or vehicles or employee
22 or employees out of service from further operations, or shall
23 direct a person to cease all or part of the person's commercial
24 motor vehicle operation. In making such an order, restrictions
25 shall not be imposed on any employee or person beyond that
26 required to abate the hazard.

27 (5) A shut down order shall include the name and address of

1 the person and the chief operating officer of the person, the
2 reason or reasons for the order, the requirements or conditions
3 that must be met for rescission of the order, and a statement of
4 the right to appeal.

5 (6) An order to any person to cease all or part of its
6 operation shall not prevent vehicles in transit at the time the
7 order is served from proceeding to their immediate destinations,
8 unless that vehicle or person is specifically ordered out of
9 service. However, vehicles and drivers proceeding to their
10 immediate destination shall be subject to compliance upon
11 arrival.

12 (7) A person who fails to comply with a shut down order is
13 guilty of a misdemeanor, punishable by a fine of not more than
14 \$1,000.00 for each violation, or by imprisonment for not more
15 than 90 days, or both. A person or vehicle found operating on the
16 highways of this state while under a shut down order shall be
17 immediately stopped, and impounded or arrested. The owner or
18 lessee of the vehicle shall be responsible for any costs incurred
19 during impoundment. The vehicle shall be released upon the
20 court's determination that the order has been complied with.

21 Sec. 11. (1) A township, city, village, ~~or~~ county, **OR**
22 **ANOTHER STATE AGENCY** shall not adopt or enforce an ordinance or
23 resolution that is inconsistent with this act or any rule
24 promulgated pursuant to this act. **AS USED IN THIS SECTION,**
25 **"INCONSISTENT" MEANS A RULE OR ORDINANCE THAT IS MORE PERMISSIVE**
26 **THAN THIS ACT, THAT IS MORE RESTRICTIVE THAN THIS ACT, THAT WOULD**
27 **REQUIRE MORE ACTION, EQUIPMENT, OR PERMITS THAN THIS ACT WOULD**

1 REQUIRE, OR THAT PREVENTS OR OBSTRUCTS COMPLIANCE WITH THIS ACT.

2 ~~—— (2) A state agency shall not promulgate rules inconsistent~~
3 ~~with this act. This subsection does not apply to rules~~
4 ~~promulgated under the fire prevention code, 1941 PA 207, MCL 29.1~~
5 ~~to 29.34, by the state fire safety board with respect to the~~
6 ~~transportation of liquefied petroleum gas.~~

7 (2) ~~—(3)—~~ The fine for operating a vehicle with a serious
8 safety defect ordered to be paid under an ordinance or resolution
9 adopted by a township, city, village, or county that is
10 consistent with section 7b shall be paid to the county treasurer
11 and shall be allocated as follows:

12 (a) Seventy percent to the township, city, village, or
13 county in which the citation is issued.

14 (b) Thirty percent for library purposes as provided by law.

15 (3) ~~—(4)—~~ Subsection ~~—(3)—~~ (2) does not apply to a ~~—civil~~
16 fine ordered to be paid for a case in which the citation is
17 dismissed pursuant to subsection ~~—(5)—~~ (4).

18 (4) ~~—(5)—~~ The owner or operator of a commercial motor
19 vehicle shall not be issued more than 1 citation for each
20 violation of a code or ordinance regulating the operation of a
21 commercial motor vehicle and substantially corresponding to a
22 provision of sections 683 to 725a of the Michigan vehicle code,
23 1949 PA 300, MCL 257.683 to 257.725a, within a 24-hour period. If
24 the owner or operator of a commercial motor vehicle is issued a
25 citation by a township, city, village, or county for an equipment
26 violation that does not result in the vehicle being placed out of
27 service, the court shall dismiss the citation if the owner or

1 operator of that commercial motor vehicle provides written proof
2 to the court within 14 days after the citation is issued showing
3 that the defective equipment indicated in the citation has been
4 repaired.

5 ~~—— (6) In order to be classified as a motor carrier enforcement~~
6 ~~officer, a police officer must have training equal to the minimum~~
7 ~~training requirements, including any annual training updates,~~
8 ~~established by the department of state police for an officer of~~
9 ~~the motor carrier division of the department of state police. A~~
10 ~~police officer who has received training equal to these minimum~~
11 ~~training requirements before the effective date of this section~~
12 ~~is considered a motor carrier enforcement officer for purposes of~~
13 ~~this act.~~

14 ~~—— (7) As used in this section, "inconsistent" means a rule or~~
15 ~~ordinance that is more permissive than the provisions of this~~
16 ~~act, or is more restrictive, or requires more action, equipment,~~
17 ~~or permits, or prevents or obstructs compliance with the~~
18 ~~provisions of this act.~~

19 Sec. 12. (1) Except as provided in subsection (2), a person,
20 driver, owner, carrier, lessee, or lessor shall not transfer or
21 allow to be transferred a hazardous material from a cargo tank,
22 portable tank, or any other container to any cargo tank, portable
23 tank, fuel tank, or any other container on a highway, road,
24 street, or alley within this state.

25 (2) Subsection (1) does not apply to the following transfer
26 situations:

27 (a) Fueling machinery or equipment for construction, farm,

1 and maintenance use.

2 (b) Fueling emergency vehicles.

3 (c) Under emergency conditions, ~~if the~~ A transfer ~~is~~ **MAY**
4 **BE** made ~~in a safe manner. The~~ **PROVIDED IT IS APPROVED BY THE**
5 local fire chief, the state fire marshal, or a hazardous
6 materials ~~officer~~ **INVESTIGATOR** of the motor carrier division of
7 the department of state police ~~may prohibit a transfer~~ pursuant
8 to their respective authority under the fire prevention code,
9 Act No. 207 of the Public Acts of 1941, being sections 29.1 to
10 29.33 of the Michigan Compiled Laws 1941 PA 207, MCL 29.1 TO
11 29.34.

12 (3) A PERSON SHALL NOT OVERFILL A CONTAINER, INCLUDING A
13 STORAGE TANK, DURING A TRANSFER OF A HAZARDOUS MATERIAL FROM OR
14 INTO A VEHICLE, SO THAT HAZARDOUS MATERIAL IS RELEASED FROM THE
15 PACKAGE OR CONTAINER.

16 (4) THE PENALTY FOR VIOLATING THIS SECTION SHALL BE AS
17 PRESCRIBED IN SECTION 7C.

18 SEC. 13. (1) A PERSON, DRIVER, OWNER, CARRIER, LESSEE, OR
19 LESSOR SHALL NOT TRANSPORT OR ALLOW TO BE TRANSPORTED A VEHICLE
20 CARRYING HAZARDOUS MATERIALS IN AN AMOUNT REQUIRED TO BE
21 PLACARDED UNDER TITLE 49 OF THE CODE OF FEDERAL REGULATIONS ON A
22 ROUTE AS IDENTIFIED ON THE NATIONAL HAZARDOUS MATERIALS ROUTE
23 REGISTRY AS DETERMINED BY THE DEPARTMENT OF TRANSPORTATION UNDER
24 TITLE 49 CFR.

25 (2) THE PENALTY FOR VIOLATING THIS SECTION SHALL BE AS
26 PRESCRIBED IN SECTION 7C.

27 SEC. 14. (1) A STATE CIVIL INFRACTION SHALL BE ENFORCED IN

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1 THE MANNER PROVIDED FOR ENFORCEMENT OF STATE CIVIL INFRACTIONS IN
2 CHAPTER 88 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
3 MCL 600.8801 TO 600.8835.

4 (2) WHEN A PERSON WHO IS NOT A RESIDENT OF THIS STATE IS
5 STOPPED FOR A STATE CIVIL INFRACTION UNDER THIS ACT OR ANY RULE
6 UNDER THIS ACT, THE POLICE OFFICER MAKING THE STOP SHALL TAKE
7 SECURITY FOR THE NONRESIDENT'S APPEARANCE IN COURT. THE PERSON
8 STOPPED MAY RECOGNIZE TO THE OFFICER OR TO THE COURT FOR HIS OR
9 HER APPEARANCE BY LEAVING WITH THE OFFICER OR COURT A GUARANTEED
10 APPEARANCE CERTIFICATE OR A SUM OF MONEY NOT TO EXCEED \$100.00.

11 (3) IF A MAGISTRATE IS AVAILABLE FOR AN IMMEDIATE
12 APPEARANCE, UPON DEMAND OF THE PERSON STOPPED, THE OFFICER
13 IMMEDIATELY SHALL TAKE THE NONRESIDENT DRIVER BEFORE THE
14 MAGISTRATE TO ANSWER TO THE STATE CIVIL INFRACTION ALLEGED. IF
15 THE NONRESIDENT DEFENDANT REQUESTS A FORMAL HEARING, THE HEARING
16 SHALL BE SCHEDULED AND THE DEFENDANT SHALL LEAVE WITH THE COURT
17 THE GUARANTEED APPEARANCE CERTIFICATE OR DEPOSIT AS SECURITY FOR
18 APPEARANCE AT THE SCHEDULED [INFORMAL OR] FORMAL HEARING.

19 (4) THE OFFICER RECEIVING A GUARANTEED APPEARANCE
20 CERTIFICATE OR DEPOSIT OF MONEY SHALL GIVE A RECEIPT TO THE
21 PERSON STOPPED FOR THE GUARANTEED APPEARANCE CERTIFICATE OR THE
22 MONEY DEPOSITED TOGETHER WITH THE WRITTEN CITATION.

23 (5) AT OR BEFORE THE COMPLETION OF HIS OR HER TOUR OF DUTY,
24 A POLICE OFFICER TAKING A CERTIFICATE OR DEPOSIT OF MONEY SHALL
25 DELIVER THE CERTIFICATE OR DEPOSIT OF MONEY AND THE CITATION
26 EITHER TO THE COURT NAMED IN THE CITATION OR TO THE POLICE CHIEF
27 OR PERSON AUTHORIZED BY THE POLICE CHIEF TO RECEIVE CERTIFICATES

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1 OR DEPOSITS. THE POLICE CHIEF OR PERSON AUTHORIZED BY THE POLICE
2 CHIEF SHALL DEPOSIT THE CERTIFICATE OR THE MONEY DEPOSITED AND
3 THE CITATION WITH THE COURT. FAILURE TO DELIVER THE MONEY
4 DEPOSITED SHALL BE EMBEZZLEMENT OF PUBLIC MONEY.

5 (6) IF THE PERSON WHO POSTS A CERTIFICATE OR DEPOSIT FAILS
6 TO APPEAR AS REQUIRED IN THE CITATION OR FAILS TO APPEAR FOR A
7 SCHEDULED [INFORMAL OR] FORMAL HEARING, THE COURT HAVING JURISDICTION AND
8 VENUE
9 OVER THE CIVIL INFRACTION SHALL ENTER A DEFAULT JUDGMENT AGAINST
10 THE PERSON, AND THE GUARANTEED APPEARANCE CERTIFICATE OR MONEY
11 DEPOSITED SHALL BE FORFEITED AND APPLIED TO ANY CIVIL FINE OR
12 COSTS ORDERED.

13 (7) FOR PURPOSES OF THIS SECTION, "GUARANTEED APPEARANCE
14 CERTIFICATE" MEANS A CARD OR CERTIFICATE CONTAINING A PRINTED
15 STATEMENT THAT A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THIS
16 STATE GUARANTEES THE APPEARANCE OF THE PERSON WHOSE SIGNATURE
17 APPEARS ON THE CARD OR CERTIFICATE AND THAT THE COMPANY, IF THE
18 PERSON FAILS TO APPEAR IN COURT AT THE TIME OF A SCHEDULED
19 INFORMAL OR FORMAL HEARING OR TO PAY ANY FINE OR COSTS IMPOSED,
20 WILL PAY ANY FINE, COSTS, OR BOND FORFEITURE IMPOSED ON THE
21 PERSON IN A TOTAL AMOUNT NOT TO EXCEED \$200.00.

22 (8) AS USED IN THIS ACT, "STATE CIVIL INFRACTION" MEANS THAT
23 TERM AS DEFINED IN SECTION 113(1)(A) OF THE REVISED JUDICATURE
24 ACT OF 1961, 1961 PA 236, MCL 600.113.

25 SEC. 15. A TRUCK, TRUCK TRACTOR, TRAILER, SEMITRAILER, OR
26 ANY COMBINATION OF THESE, WHEN USED ON A HIGHWAY, SHALL BE
27 CONSTRUCTED, EQUIPPED, OR OPERATED TO PREVENT WATER OR OTHER ROAD
28 SURFACE SUBSTANCES FROM BEING THROWN FROM THE REAR WHEELS OF THE

1 VEHICLE OR COMBINATION AT TANGENTS EXCEEDING 22-1/2 DEGREES
2 MEASURED FROM THE ROAD SURFACE. IF A FLAP TYPE DEVICE IS USED, IT
3 SHALL NOT HAVE ATTACHED ANY TYPE OF LAMP, BREAKABLE REFLECTIVE
4 MATERIAL, OR REFLECTING BUTTONS NOR MAY THE DEVICE EXTEND BEYOND
5 THE MAXIMUM WIDTH OF THE VEHICLE OR COMBINATION.

6 Enacting section 1. The following sections of the motor
7 carrier safety act of 1963, 1963 PA 181, are repealed:

- 8 (a) MCL 480.11b.
- 9 (b) MCL 480.12a.
- 10 (c) MCL 480.12b.
- 11 (d) MCL 480.12c.
- 12 (e) MCL 480.12g.
- 13 (f) MCL 480.12h.
- 14 (g) MCL 480.12i.
- 15 (h) MCL 480.12j.
- 16 (i) MCL 480.12k.
- 17 (j) MCL 480.12l.
- 18 (k) MCL 480.12m.
- 19 (l) MCL 480.12n.
- 20 (m) MCL 480.12o.
- 21 (n) MCL 480.12p.
- 22 (o) MCL 480.12q.
- 23 (p) MCL 480.12r.
- 24 (q) MCL 480.12s.
- 25 (r) MCL 480.12t.
- 26 (s) MCL 480.12u.
- 27 (t) MCL 480.12v.

1 (u) MCL 480.12w.

2 Enacting section 2. This amendatory act does not take
3 effect unless all of the following bills of the 93rd Legislature
4 are enacted into law:

5 (a) House Bill No. 4857.

6 (b) House Bill No. 4858.