

# SENATE BILL No. 672

November 29, 2017, Introduced by Senator PAVLOV and referred to the Committee on Transportation.

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 5 (MCL 480.15), as amended by 2017 PA 116.

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

1           Sec. 5. (1) In the case of intrastate transportation, the  
2 provisions of 49 CFR 391.21 relating to application for employment,  
3 49 CFR 391.23 relating to investigations and inquiries, 49 CFR  
4 391.31 relating to road tests, 49 CFR part 395 relating to hours of  
5 service, 49 CFR 383.71 and 391.41 to 391.45, to the extent that  
6 they require a driver to be medically qualified or examined and to  
7 have a 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 act~~

1 ~~de~~ **DOES** not apply to a self-propelled implement of husbandry or an  
2 implement of husbandry being drawn by a farm tractor or another  
3 implement of husbandry.

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

10 (4) This act and the rules promulgated under this act do not  
11 apply to a commercial motor vehicle owned and operated by a unit of  
12 government or its employees, except as otherwise provided by this  
13 act, and except for 49 CFR 383.71(h) and all of 49 CFR parts 382,  
14 391, 392, and 393. Notwithstanding any other provision of this  
15 subsection, the provisions of 49 CFR 391.41 to 391.49 do not apply  
16 to a firefighter operating a commercial motor vehicle that is  
17 necessary to firefighting or the preservation of life or property,  
18 or the execution of an emergency governmental function of a local  
19 unit of government or government authority.

20 (5) A combination of vehicles with an actual combination gross  
21 vehicle weight or a gross combination weight rating of 26,000  
22 pounds or less, if the trailer or semitrailer has an actual gross  
23 vehicle weight or gross vehicle weight rating of 15,000 pounds or  
24 less, may be equipped with surge brakes for intrastate operation as  
25 allowed by section 705(1)(c) of the Michigan vehicle code, 1949 PA  
26 300, MCL 257.705. Vehicles of any size that are transporting  
27 hazardous materials in an amount that requires placarding or

1 vehicles that are designed to transport more than 8 passengers,  
2 including the driver, shall not be equipped with surge brakes for  
3 intrastate operation.

4 (6) Except for the purpose of granting a waiver in accordance  
5 with section 53 of the pupil transportation act, 1990 PA 187, MCL  
6 257.1853, this act and the rules promulgated under this act do not  
7 apply to a school bus as defined in section 7 of the pupil  
8 transportation act, 1990 PA 187, MCL 257.1807.

9 ~~(7) Except for section 6, this act and the rules promulgated~~  
10 ~~under this act do not apply to a motor bus as defined in, and for~~  
11 ~~which a certificate of authority was issued under, the motor bus~~  
12 ~~transportation act, 1982 PA 432, MCL 474.101 to 474.141.~~

13 (7) ~~(8)~~ A motor carrier operating entirely in intrastate  
14 commerce solely within this state shall not permit or require an  
15 operator of a commercial motor vehicle engaged in seasonal  
16 construction-related activities, regardless of the number of motor  
17 carriers using the operator's services, to do either of the  
18 following:

19 (a) Operate for any period after having been on duty 70 hours  
20 in any 7 consecutive days or having been on duty 80 hours in any  
21 period of 8 consecutive days.

22 (b) Operate more than 12 hours or be on duty more than 16  
23 hours in any day.

24 (8) ~~(9)~~ As used in this section:

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

27 (b) "Implement of husbandry" means that term as defined in

1 section 21 of the Michigan vehicle code, 1949 PA 300, MCL 257.21.

2 (c) "Public utility" means a person that operates equipment or  
3 facilities for producing, generating, transmitting, delivering, or  
4 furnishing gas or electricity for the production of light, heat, or  
5 power for the public for compensation.

6 Enacting section 1. This amendatory act takes effect 90 days  
7 after the date it is enacted into law.