

# SENATE BILL No. 726

December 13, 2017, Introduced by Senator CASPERSON and referred to the Committee on Transportation.

A bill to amend 1963 PA 181, entitled  
"Motor carrier safety act of 1963,"  
by amending section 1a (MCL 480.11a), as amended by 2012 PA 231.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1a. (1) This state adopts the following provisions of  
2 title 49 of the code of federal regulations on file with the office  
3 of the secretary of state, except where modified by this act:

4       (a) Hazardous materials regulations, being 49 CFR parts 105  
5 through 180 except for the transportation of agricultural products  
6 for which an exception from the application of 49 CFR subchapter C  
7 and 49 CFR part 172, subparts G and H, is provided under 49 CFR  
8 173.5, is specifically authorized if the transportation is in  
9 compliance with this act and other state law.

(b) Motor carrier safety regulations, being 49 CFR parts 40, 356, 365, 368, 371 through 373, 375, 376, 379, 382, 383, 385, 387, 390 through 393, 395 through 399 including the appendices of each part, except for the following:

(i) Except as provided in this subparagraph, where the term "United States department of transportation", "federal motor carrier safety administration", "federal motor carrier safety administrator", "director", "bureau of motor carrier safety", "pipeline and hazardous materials administration", or "associate administrator for hazardous materials safety" appears, it refers to the department of state police. If the term is being used for the purposes of 49 CFR part 397 as it relates to routing and movement of hazardous materials, it refers to the ~~Michigan~~ state transportation department.

(ii) Where "interstate" appears, it means intrastate or interstate, or both, as applicable, except as specifically provided in this act.

(iii) Where "special agent of the federal motor carrier safety administration", "administration personnel", or "hazardous materials enforcement specialist" appears, it either means a peace officer or an enforcement member of the ~~motor carrier~~ **COMMERCIAL VEHICLE ENFORCEMENT** division of the department of state police.

~~(iv) Where MCS 63 appears, it means MC 9 and MC 9b.~~

~~(v) Where MCS 64 appears, it means UD 70.~~

(iv) ~~(vi)~~ Exempt intracity zones and the regulations applicable to exempt intracity zones do not apply to this act.

(2) This act does not apply to a bus operated by a public

1 transit agency operating under any of the following:

2 (a) A county, city, township, or village as provided by law,  
3 or other authority incorporated under 1963 PA 55, MCL 124.351 to  
4 124.359. Each authority and governmental agency incorporated under  
5 1963 PA 55, MCL 124.351 to 124.359, has the exclusive jurisdiction  
6 to determine its own contemplated routes, hours of service,  
7 estimated transit vehicle miles, costs of public transportation  
8 services, and projected capital improvements or projects within its  
9 service area.

10 (b) An authority incorporated under the metropolitan  
11 transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to  
12 124.426, or that operates a transportation service under an  
13 interlocal agreement as that term is defined in section 2 of the  
14 urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.502.

15 (c) A contract entered into under 1967 (Ex Sess) PA 8, MCL  
16 124.531 to 124.536, or 1951 PA 35, MCL 124.1 to 124.13.

17 (d) An authority incorporated under the public transportation  
18 authority act, 1986 PA 196, MCL 124.451 to 124.479, or a nonprofit  
19 corporation organized under the nonprofit corporation act, 1982 PA  
20 162, MCL 450.2101 to 450.3192, that provides transportation  
21 services.

22 (e) An authority financing public improvements to  
23 transportation systems under the revenue bond act of 1933, 1933 PA  
24 94, MCL 141.101 to 141.140.

25 (3) Except as otherwise provided in this subsection,  
26 subsection (1)(b) and sections 5(8) and 6(1) do not apply to a  
27 vehicle that is not a commercial motor vehicle as defined in 49 CFR

1 383.5 and that is operated in intrastate commerce as defined in 49  
2 CFR 390.5. A vehicle to which subsection (1)(b) does not apply  
3 under this subsection remains subject to 49 CFR parts 391 through  
4 393.

5 (4) As used in this act:

6 (a) "Hazardous material vehicle inspection or repair facility"  
7 means a commercial enterprise that performs inspections,  
8 certification, testing, or repairs to commercial motor vehicles  
9 transporting hazardous materials as required by 49 CFR parts 105 to  
10 180 and includes motor carriers that perform the inspections,  
11 certification, testing, or repairs to vehicles owned or leased by  
12 the motor carrier.

13 (b) "Medical examiner" means that term as defined under 49 CFR  
14 390.5.

15 Enacting section 1. This amendatory act updates the reference  
16 to title 49 of the code of federal regulations to incorporate by  
17 reference the provisions of title 49 of the code of federal  
18 regulations as of the effective date of this amendatory act.