

HOUSE BILL NO. 5175

October 30, 2025, Introduced by Reps. Carra, Alexander, DeSana, Schriver, Maddock, Kelly and Fox and referred to Committee on Transportation and Infrastructure.

A bill to amend 1951 PA 51, entitled

"An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the

truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; to investigate and study the tolling of roads, streets, highways, or bridges; and to repeal acts and parts of acts,"

(MCL 247.651 to 247.675) by adding section 13c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 13c. (1) Beginning with bids received on or after January**
 2 **1, 2026, subject to subsections (2) and (3), the department must,**
 3 **and a local road agency may, if undertaking a new construction or**
 4 **full reconstruction of a highway segment or bridge, obtain a**
 5 **contract that provides for a contractor to design, build, operate,**

1 preserve, and maintain the highway segment or bridge for not less
2 than 10 years after the project is completed or until the first
3 capital preventative maintenance treatment, whichever is later. The
4 prime contractor on a contract described in this subsection is
5 responsible for the work of any subcontractors for the life of that
6 contract.

7 (2) The standards required for the designing, building,
8 operating, preserving, and maintaining of a highway segment or
9 bridge under a contract described in subsection (1) may be
10 negotiated between the department or local road agency and the
11 contractor, including, but not limited to, what is considered
12 general maintenance that is not the responsibility of the
13 contractor.

14 (3) A contract described in subsection (1) may provide for the
15 financing of the project and must provide, at a minimum, for all of
16 the following:

17 (a) If the contractor breaches the contract, the department or
18 local road agency may either withhold payments or renegotiate the
19 terms of the contract with the contractor.

20 (b) The lowest contract payment made during any 1 year of the
21 contract term must be not less than 10% of the highest contract
22 payment made during any 1 year of the contract term.

23 (c) That the contractor is not responsible for repairing
24 damage to a highway segment or bridge that is caused by a disaster
25 that results in a state of emergency being declared by the state or
26 county.

27 (4) As used in this section:

28 (a) "Disaster" means an occurrence or threat of widespread or
29 severe damage, injury, or loss of life or property resulting from a

1 natural or human-made cause, including, but not limited to, fire,
2 flood, snowstorm, ice storm, tornado, windstorm, wave action, oil
3 spill, water contamination, utility failure, hazardous peacetime
4 radiological incident, major transportation accident, hazardous
5 materials incident, epidemic, air contamination, blight, drought,
6 infestation, explosion, or hostile military action or paramilitary
7 action, or similar occurrences resulting from terrorist activities,
8 riots, or civil disorders.

9 (b) "General maintenance" means preventive care as determined
10 by contracting, and may include, but is not limited to, chip
11 sealing, pothole repair, snow plowing, removing animals, installing
12 cable and barrier guards, and applying sand and salt.

13 (c) "Local road agency" means that term as defined in section
14 9a.

15 (d) "New construction or full reconstruction" includes, but is
16 not limited to, 1 or more of the following:

17 (i) Reconstruction.

18 (ii) Rehabilitation.

19 (iii) Widening of less than the width of 1 lane.

20 (iv) Adding auxiliary weaving, climbing, or speed change lanes.

21 (e) "Operate" does not include operating tolling on a highway
22 segment or bridge.

23 Enacting section 1. This amendatory act does not take effect
24 unless House Bill No. 5176 (request no. H00856'25) of the 103rd
25 Legislature is enacted into law.