



**House  
Legislative  
Analysis  
Section**

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**TRUCK SAFETY PACKAGE**

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**House Bill 5678 (Substitute H-3)**  
Sponsor: Rep. Francis R. Spaniola

**House Bill 5679 with committee amendments**  
Sponsor: Rep. Philip E. Hoffman

**House Bill 5683 with committee amendments**  
Sponsor: Rep. Vincent J. Porreca

**House Bill 5687 (Substitute H-1)**  
Sponsor: Ken DeBeaussiaert

**Committee: Transportation**  
**First Analysis (6-20-88)**

H.B. 5678-5679, 5683 & 5687 (6-20-88)

**THE APPARENT PROBLEM:**

Truck safety has been an issue of increasing concern to the legislature within the past decade because of the increasing number of accidents involving trucks. The Department of Transportation estimates that truck related accidents have increased approximately 65 percent from 1983-1985, while the rate for automobiles increased 11-14 percent during the same period. There have been several changes within the trucking industry and within the economic environment which within the past decade that can be cited as contributing factors to the increase in truck accidents. Deregulation of the truck industry, the recent downsizing of cars, and an increase in the number of trucks traveling the state's highways are all factors which have contributed to the increase in the rate of truck accidents and violations. In addition, procedures used to enforce safety practices have also changed as a result of new technology, such as advanced scales used to weigh trucks. It is not clear what the eventual affect of all of the recent changes will have on the industry. However, it is clear that these changes have led to safety standards being violated at an increasing rate. A truck safety subcommittee of the standing committee on Transportation was established in January 1987 to take testimony from interested parties concerning truck safety issues and to formulate legislation to address the concerns set forth. The following bills are part of a comprehensive truck safety package formulated to address truck safety issues.

**THE CONTENT OF THE BILL:**

House Bill 5678 would amend the Fire Prevention Code to require a vehicle used for the transportation of flammable liquid, combustible liquid, or liquefied petroleum gas in cargo tanks to be annually certified and inspected by the Department of State Police.

MCL 29.5b

House Bill 5679 would amend the Motor Carrier Safety Act to require accident reports filed about accidents involving certain commercial vehicles to include the type, size, and weight of the commercial vehicle involved in the accident beginning April 1, 1989. The Department of State Police would have to modify the accident report form as necessary to provide the information required by the bill. The bill would apply to those commercial motor vehicles having a gross vehicle weight of 26,001 pounds or more, carrying hazardous material, and that were required to be posted with a placard as defined and required under federal rules.

MCL 480.7a

House Bill 5683 would amend the Michigan Vehicle Code to require vehicles with a gross weight of 10,000 pounds or more, and all vehicles transporting hazardous materials, to comply with rules developed by the Department of State Police under the Motor Carrier Safety Act relating to physical qualifications of drivers and the equipment requirements of the vehicles they operate. However, a motor bus or limousine defined under the Motor Bus Transportation Act would be required to comply with rules developed by the State Transportation Department under the Motor Bus Transportation Act.

MCL 257.601a

Under the Michigan Vehicle Code, class 1, class 2, or class 3 indorsements are required on an operator's or chauffeur's license before a person may operate a vehicle of a certain weight. House Bill 5687 would amend the code to establish vehicle designations and indorsements in place of the current class indorsements, and to establish different weight standards in compliance with federal rules. Despite the different weight standards for vehicle indorsements and designations, the same fees and requirements currently pertaining to class 1, 2 and 3 indorsements would pertain to vehicle indorsements and designations.

Vehicle Group Designations. Currently, the Michigan Vehicle Code requires a person to obtain a class 1 indorsement on his or her operator's or chauffeur's license in order to operate a single vehicle weighing over 24,000 pounds and a class 2 indorsement before operating a combination of vehicles weighing over 24,000 pounds. The bill would delete these requirements and provide that before operating a combination of vehicles weighing 26,001 pounds or more, or a vehicle towing a vehicle weighing over 10,000 pounds gross vehicle weight, a person would be required to obtain a group A vehicle designation on his or her operator's or chauffeur's license. Unless an indorsement was required, a person licensed to operate a group A designated vehicle could operate a group C or D designated vehicle without taking another test.

The code currently requires a person to obtain a class 3 indorsement before operating a bus or a school bus. The bill would require a person to obtain a group B vehicle designation on his or her operator's or chauffeur's license before operating a bus or school bus. Unless an indorsement was required, a person licensed to operate a group B designated vehicle could operate a group D designated vehicle without taking another test.

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The bill would require a person to obtain a Group C vehicle designation on his or her operator's or chauffeur's license before operating a vehicle weighing 26,001 pounds or more gross vehicle weight, or any combination of vehicles with a gross vehicle weight of 26,001 pounds or more, or a vehicle towing a vehicle weighing no more than 10,000 pounds gross vehicle weight. Unless an indorsement was required, a person licensed to operate a group C designated vehicle could operate a group D designated vehicle without taking another test.

The bill would prohibit operation of a motor vehicle under 26,001 pounds gross vehicle weight that was carrying hazardous materials on which a placard was required under federal rules, unless a person had first obtained a group D vehicle designation and a hazardous material indorsement on his or her operator's or chauffeur's license.

Vehicle Group Indorsements. The bill would require a person to obtain the appropriate vehicle group designation and vehicle group indorsement before operating certain commercial vehicles. More than one indorsement could be necessary to operate a commercial motor vehicle and an applicant for an indorsement would take the knowledge and skills tests described and required under federal rules. Appropriate vehicle group indorsements required for certain types of commercial motor vehicles are listed below:

Commercial Motor Vehicle

vehicle equipped with air brakes  
vehicle pulling double or triple trailers  
articulated bus  
vehicle with cargo tanks  
vehicles carrying hazardous materials

Vehicle Group Indorsement

AR vehicle group indorsement  
TT vehicle group indorsement  
AB vehicle group indorsement  
CT vehicle group indorsement  
HM vehicle group indorsement

The bill would exempt farmers from the vehicle group indorsement and designation requirements if the vehicles which they operated had farm registration plates and weighed less than 26,000 pounds (increased from 24,000 pounds) when towing a trailer or semitrailer. The bill would also exempt motor homes.

Applications/Suspensions of Chauffeur's and Operator's Licenses. The bill would change the current application procedure for a chauffeur's license by requiring that an applicant's social security number, height, weight and sex be included on the application. A person applying for a vehicle group indorsement would be required to provide the same information needed to obtain a chauffeur's license. The secretary of state's office would be required to issue operator's or chauffeur's licenses with vehicle group designations that contained the following information:

- name and complete address of the licensee;
- licensee's date of birth;
- licensee's height, weight, sex, color of eyes, and color of hair;
- the social security number of the licensee or other number or identifying information as considered necessary by the U.S. Department of Transportation;
- the vehicle group designation and any indorsement of a commercial motor vehicle the licensee was authorized to operate;
- the name of the state; and
- the expiration date of the license.

Applicants for operator's or chauffeur's licenses with vehicle group designations or vehicle group indorsements would have to certify that they met the applicable federal physical driver qualification requirements if they operated or intended to operate in interstate or intrastate commerce. An applicant would have to certify that he or she had not been convicted of an offense under the code and that the vehicle in which the applicant was taking the driving skills test was representative of the type of vehicle the applicant operated or intended to operate. In addition, the applicant would have to certify that he or she had previously passed a driving skills test or had sufficient experience in driving a commercial motor vehicle. (The test or commercial motor vehicle experience would have to be acceptable to the secretary of state's office. The bill would require the secretary of state's office to check an applicant's driving record with the National Drivers Register and with the U.S. Department of Transportation before issuing an original, renewal or change of vehicle group designation or indorsement. If the applicant was previously licensed in another jurisdiction, the secretary of state's office would request information pertaining to the applicant's driving record from the other jurisdiction before licensing. The bill would allow the office to waive a driving test for an original vehicle group designation (as is currently the procedure for the current class indorsements) upon receipt of adequate evidence of experience, testing, and driving record as prescribed under federal rule. The office could also enter into an agreement with another public or private person or agency to conduct a skills test required under the federal rules. The office would also be required to provide an information manual to an applicant explaining how to obtain a vehicle group designation or indorsement upon request. The manual would contain the information required under federal rules.

The secretary of state's office would be prohibited from issuing a renewal operator's or chauffeur's license by mail for a hazardous material vehicle group designation or vehicle group indorsement. In addition to current restrictions for class indorsements, the bill would also prohibit the office from issuing an original vehicle group designation to an applicant who:

- incurred a bond forfeiture in relation to a 6-point violation under the code in the two years immediately preceding application;
- was listed on the National Driver Register or on a commercial driver license information system in the U.S. Department of Transportation as being disqualified from operating a motor vehicle or having had a license suspended, revoked, or canceled in the 36 months immediately preceding application;
- was listed on the National Driver Register or on a commercial driver license information system in the U.S. Department of Transportation as having been convicted or or incurred a bond forfeiture in relation to any of the offenses specified in the National Driver Register;
- was subject to a suspension under the code; or
- had been disqualified under federal law within 36 months immediately preceding the date of application.

The bill would also prohibit issuance of a renewal for a vehicle group designation under the conditions detailed above, except that a renewal could be made if a person had incurred a bond forfeiture in relation to a 6-point violation. When considering applicability of conditions for refusing to issue a license under certain situations, the code requires the secretary of state's office to take into consideration the points, suspensions, revocations, or violations which had occurred after April 30, 1979. However, under the bill the office would only consider disqualifications, points earned, suspensions, revocations,

or violations which occurred after April 1, 1989 when determining the applicability of the conditions described above and including a bond forfeiture.

The secretary of state's office would be required to immediately suspend all vehicle group designations on an operator's or chauffeur's license when the secretary of state received notice of a conviction or bond forfeiture for an offense described in the bill within Michigan or another state. The period of suspension would be as follows:

- 60 days when the licensee was convicted of two serious traffic offenses within 36 months while operating a commercial motor vehicle;
- 120 days when the licensee was convicted of three serious traffic offenses while operating a commercial motor vehicle within 36 months;
- one year when the licensee was convicted of: 1) a violation of driving while intoxicated or of a local ordinance or law of another state corresponding to Michigan's laws concerning driving while intoxicated while operating a commercial motor vehicle; 2) leaving the scene of an accident involving a commercial motor vehicle operated by the licensee; 3) using a commercial motor vehicle in the commission of a felony;
- three years when the licensee was convicted of using a commercial motor vehicle in the commission of a felony if the vehicle was carrying hazardous material required to have a placard under the federal rules;
- for life when the licensee was convicted of: two violations under Michigan's laws or another states laws regulating driving under the influence; two violations of leaving the scene of an accident involving a commercial motor vehicle; two violations of a felony involving the use of a commercial motor vehicle; two violations of any combinations of the offenses in this section; one violation of operating a commercial motor vehicle used in connection with a felony involving the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance.

The secretary of state's office could suspend a vehicle group designation notwithstanding a suspension, restriction, revocation, or denial of an operator's or chauffeur's license under another section of the bill. The bill would require the office to only consider convictions, violations, or bond forfeitures that occurred after March 31, 1989 when determining the applicability of conditions listed for suspension of a group designation. For suspension determinations only, bond forfeitures would be considered convictions. Upon receiving a record of a bond forfeiture determination of a person upon a charge of unlawful operation of a motor vehicle requiring a vehicle group designation while the designation was suspended, the secretary of state's office would immediately extend the period of suspension for an additional corresponding period. This provision would also apply to a person who operated a commercial vehicle while disqualified under federal law.

Information for the U.S. Department of Transportation. The secretary of state's office would be required to provide the U.S. Department of Transportation with the following information pertaining to an operator's or chauffeur's license with a vehicle group designation:

- notice of application for a license with a vehicle group designation and other information required by the U.S. Department of Transportation within 60 days after issuance of the license;
- notice of the issuance of a license with a vehicle group designation within 30 days after the issuance of the license;

- notice of a suspension, revocation, or denial of a license within 10 days after the suspension, revocation or denial. If the licensee was a nonresident, notice of the state which issued the suspension, revocation, or denial of the license would also be provided.

When nonresident drivers licensed to operate commercial vehicles were convicted of motor vehicle violations (other than parking violations), the secretary of state's office would have to notify the state official designated by the state which issued the license of the convicted person within ten days. A person could not operate a commercial motor vehicle in this state while he or she was subject to an out of service order issued under federal rules.

Taxes. The code currently requires the secretary of state's office to collect certain taxes at the time of registering a vehicle. The bill would amend the code to delete the 0-24,000 and the 24,001-26,001 elected gross weight categories for trucks weighing 8,000 pounds or less while towing a trailer or any other combination of vehicles and for trucks weighing more than 8,000 pounds, road tractors, and establish a 0-26,000 pound and 26,001-28,000 pound elected gross weight category. The bill would maintain the \$368 fee currently required for vehicles in the 0-24,000 pounds elected gross weight category for the 0-26,000 category and would maintain the \$419 fee for the 26,001-28,000 pound category. However, the bill would increase the fee for vehicles in the 36,001-42,000 pound elected gross weight category from \$612 to \$662.

Other Provisions. Under the bill, citations issued to a person operating commercial motor vehicles would contain the vehicle group designation and vehicle group indorsement description of the vehicle. In addition, if a citation was issued to a person who was operating a commercial motor vehicle, the citation would have to contain a vehicle group designation and vehicle group indorsement description of the vehicle operated by the person at the time of the alleged civil infraction. If a person was determined to be responsible or responsible with explanation for a civil infraction under the bill or a local ordinance substantially corresponding to a provision under the bill while driving a commercial motor vehicle, he or she would be ordered to pay costs as currently provided in the code and a civil fine of not more than \$250.

Municipal judges and clerks of a court of record are required to keep a full record of cases in which a person is cited for violation of the code or law corresponding to the code regulating the operation of vehicles on highways. The code also requires judges and clerks to forward abstracts of certain cases to the secretary of state's office. The bill would require the abstracts to include the type of vehicle driven at the time of the violation and whether the vehicle was a commercial motor vehicle. If the vehicle was a commercial motor vehicle, the abstract would also include the vehicle's group designation and indorsement classification. The secretary of state's office is prohibited from entering an abstract for a bond forfeiture which occurred outside of the state on a master driving record. However, the office would be required to retain and enter an abstract for an out-of-state bond forfeiture which occurred in connection with the operation of a commercial motor vehicle on a master driving record.

MCL 257.4b et al.

## ***FISCAL IMPLICATIONS:***

According to the Department of State Police, House Bills 5679 and 5683 would have no fiscal implications to the state. (6-15-88) House Bill 5678 would have fiscal implications to the department if no money is provided to

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perform the inspections, but the specific implications cannot be determined at this time. (6-15-88) According to the Department of State, House Bill 5687 would have fiscal implications to the state but the implications cannot be determined until the federal rules are completed. (6-20-88)

## **ARGUMENTS:**

### ***For:***

Under current law, tankers licensed for flammable and combustible cargo are required to be inspected every three years. The vehicles should be inspected every year or every six months because of their volatile cargo and potential danger the cargo poses to the public. House Bill 5678 would address safety concerns by requiring vehicles hauling flammable and combustible liquids or liquefied petroleum gas to be inspected every year.

### ***Against:***

The bill should not be enacted unless it includes a fee system which would pay for the inspections. Often, when legislation is enacted without provisions for sufficient revenue, the legislation is not implemented. Passage of the bill would assume that the Department of State Police will be appropriated the money needed to cover the expenses required to inspect the vehicles. However, these appropriations are not always forthcoming.

### ***For:***

Testimony before the Subcommittee on Truck Safety and Committee on Transportation indicated that more knowledge was needed about truck accidents. Currently, there is not a lot of information on which particular types of commercial vehicles are involved in certain types of accidents. In addition, the current form of gathering truck information does not allow the information to be readily shared among the different state agencies that regulate trucking industry in Michigan. House Bill 5679 will require accident reports filed under the Motor Carrier Safety Act to include certain specific information about trucks involved in accidents. In addition, the bill will allow the Department of State Police to modify the current accident report form as necessary to allow the information to be easily shared among the agencies that regulate trucking.

### ***For:***

The U.S. Congress recently passed the Commercial Motor Vehicle Safety Act to address a number of truck safety issues. The act requires state compliance or possible loss of federal highway funds. According to the U.S. Department of Transportation, Michigan is currently 85 to 90 percent in compliance with the intent of the federal laws. However, changes are necessary to meet other compliance deadlines over the next few years. House Bill 5687 and 5683 would make the changes necessary to comply with the federal legislation.

## **POSITIONS:**

The Department of State Police supports House Bills 5679, 5683, and 5687. The department would support House Bill 5678 if sufficient funds are appropriated to allow the department to perform the required inspections. (6-16-88)

The Department of State supports House Bill 5687. (6-15-88)