

# HOUSE BILL No. 5672

April 9, 1990, Introduced by Reps. Alley, Sofio, Stupak, Niederstadt, Stacey, Ouwinga and Hickner and referred to the Committee on Forestry and Minerals.

A bill to amend section 2 of article V of Act No. 254 of the Public Acts of 1933, entitled as amended

"The motor carrier act,"

as amended by Act No. 249 of the Public Acts of 1989, being section 479.2 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 2 of article V of Act No. 254 of the  
2 Public Acts of 1933, as amended by Act No. 249 of the Public Acts  
3 of 1989, being section 479.2 of the Michigan Compiled Laws, is  
4 amended to read as follows:

### ARTICLE V

5  
6       Sec. 2. (1) This act shall not apply to any of the  
7 following:

8       (a) A vehicle operated entirely within a city or village of  
9 this state; or to a motor carrier of property whose operations

1 may extend a distance of not more than 8 miles beyond the  
2 boundary of a city or village having a population of less than  
3 500,000, if the origin and destination of the property being  
4 transported is within an 8-mile radius of the city or village.  
5 The territory within the external corporate limits of a city,  
6 even though it includes and embraces the area of 1 or more sepa-  
7 rately organized and existing cities, shall be considered a  
8 single city. Notwithstanding any other provision of this subdi-  
9 vision, a certificate or permit issued under this act is required  
10 for the operation of a vehicle of a motor carrier, other than a  
11 vehicle exempted under subdivisions (b) to (o), in the transpor-  
12 tation of property between a city having a population of 500,000  
13 or more and a city or village located within the commercial zone  
14 of a city having a population of 500,000 or more, or between  
15 cities or villages within that commercial zone. As used in this  
16 subdivision, "commercial zone" means the area within an 8-mile  
17 radius of a city having a population of 500,000 or more and  
18 includes all cities and villages, any part of which are located  
19 within that 8-mile radius.

20 (b) A vehicle owned or operated by the state or the United  
21 States, or by a state or federal corporation, agency, or  
22 instrumentality.

23 (c) A vehicle owned or operated by an incorporated city,  
24 village, or school district, or by a county or township in the  
25 state or by a corporation, agency, or instrumentality of the  
26 state, for governmental purposes.

1 (d) A vehicle used exclusively for carrying United States  
2 mail.

3 (e) A vehicle used for the transportation of farm products,  
4 including livestock, when transported by other than the owner,  
5 from the farm to the market in the raw state, or used for the  
6 transportation of milk from the farm to milk stations, or trucks  
7 owned by a farmer bearing a farm truck license issued under sec-  
8 tion 801(1)(c) of the Michigan vehicle code, Act No. 300 of the  
9 Public Acts of 1949, as amended, being section 257.801 of the  
10 Michigan Compiled Laws, when being used by the farmer in hauling  
11 farm produce, livestock, or farm equipment, and supplies for  
12 other farmers for remuneration in kind or in labor, but not for  
13 money.

14 (f) A vehicle used for the transportation of fruits, eggs,  
15 poultry, fish and seafood, grain, vegetables, seeds, nursery  
16 stock, horticultural products, and sugar beets. This subdivision  
17 shall not exempt a vehicle transporting the commodities described  
18 in this subdivision in other than the raw state.

19 (g) A vehicle used for occasional accommodative service  
20 including seasonal transportation of perishable commodities even  
21 though the cost of the accommodative service and seasonal trans-  
22 portation of perishable commodities may be paid by the person  
23 accommodated.

24 (h) A dump truck having not more than 4 axles or any dump  
25 vehicle moving directly to and from a public highway, airport, or  
26 railroad or bridge construction site, when used for the  
27 transportation of sand, gravel, slag, stone, limestone, crushed

1 stone, marl, pebbles, cinders, bituminous aggregates, asphalt,  
2 blacktop, dirt, or fill material, or any dump vehicle transport-  
3 ing commodities generally transported in the dump vehicle operat-  
4 ing within an 8-mile radius of a city having a population of  
5 500,000 or more and including all other cities or villages, any  
6 part of which is located within the 8-mile radius.

7 (i) A vehicle used to transport a vehicle that is temporar-  
8 ily disabled from a point within an 8-mile radius of a city  
9 having a population of 500,000 or more and including all other  
10 cities or villages, any part of which is located within the  
11 8-mile radius to another point within that radius.

12 (j) A vehicle used for the transportation of pulpwood, logs,  
13 wood chips, bark, CANTS, and sawdust when the vehicle is being  
14 used to move the commodities from a forest, woodlot, cutting  
15 site, sawmill, or chipping site to a market or railroad siding of  
16 not more than a 140-mile radius from the place where the vehicle  
17 is loaded. AS USED IN THIS SUBDIVISION, "CANT" MEANS A LOG THAT  
18 HAS BEEN CUT AND TRIMMED FOR DELIVERY TO A MILL OR OTHER FACILITY  
19 BEFORE FINAL PROCESSING INTO A FINISHED WOOD PRODUCT.

20 (k) A vehicle having a manufacturer's rating of not more  
21 than 1-1/2 tons capacity or the equivalent gross vehicle weight  
22 rating used for the transportation of newspapers.

23 (l) A vehicle towing a disabled motor vehicle from the loca-  
24 tion at which it was disabled to another location or a vehicle  
25 towing a motor vehicle involved in an accident from the location  
26 of the accident to another location.

1 (m) A vehicle used in the transportation of livestock,  
2 poultry feed, chemicals, pesticides, and fertilizers on movements  
3 directly to a farm for use in agricultural production.

4 (n) A vehicle used for the transportation of property for  
5 compensation provided by a person who is a member of a corporate  
6 family for other members of the corporate family, if all of the  
7 following conditions are met:

8 (i) The parent corporation notifies the commission annually  
9 of its intent or the intent of 1 of its subsidiaries to provide  
10 the transportation.

11 (ii) The notice described in subparagraph (i) contains a  
12 list of participating subsidiaries and an affidavit that the  
13 parent corporation owns directly or indirectly a 100% interest in  
14 each of the subsidiaries.

15 (iii) The notice described in subparagraph (i) is accom-  
16 panied by a fee of \$100.00.

17 (iv) The commission publishes the notice described in sub-  
18 paragraph (i) in the biweekly bulletin.

19 (v) A copy of the notice described in subparagraph (i) is  
20 carried in the cab of all vehicles conducting the  
21 transportation.

22 (o) A vehicle transporting animal and poultry feed or feed  
23 ingredients to sites of agricultural production or to a business  
24 enterprise engaged in the sale to agricultural producers of goods  
25 used in agricultural production.

26 (p) A vehicle transporting recyclable materials to or from a  
27 resource recovery facility. The terms "recyclable materials" and

1 "resource recovery facility" have the meanings attributed to  
2 these terms in the solid waste management act, Act No. 641 of the  
3 Public Acts of 1978, being sections 299.401 to 299.437 of the  
4 Michigan Compiled Laws, except that the term recyclable materials  
5 does not include industrial scrap metal. This subdivision shall  
6 not be construed to exempt from this act a vehicle transporting  
7 new products.

8 (2) As used in subsection (1)(n), "corporate family" means a  
9 group of corporations consisting of a parent corporation and all  
10 subsidiaries in which the parent corporation owns directly or  
11 indirectly a 100% interest.

12 (3) None of the exemptions in this section, where applica-  
13 ble, apply to a vehicle entering this state from another state,  
14 foreign country, or subdivision of a state or foreign country  
15 that does not extend similar exemptions to vehicles from this  
16 state entering the state, foreign country, or subdivision.