

HOUSE BILL No. 5738

May 10, 1990, Introduced by Rep. Ouwinga and referred to the Committee on Transportation.

A bill to amend section 722a of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

as amended by Act No. 141 of the Public Acts of 1985, being section 257.722a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 722a of Act No. 300 of the Public Acts
2 of 1949, as amended by Act No. 141 of the Public Acts of 1985,
3 being section 257.722a of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 722a. (1) Notwithstanding any other provision of this
6 section, a truck tractor pulling a semitrailer and trailer combi-
7 nation or a truck tractor pulling 2 semitrailers shall not
8 transport, except between the hours of midnight to 6 a.m. on
9 routes and at times designated by the state fire safety board, a

1 flammable liquid, in bulk, which has a flash point at or below 70
2 degrees Fahrenheit within a county having a population of 600,000
3 or more. In addition, a truck, a truck pulling a trailer, or a
4 truck tractor pulling a semitrailer shall not transport, except
5 between the hours of midnight to 6 a.m. on routes and at times
6 designated by the state fire safety board, a flammable liquid, in
7 bulk, which has a flash point at or below 70 degrees Fahrenheit,
8 in a quantity of more than 9,000 gallons within a county having a
9 population of 600,000 or more. The exceptions provided by this
10 subsection for transport on routes designated by the state fire
11 safety board shall be construed to permit that transport only for
12 the purpose of picking up or delivering a flammable liquid at a
13 supply depot.

14 (2) Notwithstanding any other provision of this section, a
15 truck, truck pulling a trailer, truck tractor pulling a semi-
16 trailer, a truck tractor pulling a semitrailer and trailer combi-
17 nation, or a truck tractor pulling 2 semitrailers shall not
18 transport a flammable liquid, in bulk, which has a flash point at
19 or below 70 degrees Fahrenheit within this state, unless the
20 truck, truck and trailer combination, truck tractor and semi-
21 trailer combination, truck tractor, semitrailer, and trailer com-
22 bination, or truck tractor and 2 semitrailer combinations meet
23 safety standards as determined by the state fire safety board.

24 (3) Notwithstanding any other provision of this section, a
25 truck pulling a trailer, a truck tractor pulling a semitrailer
26 and trailer combination, or a truck tractor pulling 2
27 semitrailers shall not transport a flammable liquid, in bulk,

1 which has a flash point at or below 70 degrees Fahrenheit within
2 this state. This subsection shall not take effect until November
3 1, ~~1990~~ 1993.

4 (4) Notwithstanding any other provision of this section
5 other than subsections (3) and (5), a truck with a water capacity
6 of more than 9,500 gallons, a truck tractor pulling a semitrailer
7 with a water capacity of more than 9,500 gallons, a truck pulling
8 a trailer, a truck tractor pulling a semitrailer and trailer com-
9 bination, or a truck tractor pulling 2 semitrailers shall not
10 transport a flammable liquid, in bulk, which has a flash point at
11 or below 70 degrees Fahrenheit in this state, unless the existing
12 manhole or inspection ports of each truck, semitrailer, or
13 trailer in the vehicle combination has been equipped with devices
14 which are capable of withstanding the forces caused by an inter-
15 nal pressure of 50 pounds per square inch, applied and held at
16 least 50 milliseconds, and then released to 2 pounds per square
17 inch, without having any residual venting of flammable liquid
18 during the subsequent 2 pounds per square inch condition.

19 (5) Notwithstanding any other provision of this section, a
20 truck or a truck tractor pulling a semitrailer, a semitrailer and
21 trailer combination, or 2 semitrailers shall not transport a
22 flammable liquid, in bulk, which has a flash point at or below 70
23 degrees Fahrenheit in this state, if the truck or semitrailer, a
24 semitrailer and trailer combination, or 2 semitrailers are manu-
25 factured after July 1, 1982, or was manufactured before July 1,
26 1982 but was not a vehicle registered in this state by the
27 secretary of state at any time between January 1, 1985 and

1 October 1, 1985, unless the truck or the semitrailer, a
2 semitrailer and trailer combination, or 2 semitrailers have a
3 water capacity of less than 13,800 gallons.

4 (6) Notwithstanding any other provision of this section, a
5 truck or truck tractor pulling a semitrailer shall not transport
6 a flammable liquid, in bulk, which has a flash point at or below
7 70 degrees Fahrenheit in a quantity of more than 13,400 gallons.
8 This subsection shall not take effect until November 1, 1990.

9 (7) Notwithstanding any other provision of this section, a
10 truck or truck tractor pulling a trailer or semitrailer, a semi-
11 trailer or trailer combination, or 2 semitrailers shall not
12 transport a flammable liquid, in bulk, which has a flash point at
13 or below 70 degrees Fahrenheit in a quantity of more than 13,400
14 gallons unless the owner of the truck or truck tractor pulling
15 the trailer or semitrailer, combination semitrailer or trailer,
16 or 2 semitrailers files with the department of state police
17 within 60 days after ~~the effective date of this act~~ OCTOBER 31,
18 1985 a notarized statement that the truck or truck tractor pull-
19 ing the trailer or semitrailer, semitrailer or trailer combina-
20 tion, or 2 semitrailers did transport a flammable liquid, in
21 bulk, having a flash point at or below 70 degrees Fahrenheit, at
22 any time between March 1, 1985 and October 1, 1985. Attached to
23 the notarized statement shall be 1 of the following:

24 (a) A copy of the bill of lading containing the date the
25 flammable liquid was transported and the permanent identification
26 number of the trailer or semitrailer in which the flammable
27 liquid was transported.

1 (b) A copy of the daily log prepared by the driver of the
2 vehicle transporting the flammable liquid which contains the date
3 the flammable liquid was transported and the permanent identifi-
4 cation number of the trailer or semitrailer in which the flamma-
5 ble liquid was transported.

6 (8) The owner or driver of a vehicle which transports a
7 flammable liquid in violation of subsection (1), (2), (3), (4),
8 (5), (6), or (7) is guilty of a misdemeanor, punishable by a fine
9 of not more than \$3,000.00, or imprisonment for not more than 90
10 days, or both.

11 (9) Except as provided in subsection (8), a person who vio-
12 lates this section is responsible for a civil infraction.

13 (10) This section shall be enforced only by a police
14 officer.