

Act No. 134
Public Acts of 1992
Approved by the Governor
July 14, 1992
Filed with the Secretary of State
July 14, 1992

**STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1992**

Introduced by Reps. Profit, Hertel and DeMars

ENROLLED HOUSE BILL No. 5126

AN ACT to amend sections 6 and 79 of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of vehicles operated upon the public highways of this state or any other place open to the general public and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," section 6 as amended by Act No. 188 of the Public Acts of 1990, being sections 257.6 and 257.79 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 6 and 79 of Act No. 300 of the Public Acts of 1949, section 6 as amended by Act No. 188 of the Public Acts of 1990, being sections 257.6 and 257.79 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 6. (1) Except as otherwise provided in subsection (3), "chauffeur" means any of the following:

(a) A person who operates a motor vehicle as a motor common carrier of property or a motor contract carrier of property as defined in section 1(f) and (h) of the motor carrier act, Act No. 254 of the Public Acts of 1933, being section 475.1 of the Michigan Compiled Laws, or a motor carrier of passengers as defined in section 3 of the motor bus transportation act, Act No. 432 of the Public Acts of 1982, being section 474.103 of the Michigan Compiled Laws.

(b) A person who is employed for the principal purpose of operating a motor vehicle with a GVWR of 10,000 pounds or more.

(c) A person who operates a bus, school bus, or a pupil transportation vehicle as defined in section 5 of Act No. 187 of the Public Acts of 1990, being section 257.1805 of the Michigan Compiled Laws.

(d) A person who operates a taxi.

(e) A person who operates a limousine as defined by section 3 of Act No. 271 of the Public Acts of 1990, being section 257.1903 of the Michigan Compiled Laws.

(2) For purposes of subsection (1)(b), a person shall be deemed to be employed for the principal purpose of operating a motor vehicle when the person's employment customarily involves the necessary use of a motor vehicle for hire or for transporting passengers for hire, or for transporting for gain or hire any merchandise for display, sale, or delivery.

(3) "Chauffeur" does not include any of the following:

(a) A farmer or an employee of a farmer operating a vehicle exclusively in connection with the farming operations of the farmer.

(b) A fire fighter or a member of a fire department operating an ambulance.

(c) Emergency medical services personnel operating an ambulance. As used in this subdivision, "emergency medical services personnel" means that term as defined in section 20904 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.20904 of the Michigan Compiled Laws.

(d) Michigan department of transportation employees whose work consists of operating vehicles with a gross vehicle weight rating of 10,000 pounds or more for the purpose of transporting highway and bridge maintenance materials and supplies for all aspects of state trunkline maintenance, including winter maintenance and facilities maintenance.

(e) County road commission employees and other employees of local units of government who do not drive their own vehicles and whose work consists of hauling road building materials and supplies for the road commission or for other municipal purposes.

(f) A person operating a motor vehicle for a volunteer program who only receives reimbursement for the costs of operating the motor vehicle.

(g) A person who operates a motor home for personal pleasure.

Sec. 79. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks and except, only for the purpose of titling and registration under this act, a mobile home as defined in section 2 of the mobile home commission act, Act No. 96 of the Public Acts of 1987, being section 125.2302 of the Michigan Compiled Laws.

Section 2. This amendatory act shall take effect October 1, 1992.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.