

HOUSE BILL No. 5898

June 4, 1992, Introduced by Reps. Hertel and Niederstadt and referred to the Committee on Transportation.

A bill to amend sections 4 and 31 of Act No. 432 of the Public Acts of 1982, entitled

"Motor bus transportation act,"

section 4 as amended and section 31 as added by Act No. 233 of the Public Acts of 1989, being sections 474.104 and 474.131 of the Michigan Compiled Laws; and to add section 36.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 4 and 31 of Act No. 432 of the Public
2 Acts of 1982, section 4 as amended and section 31 as added by Act
3 No. 233 of the Public Acts of 1989, being sections 474.104 and
4 474.131 of the Michigan Compiled Laws, are amended and section 36
5 is added to read as follows:

6 Sec. 4. (1) ~~This~~ EXCEPT AS OTHERWISE PROVIDED IN THIS
7 ACT, THIS act shall not apply to a motor carrier of passengers
8 that is any of the following:

1 (a) A county, city, township, or village as provided by law,
2 or other authority incorporated under Act No. 55 of the Public
3 Acts of 1963, as amended, being sections 124.351 to 124.359 of
4 the Michigan Compiled Laws. Each authority and governmental
5 agency incorporated under Act No. 55 of the Public Acts of 1963
6 shall have the exclusive jurisdiction to determine its own con-
7 templated routes, hours of service, estimated transit vehicle
8 miles, costs of public transportation services, and projected
9 capital improvements or projects within its service area.

10 (b) An authority incorporated under the metropolitan trans-
11 portation authorities act of 1967, Act No. 204 of the Public Acts
12 of 1967, as amended, being sections 124.401 to 124.426 of the
13 Michigan Compiled Laws, or that operates a transportation service
14 pursuant to an interlocal agreement under the urban cooperation
15 act of 1967, Act No. 7 of the Public Acts of the Extra Session of
16 1967, as amended, being sections 124.501 to 124.512 of the
17 Michigan Compiled Laws.

18 (c) Operating under a contract entered into pursuant to Act
19 No. 8 of the Public Acts of the Extra Session of 1967, being sec-
20 tions 124.531 to 124.536 of the Michigan Compiled Laws, or Act
21 No. 35 of the Public Acts of 1951, being sections 124.1 to 124.13
22 of the Michigan Compiled Laws.

23 (d) An authority incorporated under the public transporta-
24 tion authority act, Act No. 196 of the Public Acts of 1986, being
25 sections 124.451 to 124.479 of the Michigan Compiled Laws, or a
26 nonprofit corporation organized under the nonprofit corporation
27 act, Act No. 162 of the Public Acts of 1982, being sections

1 450.2101 to 450.3192 of the Michigan Compiled Laws, that provides
2 transportation services.

3 (e) An authority financing public improvements to transpor-
4 tation systems under the revenue bond act of 1933, Act No. 94 of
5 the Public Acts of 1933, being sections 141.101 to 141.140 of the
6 Michigan Compiled Laws.

7 (2) A motor carrier of passengers exempt under
8 subsection (1) shall operate under the requirements of this act
9 when operating outside of the political subdivisions permitted by
10 the authorizing statute or the contract required by the authoriz-
11 ing statute.

12 Sec. 31. (1) The following federal motor carrier safety
13 regulations adopted by the United States department of transpor-
14 tation and in effect ~~on the effective date of this section~~ AS
15 OF JUNE 30, 1991 are adopted by the department and shall be
16 enforced in relation to motor carriers of passengers:

17 (a) 49 C. F. R. part 390, federal motor carrier safety regu-
18 lations general, except 390.17 and 390.40.

19 (b) 49 C. F. R. part 391, qualifications of drivers, except
20 391.11 (b) (1).

21 (c) 49 C. F. R. part 392, driving of motor vehicles, except
22 392.16.

23 (d) 49 C. F. R. part 393, parts and accessories necessary
24 for safe operations.

25 (e) 49 C. F. R. part 395, hours of service of drivers.

26 (f) 49 C. F. R. part 396, inspection, repair and
27 maintenance.

1 (2) THE REGULATIONS ADOPTED PURSUANT TO SUBSECTION (1) SHALL
2 APPLY TO THE DRIVERS OF MOTOR CARRIERS OF PASSENGERS REGULATED
3 UNDER THIS ACT AND TO THE DRIVERS OF THOSE MOTOR CARRIERS OF PAS-
4 SENGERS OTHERWISE EXEMPT FROM THIS ACT UNDER SECTION 4(1).

5 SEC. 36. A PERSON AGGRIEVED BY A FINAL ORDER, DECISION,
6 FINDING, RULING, OPINION, RULE, ACTION, OR INACTION PROVIDED FOR
7 UNDER THE AUTHORITY OF THIS ACT MAY SEEK JUDICIAL REVIEW IN THE
8 MANNER PROVIDED FOR IN CHAPTER 6 OF THE ADMINISTRATIVE PROCEDURES
9 ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SEC-
10 TIONS 24.301 TO 24.306 OF THE MICHIGAN COMPILED LAWS.