



HOUSE BILL No. 5215

October 10, 1995, Introduced by Reps. Bush, Brewer, Jellema and McBryde and referred to the Committee on Transportation.

A bill to amend the title and sections 1a, 2d, 2f, 2i, 2j, 2k, 2m, 2n, 2o, 2q, 2r, 2s, 2t, 2u, 2v, 2w, 3, 4, 6, 7, 9, 10, and 11 of Act No. 181 of the Public Acts of 1963, entitled as amended

"Motor carrier safety act of 1963,"

sections 1a and 7 as amended and sections 2d, 2f, 2i, 2j, 2k, 2m, 2n, 2o, 2q, 2r, 2s, 2u, 2v, 2w, 3, and 6 as added by Act No. 339 of the Public Acts of 1990, section 2t as amended by Act No. 126 of the Public Acts of 1992, and section 4 as amended and sections 10 and 11 as added by Act No. 23 of the Public Acts of 1984, being sections 480.11a, 480.12d, 480.12f, 480.12i, 480.12j, 480.12k, 480.12m, 480.12n, 480.12o, 480.12q, 480.12r, 480.12s, 480.12t, 480.12u, 480.12v, 480.12w, 480.13, 480.14, 480.16, 480.17, 480.19, 480.20, and 480.21 of the Michigan Compiled Laws;

to add sections 7c, 7d, and 12; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1a, 2d, 2f, 2i, 2j, 2k,
 2 2m, 2n, 2o, 2q, 2r, 2s, 2t, 2u, 2v, 2w, 3, 4, 6, 7, 9, 10, and 11
 3 of Act No. 181 of the Public Acts of 1963, sections 1a and 7 as
 4 amended and sections 2d, 2f, 2i, 2j, 2k, 2m, 2n, 2o, 2q, 2r, 2s,
 5 2u, 2v, 2w, 3, and 6 as added by Act No. 339 of the Public Acts
 6 of 1990, section 2t as amended by Act No. 126 of the Public Acts
 7 of 1992, and section 4 as amended and sections 10 and 11 as added
 8 by Act No. 23 of the Public Acts of 1984, being sections 480.11a,
 9 480.12d, 480.12f, 480.12i, 480.12j, 480.12k, 480.12m, 480.12n,
 10 480.12o, 480.12q, 480.12r, 480.12s, 480.12t, 480.12u, 480.12v,
 11 480.12w, 480.13, 480.14, 480.16, 480.17, 480.19, 480.20, and
 12 480.21 of the Michigan Compiled Laws, are amended and sections
 13 7c, 7d, and 12 are added to read as follows:

14 TITLE

15 An act to promote safety upon the public highways by regu-
 16 lating the operation of certain vehicles; TO PROVIDE CONSISTENT
 17 REGULATION OF THESE AREAS BY STATE AGENCIES AND LOCAL UNITS OF
 18 GOVERNMENT; to establish the qualifications of persons necessary
 19 for the safe operation of such vehicles; to limit the hours of
 20 service of persons engaged in operating such vehicles; to require
 21 the keeping of records of such operations; ~~to provide for the~~
 22 ~~assessment of fees;~~ to provide penalties for the violation of
 23 this act; to prescribe the powers and duties of certain state
 24 agencies; and to repeal certain acts and parts of acts.

1 Sec. 1a. (1) ~~For purposes of this act the~~ THIS STATE
2 HEREBY ADOPTS THE FOLLOWING PROVISIONS OF TITLE 49 OF THE CODE OF
3 FEDERAL REGULATIONS, ON FILE WITH THE OFFICE OF THE SECRETARY OF
4 STATE EXCEPT WHERE MODIFIED BY THIS ACT, TO PROVIDE FOR THE SAFE
5 TRANSPORTATION OF PERSONS AND PROPERTY WITH THE INTENT OF FOLLOW-
6 ING THE POLICIES AND PROCEDURES OF THE UNITED STATES DEPARTMENT
7 OF TRANSPORTATION'S FEDERAL HIGHWAY ADMINISTRATION AS THEY RELATE
8 TO TITLE 49 OF THE CODE OF FEDERAL REGULATIONS AND THE NORTH
9 AMERICAN STANDARD UNIFORM OUT OF SERVICE CRITERIA AND INSPECTION
10 PROCEDURES:

11 (A) HAZARDOUS MATERIALS REGULATIONS, BEING 49 C.F.R. PARTS
12 100 THROUGH 180.

13 (B) MOTOR CARRIER SAFETY REGULATIONS, BEING 49
14 C.F.R. PART 382, PART 387, PARTS 390 THROUGH 393, PARTS 395
15 THROUGH 397, AND PART 399 INCLUDING APPENDICES 1, 49 C.F.R. PART
16 40, C, D, E, AND G, EXCEPT FOR THE FOLLOWING:

17 (i) WHERE THE TERM "UNITED STATES DEPARTMENT OF
18 TRANSPORTATION", "FEDERAL HIGHWAY ADMINISTRATION", "FEDERAL HIGH-
19 WAY ADMINISTRATOR", "DIRECTOR", "BUREAU OF MOTOR CARRIER SAFETY",
20 "RESEARCH AND SPECIAL PROJECTS ADMINISTRATION", OR "ASSOCIATE
21 ADMINISTRATOR FOR HAZARDOUS MATERIALS SAFETY" APPEARS, IT REFERS
22 TO THE DEPARTMENT OF STATE POLICE.

23 (ii) WHERE "INTERSTATE" APPEARS, IT SHALL MEAN INTRASTATE OR
24 INTERSTATE, OR BOTH, AS APPLICABLE, EXCEPT AS OTHERWISE SPECIFI-
25 CALLY PROVIDED IN THIS ACT.

26 (C) WHERE "SPECIAL AGENT OF THE FEDERAL HIGHWAY
27 ADMINISTRATION", "ADMINISTRATION PERSONNEL", OR "HAZARDOUS

1 MATERIALS ENFORCEMENT SPECIALIST" APPEARS, IT EITHER MEANS A
2 PEACE OFFICER OR AN ENFORCEMENT MEMBER OR A VEHICLE INSPECTOR OF
3 THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE POLICE.

4 (D) WHERE MCS 63 APPEARS, IT MEANS MC 9 AND MC 9B.

5 (E) WHERE MCS 64 APPEARS, IT MEANS MC 5.

6 (F) EXEMPT INTRACITY ZONES AND THE REGULATIONS APPLICABLE TO
7 EXEMPT INTRACITY ZONES DO NOT APPLY TO THIS ACT.

8 (2) WHEN A COMMERCIAL MOTOR VEHICLE IS OPERATED ENTIRELY
9 WITHIN THIS STATE AND NOT OTHERWISE INVOLVED WITH THE MOVEMENT OF
10 INTERSTATE PROPERTY OR PASSENGERS IN COMMERCE, THE DEFINITIONS IN
11 THIS SUBSECTION APPLY. THE definitions contained in THOSE PARTS
12 OF 49 C.F.R. ~~390.5 shall~~ ADOPTED IN SUBSECTION (1)(B) apply to
13 this act except ~~that the definitions of employer and exempt~~
14 ~~intracity zone shall not apply to this act and except~~ for the
15 following definitions as ADDED OR modified:

16 (a) "Appeal board" means the motor carrier safety appeal
17 board created in section 1b.

18 (b) "Bus" means any motor vehicle designed for carrying 16
19 or more passengers, including the driver. Bus does not include a
20 school bus ~~, a bus defined and certificated under the motor bus~~
21 ~~transportation act, Act No. 432 of the Public Acts of 1982, being~~
22 ~~sections 474.101 to 474.141 of the Michigan Compiled Laws,~~ or a
23 bus operated by a public transit agency operating under any of
24 the following:

25 (i) A county, city, township, or village as provided by law,
26 or other authority incorporated under Act No. 55 of the Public
27 Acts of 1963, being sections 124.351 to 124.359 of the Michigan

1 Compiled Laws. Each authority and governmental agency
2 incorporated under Act No. 55 of the Public Acts of 1963 ~~shall~~
3 ~~have~~ HAS the exclusive jurisdiction to determine its own contem-
4 plated routes, hours of service, estimated transit vehicle miles,
5 costs of public transportation services, and projected capital
6 improvements or projects within its service area.

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

14 (iii) A contract entered into pursuant to Act No. 8 of the
15 Public Acts of the Extra Session of 1967, being sections 124.531
16 to 124.536 of the Michigan Compiled Laws, or Act No. 35 of the
17 Public Acts of 1951, being sections 124.1 to 124.13 of the
18 Michigan Compiled Laws.

19 (iv) An authority incorporated under the public transporta-
20 tion authority act, Act No. 196 of the Public Acts of 1986, being
21 sections 124.451 to 124.479 of the Michigan Compiled Laws, or a
22 nonprofit corporation organized under the nonprofit corporation
23 act, Act No. 162 of the Public Acts of 1982, being sections
24 450.2101 to 450.3192 of the Michigan Compiled Laws, that provides
25 transportation services.

26 (v) An authority financing public improvements to
27 transportation systems under the revenue bond act of 1933, Act

1 No. 94 of the Public Acts of 1933, being sections 141.101 to
2 141.140 of the Michigan Compiled Laws.

3 (c) "Commercial motor vehicle" means any self-propelled or
4 towed vehicle designed or used on public highways to transport
5 passengers or property, except for a bus exempted in
6 subdivision (b), if the vehicle is 1 or more of the following:

7 (i) Has either a gross vehicle weight rating or an actual
8 gross weight or gross combination weight rating or an actual
9 gross combination weight of 10,001 or more pounds.

10 (ii) Is designed for carrying 16 or more passengers, includ-
11 ing the driver.

12 (iii) Is used in the transportation of hazardous materials
13 in a quantity that requires the vehicle to be marked or placarded
14 pursuant to 49 C.F.R. parts 100 to 180.

15 (d) "Gross combination weight" or "GCW" means the combined
16 weight of a combination of vehicles and any load on those
17 vehicles.

18 (e) "Gross weight", "gross vehicle weight", or "GVW" means
19 the combined weight of a motor vehicle and any load on that
20 vehicle.

21 (F) "HAZARDOUS MATERIAL VEHICLE INSPECTION OR REPAIR
22 FACILITY" IS A COMMERCIAL ENTERPRISE THAT PERFORMS INSPECTIONS,
23 CERTIFICATION, TESTING, OR REPAIRS TO COMMERCIAL MOTOR VEHICLES
24 TRANSPORTING HAZARDOUS MATERIALS AS REQUIRED BY 49 C.F.R. PARTS
25 100 TO 180 AND INCLUDES MOTOR CARRIERS THAT PERFORM THE INSPEC-
26 TIONS, CERTIFICATION, TESTING, OR REPAIRS TO VEHICLES OWNED OR
27 LEASED BY THE MOTOR CARRIER.

1 (G) ~~(f)~~ "Motor carrier" means a carrier of passengers or
2 property in a commercial motor vehicle AND INCLUDES A PERSON WHO
3 OWNS OR LEASES A COMMERCIAL MOTOR VEHICLE OR THAT ASSIGNS EMPLOY-
4 EES TO OPERATE THE VEHICLE. Motor carrier includes a motor
5 carrier's agents, officers, and representatives, as well as
6 employees responsible for hiring, supervising, training, assign-
7 ing, or dispatching of drivers and employees concerned with the
8 installation, inspection, and maintenance of motor vehicle equip-
9 ment and accessories.

10 Sec. 2d. (1) A person shall not drive a COMMERCIAL motor
11 vehicle unless he or she is qualified to drive ~~a motor~~ THAT
12 vehicle. A motor carrier shall not require or permit a person to
13 drive a COMMERCIAL motor vehicle unless that person is qualified
14 to drive ~~a motor~~ THAT vehicle.

15 (2) ~~Except as provided in this act, a~~ A person is quali-
16 fied to drive a COMMERCIAL motor vehicle if he or she MEETS THE
17 REQUIREMENTS OF 49 C.F.R. PART 391 UNLESS HE OR SHE IS EXEMPT
18 UNDER 1 OF THE FOLLOWING:

19 (a) Meets 1 or more of the following:

20 (i) Is at least 18 years old when transporting intrastate
21 property or passengers, except as provided in subparagraphs (ii)
22 and (iii).

23 (ii) Is at least 16 years of age when acting as a farm vehi-
24 cle driver as defined in 49 C.F.R. 390.5.

25 (iii) Is at least 21 years old when transporting hazardous
26 materials in a quantity that requires the vehicle to be marked or
27 placarded pursuant to the provisions of 49 C.F.R. parts 100 to

1 180. ~~in a cargo tank as defined in 49 C.F.R. 171.8, with a~~
2 ~~gross vehicle weight of more than 40,000 pounds.~~ THIS SUBPARA-
3 GRAPH DOES NOT APPLY TO A VEHICLE ELIGIBLE FOR AND DISPLAYING
4 VALID FARM PLATES WITH A GROSS VEHICLE WEIGHT OF 40,000 POUNDS OR
5 LESS IF THE DRIVER IS 18 YEARS OF AGE OR OVER.

6 (b) ~~Can read and speak the English language sufficiently to~~
7 ~~converse with the general public, to understand highway traffic~~
8 ~~signs and signals in the English language, to respond to official~~
9 ~~inquiries, and to make entries on reports and records.~~ IS ELIGI-
10 BLE FOR AND DISPLAYS A VALID MEDICAL WAIVER CARD OR GRANDFATHER
11 RIGHTS CARD ISSUED IN ACCORDANCE WITH THIS ACT.

12 (c) ~~Can, by reason of experience or training, or both,~~
13 ~~safely operate the type of motor vehicle he or she drives.~~

14 (d) ~~Can, by reason of experience or training, or both,~~
15 ~~determine whether the cargo being transported, including baggage~~
16 ~~in a passenger carrying motor vehicle, has been properly located,~~
17 ~~distributed, and secured in or on the motor vehicle he or she~~
18 ~~drives.~~

19 (e) ~~Is familiar with methods and procedures for securing~~
20 ~~cargo in or on the motor vehicle he or she drives.~~

21 (f) ~~Is physically qualified to drive a motor vehicle in~~
22 ~~accordance with 49 C.F.R. 391.41 to 391.49.~~

23 (g) ~~Has an appropriate valid license issued only from a~~
24 ~~state or jurisdiction.~~

25 (h) ~~Has prepared and furnished the motor carrier that~~
26 ~~employs him or her with the list of violations or the certificate~~
27 ~~as required by 49 C.F.R. 391.27.~~

1 ~~(i) Is not disqualified to drive a motor vehicle under 49~~
2 ~~C.F.R. 391.15.~~

3 ~~(j) Has successfully completed a driver's road test and has~~
4 ~~been issued a certificate of driver's road test in accordance~~
5 ~~with 49 C.F.R. 391.31, or has presented an operator's license or~~
6 ~~a certificate of road test which the motor carrier that employs~~
7 ~~him or her has accepted as equivalent to a road test in accord-~~
8 ~~ance with 49 C.F.R. 391.33.~~

9 ~~(k) Has taken a written examination and has been issued a~~
10 ~~certificate of written examination in accordance with 49~~
11 ~~C.F.R. 391.35, or has presented a certificate of written examina-~~
12 ~~tion which the motor carrier that employs him or her has accepted~~
13 ~~as equivalent to a written examination in accordance with 49~~
14 ~~C.F.R. 391.37.~~

15 ~~(l) Has completed and furnished the motor carrier that~~
16 ~~employs him or her with an application for employment in accord-~~
17 ~~ance with 49 C.F.R. 391.21.~~

18 (3) A PERSON WHO QUALIFIES FOR AN EXEMPTION FROM 49
19 C.F.R. PART 391 UNDER SUBSECTION (2) SHALL COMPLY WITH ALL OTHER
20 APPLICABLE REQUIREMENTS OF PART 391.

21 Sec. 2f. Except as provided in this act, each motor carrier
22 shall, at least once every 12 months, review a copy of the
23 driver's record from each state in which the driver held a
24 license during the preceding year to determine whether that
25 driver meets minimum requirements for safe driving or is disqual-
26 ified to drive a COMMERCIAL motor vehicle pursuant to 49
27 C.F.R. 391.15. In reviewing a driving record, the motor carrier

1 ~~must~~ SHALL consider any evidence that the driver has violated
2 applicable provisions of the federal motor carrier safety regula-
3 tions and the hazardous materials regulations. The motor carrier
4 ~~must~~ SHALL also consider the driver's accident record and any
5 evidence that the driver has violated laws governing the opera-
6 tion of motor vehicles, and ~~must~~ SHALL give great weight to
7 violations, such as speeding, reckless driving, and operating
8 while under the influence of alcohol or drugs, that indicate that
9 the driver has exhibited a disregard for the safety of the
10 public. A note setting forth the date upon which the review was
11 performed and the name of the person who reviewed the driving
12 record shall be included in the driver's qualification file.

13 Sec. 2i. A person shall not drive a COMMERCIAL motor vehi-
14 cle unless he or she is physically qualified to do so and, except
15 as provided by this act, has on his or her person the original,
16 or a photographic copy, of a VALID medical examiner's certificate
17 that he or she is physically qualified to drive a COMMERCIAL
18 motor vehicle.

19 Sec. 2j. Except as provided in this act, the following per-
20 sons must be medically examined and certified in accordance with
21 49 C.F.R. 391.43 as physically qualified to drive a COMMERCIAL
22 motor vehicle:

23 (a) Any person who has not been medically examined and cer-
24 tified as physically qualified to drive a COMMERCIAL motor
25 vehicle.

1 (b) Any driver who has not been medically examined and
2 certified as qualified to drive a COMMERCIAL motor vehicle during
3 the preceding 24 months.

4 (c) Any driver whose ability to perform his or her normal
5 duties has been impaired by a physical or mental injury or
6 disease.

7 Sec. 2k. (1) A person who is not physically qualified to
8 drive under 49 C.F.R. 391.41 and who is otherwise qualified to
9 drive a COMMERCIAL motor vehicle may drive a COMMERCIAL motor
10 vehicle if the motor carrier division of the department of state
11 police or the appeal board has granted a waiver to that person.

12 (2) An application for a waiver shall be submitted jointly
13 by the person who seeks a waiver of his or her physical disquali-
14 fication and by the motor carrier that will employ the person if
15 the application is granted. The application shall be addressed
16 to:

17

18

Michigan State Police

19

Motor Carrier Division

20

300 North Clippert Street

21

Lansing, Michigan 48913

22 (3) An application for a waiver shall contain all of the
23 following:

24 (a) A description of all of the following:

25 (i) The type, size, and special equipment, if any, of the
26 vehicles the individual applicant intends to drive.

1 (ii) The general area and type of roads the individual
2 applicant intends to traverse while driving.

3 (iii) The maximum distances the individual applicant intends
4 to drive.

5 (iv) The periods of time he or she will be on duty and
6 driving.

7 (v) The nature of the commodities or cargo the individual
8 applicant intends to transport.

9 (vi) The methods the applicant or any other person will use
10 to load and secure the commodities or cargo.

11 (vii) The nature and extent of the individual applicant's
12 experience at operating COMMERCIAL motor vehicles of the type he
13 or she intends to drive.

14 (b) An agreement that the motor carrier will promptly file
15 with the motor carrier division of the department of state police
16 such reports as the division may require, including reports about
17 all of the following which involve the individual applicant:

18 (i) Driving activities.

19 (ii) Accidents.

20 (iii) Arrests.

21 (iv) License suspensions, revocations, or withdrawals.

22 (v) Convictions.

23 (c) An agreement that if a waiver is granted, it authorizes
24 the individual applicant to drive intrastate only when employed
25 by the motor carrier that joined in the individual's
26 application.

1 (4) An application for a waiver shall be accompanied by all
2 of the following:

3 (a) Not less than 2 reports of medical examinations, con-
4 ducted within the preceding 60 days of the date of the applica-
5 tion, pursuant to 49 C.F.R. 391.43, at least 1 of which was con-
6 ducted by a medical examiner selected and compensated by the
7 motor carrier, each of which includes the medical examiner's
8 opinion concerning the individual applicant's ability to operate
9 safely a vehicle of the type the applicant intends to drive.

10 (b) A copy of the certificate of driver's road test that was
11 issued to the individual applicant pursuant to 49 C.F.R. 391.31.

12 (c) A copy of the certificate of written examination that
13 was issued to the individual applicant pursuant to 49
14 C.F.R. 391.35.

15 (d) A copy of the individual applicant's application for
16 employment made pursuant to 49 C.F.R. 391.21 OR THIS ACT.

17 (5) An application for a waiver shall be signed by both the
18 individual applicant and the motor carrier. If the motor carrier
19 is a corporation, the application shall be signed by an officer
20 of the corporation. If the motor carrier is a partnership, the
21 application shall be signed by a general partner.

22 (6) The driver applicant or motor carrier applicant shall
23 not falsify information in the letter of application or the
24 renewal application.

25 (7) The motor carrier division of the department of state
26 police may deny the application or may approve the application,
27 in whole or in part, and issue a waiver subject to ~~such~~ THE

1 terms, conditions, and limitations as it ~~may consider~~ CONSIDERS
2 consistent with safety and the public interest. A waiver is
3 valid for not more than 2 years, and a waiver may be renewed upon
4 submission of a new application ~~pursuant to~~ UNDER this act.

5 (8) If the motor carrier division of the department of state
6 police grants a waiver, it shall notify each applicant by a
7 letter that sets forth the terms, conditions, and limitations of
8 the waiver. The motor carrier shall retain the letter or a legi-
9 ble copy of it in the driver's qualification file as long as the
10 individual applicant is employed by that motor carrier and for 3
11 years thereafter. The individual applicant shall have the letter
12 or a legible copy of it in his or her possession when he or she
13 drives a COMMERCIAL motor vehicle or is otherwise on duty.

14 (9) The motor carrier division of the department of state
15 police may suspend a waiver at any time. The motor carrier divi-
16 sion may revoke a waiver after the person to whom it was issued
17 is given notice of the proposed revocation and a reasonable
18 opportunity to be heard.

19 Sec. 2m. ~~(1) Each motor carrier shall maintain a driver~~
20 ~~qualification file for each driver it employs. A driver's quali-~~
21 ~~fication file may be combined with the driver's personnel file.~~

22 (1) ~~(2)~~ The qualification file for an intrastate driver
23 who has been a "regularly employed driver" as defined in 49
24 C.F.R. 390.5 of a motor carrier of property for a continuous
25 period which began on or before June 10, 1984 and the file for a
26 driver who has been a regularly employed driver of a motor
27 carrier of passengers for a continuous period which began -30

1 ~~days before the effective date of the amendatory act that added~~
2 ~~this section~~ ON OR BEFORE MARCH 3, 1991 shall include all of the
3 following:

4 (a) The original, or a legible copy, of THE MEDICAL
5 EXAMINER'S CERTIFICATE ISSUED PURSUANT TO 49 C.F.R. 391.43 AND
6 the letter granting a waiver of physical disqualification issued
7 pursuant to section 2k if required or the motor carrier division
8 form MC-25 granting a medical waiver for claiming grandfather
9 rights required by section 2n.

10 (b) The note relating to the annual review of the driver's
11 driving record required by section 2f.

12 (c) The records of violations required by 49 C.F.R. 391.27
13 ~~These records include both the driver's certified list of~~
14 ~~violations~~ and a copy of the driver's record from each state in
15 which he or she held a license during the preceding year.

16 (d) A legible copy of the driver's appropriate license.

17 (e) Any other matter which relates to the driver's qualifi-
18 cation or ability to drive a COMMERCIAL motor vehicle safely,
19 including the records kept in compliance with 49 C.F.R. 391.87.

20 (2) ~~(3)~~ The qualification file for a regularly employed
21 driver who was employed by a motor carrier of property after
22 June 10, 1984 and a regularly employed driver of a motor carrier
23 of passengers who has not been regularly employed by the motor
24 carrier for a continuous period which began ~~not less than 30~~
25 ~~days before the effective date of the amendatory act that added~~
26 ~~this subsection~~ ON OR BEFORE MARCH 3, 1991 shall include all of
27 the following:

1 (a) The documents specified in subsection (2).

2 (b) The driver's application for employment completed in
3 accordance with 49 C.F.R. 391.21 OR THIS ACT.

4 (c) The responses of state agencies and past ~~employer~~
5 EMPLOYERS to the motor carrier's inquiries concerning the
6 driver's driving record and employment in accordance with 49
7 C.F.R. 391.23.

8 (d) The original or a legible copy of the driver's road test
9 and the certificate of driver's road test issued to the driver in
10 accordance with 49 C.F.R. 391.31 OR THIS ACT, or a legible copy
11 of the license or certificate which the motor carrier accepts as
12 equivalent to the driver's road test in accordance with 49
13 C.F.R. 391.33.

14 (e) The questions asked, the answers the driver gave, and
15 the certificate of written examination issued to the driver in
16 accordance with 49 C.F.R. 391.35 OR THIS ACT, or a legible copy
17 of a certificate which the motor carrier accepted as equivalent
18 to a written examination in accordance with 49 C.F.R. 391.37.

19 (3) ~~(4)~~ The qualification file for an intermittent,
20 casual, or occasional driver shall include all of the following:

21 (a) The original or a legible copy of the medical examiner's
22 certificate required by ~~section 2j~~ 49 C.F.R. 391.43 OR THIS ACT
23 and the letter granting a waiver of a physical disqualification
24 issued pursuant to 49 C.F.R. 391.49 OR THIS ACT if required.

25 (b) The original or a legible copy of the driver's road test
26 and the certificate of driver's road test issued to the driver in
27 accordance with 49 C.F.R. 391.31 OR THIS ACT, or a legible copy

1 of the license or certificate which the motor carrier accepted as
2 equivalent to the road test in accordance with 49 C.F.R. 391.33.

3 (c) The questions asked, the answers the driver gave, and
4 the certificate of written examination issued to the driver in
5 accordance with 49 C.F.R. 391.35 OR THIS ACT, or a copy of a cer-
6 tificate which the motor carrier accepted as equivalent to a
7 written examination in accordance with 49 C.F.R. 391.37.

8 (d) The driver's name, social security number, and a legible
9 copy of the driver's appropriate license.

10 (e) Any other matter which relates to the driver's qualifi-
11 cations or ability to operate a COMMERCIAL motor vehicle safely,
12 including the records kept in compliance with 49 C.F.R. 391.87.

13 (4) ~~(5)~~ A carrier's qualification file for a driver who is
14 regularly employed by another motor carrier, and who is employed
15 by the carrier in accordance with 49 C.F.R. 391.65, shall include
16 a copy of a certificate issued by the regularly employing carrier
17 in accordance with 49 C.F.R. 391.65(a)(2) stating that the driver
18 is fully qualified to drive a COMMERCIAL motor vehicle.

19 (5) ~~(6)~~ Driver qualification files and records will be
20 maintained and retained in accordance with the following:

21 (a) Each driver's qualification file shall be kept at the
22 motor carrier's principal place of business for as long as a
23 driver is employed by that motor carrier and for 3 years
24 thereafter.

25 (b) The following records may be removed from a driver's
26 qualification file after 3 years from date of execution:

1 (i) The medical examination and the medical examiner's
2 certificate, or photographic copies, of the driver's physical
3 qualification to drive a COMMERCIAL motor vehicle as required by
4 49 C.F.R. 391.43 or 391.64.

5 (ii) The record of violations submitted by the driver
6 REQUIRED BY 49 C.F.R. 391.27 and the driving record from the
7 applicable state agency as required by ~~49 C.F.R. 391.27~~
8 SUBSECTION (1)(C).

9 (iii) The note relating to the annual review of the driver's
10 driving record as required by section 2f.

11 Sec. 2n. (1) The provisions of this act and 49
12 C.F.R. 391.21 relating to applications for employment, 49
13 C.F.R. 391.23 relating to investigations and inquiries, 49
14 C.F.R. 391.31 relating to road tests, and 49 C.F.R. 391.35 relat-
15 ing to written examinations do not apply to a driver who has been
16 a regularly employed driver of an intrastate motor carrier of
17 property for a continuous period which began on or before
18 June 10, 1984, as long as he or she continues to be a regularly
19 employed driver of that motor carrier. Such a driver is quali-
20 fied to drive a COMMERCIAL motor vehicle if he or she fulfills
21 the requirements of section ~~2d (2) (a) to (i)~~ 2D(2).

22 (2) The provisions in this act pertaining to an intrastate
23 driver's medical qualifications do not apply to any driver who:

24 (a) Has been a regularly employed driver of the motor car-
25 rier for a continuous period which began on or before June 10,
26 1984.

1 (b) Has continued to be a regularly employed driver of that
2 motor carrier.

3 (c) ~~With the exception of section 2d(2)(f), is~~ IS other-
4 wise qualified to drive a COMMERCIAL motor vehicle under
5 section 2d.

6 (d) Has made application to the appeal board claiming grand-
7 fathering rights.

8 (e) Has received a waiver of medical qualification from the
9 motor carrier division of the department of state police. The
10 "medical waiver - grandfather rights" card, motor carrier divi-
11 sion form number MC-22, shall be carried at all times on the
12 person of the driver while he or she is operating a COMMERCIAL
13 motor vehicle. The original "medical waiver - grandfather
14 rights", motor carrier division form number MC-25, will be
15 retained in the driver's qualification file in accordance with
16 section 2m.

17 (3) NOTWITHSTANDING SUBSECTION (2), THE PROVISIONS OF THIS
18 ACT PERTAINING TO RANDOM, REASONABLE CAUSE, AND POSTACCIDENT DRUG
19 TESTING APPLY TO ALL DRIVERS GRANTED GRANDFATHERING RIGHTS UNDER
20 THIS SECTION.

21 (4) THE DEPARTMENT OF STATE POLICE SHALL DISCONTINUE THE
22 ISSUANCE OF GRANDFATHER CARDS UNDER THIS ACT 1 YEAR AFTER THE
23 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.
24 GRANDFATHER CARDS ISSUED BEFORE THAT DATE REMAIN VALID UNTIL
25 DECEMBER 31, 2014.

26 Sec. 2o. (1) The provisions of 49 C.F.R. 391.21 relating to
27 applications for employment, 49 C.F.R. 391.23 relating to

1 investigations and inquiries, 49 C.F.R. 391.31 relating to road
2 tests, and 49 C.F.R. 391.35 relating to written examinations do
3 not apply to a driver who has been a regularly employed driver of
4 an intrastate motor carrier of passengers for a continuous period
5 which began ~~not less than 30 days before the effective date of~~
6 ~~the amendatory act that added this section~~ ON OR BEFORE MARCH 3,
7 1991, as long as he or she continued to be a regularly employed
8 driver of that motor carrier. Such a driver is qualified to
9 drive a bus if he or she fulfills the requirements of section
10 ~~2d(2)(a) to (i)~~ 2D(2) relating to qualifications of drivers.

11 (2) The provisions of this act pertaining to an intrastate
12 driver's medical qualifications do not apply to a bus driver
13 who:

14 (a) Has been a regularly employed driver of the motor car-
15 rier for a continuous period which began ~~not less than 30 days~~
16 ~~before the effective date of the amendatory act that added this~~
17 ~~section~~ ON OR BEFORE MARCH 3, 1991.

18 (b) Has continued to be a regularly employed driver of that
19 motor carrier.

20 (c) Is otherwise qualified to drive a bus under section 2d.
21 ~~except for the requirement of section 2d(2)(f).~~

22 (d) Has made application to the motor carrier division of
23 the department of state police claiming grandfathering rights.

24 (e) Has received a waiver of medical qualification from the
25 motor carrier division of the department of state police. The
26 medical waiver grandfather rights card, motor carrier division
27 form number MC-22, shall be carried at all times on the person of

1 the driver while he or she is operating a motor vehicle under the
2 applicability of these rules. The original medical waiver grand-
3 father rights, motor carrier division form MC-25, will be
4 retained in the driver qualification file in accordance with
5 section 2n.

6 (3) NOTWITHSTANDING SUBSECTION (2), THE PROVISIONS OF THIS
7 ACT PERTAINING TO RANDOM, REASONABLE CAUSE, AND POSTACCIDENT DRUG
8 TESTING APPLY TO ALL DRIVERS GRANTED GRANDFATHERING RIGHTS UNDER
9 THIS SECTION.

10 (4) THE DEPARTMENT OF STATE POLICE SHALL DISCONTINUE THE
11 ISSUANCE OF GRANDFATHER RIGHTS CARDS UNDER THIS ACT 1 YEAR AFTER
12 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
13 SUBSECTION. GRANDFATHER RIGHTS CARDS ISSUED BEFORE THAT DATE
14 SHALL REMAIN VALID UNTIL DECEMBER 31, 2014.

15 Sec. 2q. The provisions of 49 C.F.R. 391.21 relating to
16 application for employment, 49 C.F.R. 391.23 relating to investi-
17 gations and inquiries, 49 C.F.R. 391.31 relating to road tests,
18 49 C.F.R. 391.35 relating to written examinations, 49
19 C.F.R. 391.41 to 391.45 to the extent that they require a driver
20 to be medically qualified or examined and to have a medical
21 examiner's certificate on his or her person, and section 2 relat-
22 ing to the maintenance of files and records do not apply to a
23 driver of a COMMERCIAL MOTOR vehicle eligible for and displaying
24 a VALID farm registration plate.

25 Sec. 2r. The provisions of this act do not apply to a
26 mechanic who services motor carrier equipment during the

1 intrastate operation of this equipment when ALL OF THE FOLLOWING
2 CONDITIONS ARE MET:

3 (a) The vehicle or combinations are not being used to trans-
4 port passengers or property or any for hire or compensated trans-
5 portation including paid haulage when the units are empty.

6 (b) The mechanic is not otherwise being used as a regularly
7 employed driver.

8 (C) THE MECHANIC IS TEST DRIVING A LOADED COMMERCIAL MOTOR
9 VEHICLE WITHIN 10 MILES OF THE REPAIR FACILITY.

10 Sec. 2s. This act ~~and 49 C.F.R. part 391 do~~ DOES not
11 apply to utility, telephone, and cable television company service
12 employees if those employees:

13 (a) Are not otherwise being used as a regularly employed
14 driver.

15 (b) Are not used to operate a bus or a COMMERCIAL motor
16 vehicle, except a motor home, having a gross vehicle weight
17 rating OR A GROSS COMBINATION WEIGHT RATING of 26,001 or more
18 pounds, a motor vehicle towing a vehicle with a gross vehicle
19 weight rating of more than 10,000 pounds, or a motor vehicle car-
20 rying hazardous material and on which is required to be posted a
21 placard as defined and required under 49 C.F.R. parts 100 to
22 180. This does not include a vehicle used exclusively to trans-
23 port personal possessions or family members for nonbusiness
24 purposes.

25 Sec. 2t. ~~(1) A motor vehicle, except truck tractors, pole~~
26 ~~trailers, vehicles engaged in driveaway towaway operations, and~~
27 ~~truck tractors and semitrailer combinations described in~~

~~1 subsection (2) that were manufactured after December 31, 1952,
2 that is so constructed that the body or the chassis assembly if
3 without a body has a clearance at the rear end of more than 30
4 inches from the ground when empty, shall be provided with bumpers
5 or devices serving similar purposes which shall be so constructed
6 and located that:~~

~~7 (a) The clearance between the effective bottom of the
8 bumpers or devices and the ground shall not exceed 30 inches with
9 the vehicle empty.~~

~~10 (b) The maximum distance between the closest points between
11 bumpers or devices, if more than 1 is used, shall not exceed 24
12 inches.~~

~~13 (c) The maximum transverse distance from the widest part of
14 the motor vehicle at the rear to bumper or device shall not
15 exceed 18 inches.~~

~~16 (d) The bumpers or devices are located not more than 24
17 inches forward of the extreme rear of the vehicle.~~

~~18 (e) The bumpers or devices are substantially constructed and
19 firmly attached. Motor vehicles constructed and maintained so
20 that the body chassis or other parts of the vehicle afford the
21 rear end protection contemplated shall be considered to be in
22 compliance with this section.~~

~~23 (1) (2) A~~ IN ADDITION TO THE REQUIREMENTS OF 49
24 C.F.R. 383.86, A truck tractor and semitrailer combination with a
25 semitrailer length longer than 50 feet whose frame or body
26 extends more than 36 inches beyond the rear of its rear axle and
27 is more than 30 inches above the roadway shall not be operated on

1 the highways of this state unless equipped with an underride
 2 guard on the extreme rear of the frame or body. The underride
 3 guard shall meet the following requirements:

4 (a) Provide a continuous horizontal beam having a maximum
 5 ground clearance of 22 inches, as measured with the vehicle empty
 6 and on level ground.

7 (b) Extend to within 4 inches of the lateral extremities of
 8 the trailer on both left and right sides.

9 (c) BE SUBSTANTIALLY CONSTRUCTED AND FIRMLY ATTACHED.

10 (2) ~~(3)~~ An asphalt hauling vehicle that is required to be
 11 equipped with an underride guard under this section shall be
 12 exempt from that requirement of this section if the underride
 13 guard prevents the vehicle from being attached to an asphalt
 14 paving machine. As used in this section, "asphalt hauling
 15 vehicle" means a motor vehicle, trailer, or semitrailer specifi-
 16 cally designed for attachment to asphalt paving machines and
 17 which is used for hauling asphalt paving materials.

18 (3) A MOTOR VEHICLE CONSTRUCTED AND MAINTAINED SO THAT THE
 19 BODY CHASSIS OR OTHER PARTS OF THE VEHICLE AFFORD THE REAR END
 20 PROTECTION CONTEMPLATED BY THIS SECTION IS IN COMPLIANCE WITH
 21 THIS SECTION.

22 Sec. 2u. ~~the~~ THE rules in 49 C.F.R. part 395 apply to all
 23 drivers of commercial motor vehicles as defined in section 1a
 24 except:

25 (a) Farm vehicle drivers ~~as defined in 49 C.F.R. 390.5~~
 26 WHEN DRIVING A COMMERCIAL MOTOR VEHICLE ELIGIBLE FOR AND
 27 DISPLAYING A VALID FARM REGISTRATION PLATE.

1 ~~(b) Mechanics as defined in section 2r.~~

2 ~~(c) Utility, telephone, and cable television company service~~
3 ~~employees as defined in section 2s.~~

4 (B) ~~(d)~~ Any driver of a public utility service vehicle
5 when being used in cases of emergency. AS USED IN THIS SUBDIVI-
6 SION, "EMERGENCY" MEANS ANY INSTANCE OF LOSS OF PUBLIC UTILITY
7 SERVICE DUE TO AN UNFORESEEN CIRCUMSTANCE, A NATURAL DISASTER, OR
8 AN ACT OF GOD. A DECLARATION OF EMERGENCY BY A PUBLIC OFFICIAL
9 IS NOT REQUIRED TO CONSTITUTE AN EMERGENCY UNDER THIS
10 SUBDIVISION.

11 Sec. 2v. (1) A motor carrier shall not permit or require a
12 driver of a commercial motor vehicle, regardless of the number of
13 motor carriers using the driver's services, to drive for any
14 period after having been on duty 60 hours in any 7 consecutive
15 days if the employing motor carrier does not operate every day in
16 the week, or having been on duty 70 hours in any period of 8 con-
17 secutive days if the employing motor carrier operates COMMERCIAL
18 motor vehicles every day of the week.

19 (2) This section shall not apply to the following drivers if
20 their total driving time does not exceed 40 hours in any period
21 of 7 consecutive days:

22 (a) Any driver-salesperson.

23 (b) Any driver delivering home heating fuel from the months
24 of October through April in a COMMERCIAL MOTOR vehicle of less
25 than 40,000 pounds gross vehicle weight.

1 (c) Any driver involved with the pickup or delivery of crude
2 oil products during the time when weight limitations are imposed
3 due to seasonal climatic changes.

4 (d) Any driver of a COMMERCIAL MOTOR vehicle engaged in sea-
5 sonal construction related activities within a 100-air mile
6 radius of the normal work reporting location.

7 (e) Any driver of a COMMERCIAL motor vehicle which is being
8 used in the delivery of beverages to retail businesses.

9 Sec. 2w. ~~(1) Failure to complete the record of duty activ-~~
10 ~~ities required by 49 C.F.R. 395.8 or 49 C.F.R. 395.15, failure to~~
11 ~~preserve a record of such duty activities, or making of false~~
12 ~~reports in connection with such duty activities shall make the~~
13 ~~driver or the carrier, or both, liable to prosecution.~~

14 ~~(2) A carrier, agent, or driver who makes a correction of~~
15 ~~the hours of service records after submission shall certify as to~~
16 ~~the accuracy of the record on the corrected record and state the~~
17 ~~reason for the correction. This certification shall be a legible~~
18 ~~signature of the carrier official making the correction in addi-~~
19 ~~tion to the driver certification required in 49 C.F.R. 395.8~~

20 ~~(d)(5):~~

21 ~~(3) The 12 consecutive hours on duty requirement contained~~
22 ~~in 49 C.F.R. 395.8 (L)(1)(ii) shall not apply to intrastate driv-~~
23 ~~ers of COMMERCIAL motor vehicles regularly delivering beverages~~
24 ~~to retail businesses- DESCRIBED IN SECTION 2V(2)(B), (D), AND (E)~~
25 ~~who return to the work reporting location, and are released from~~
26 ~~work within 15 consecutive hours of being on duty.~~

1 Sec. 3. ~~(1) Except as otherwise provided in this act, this~~
2 ~~act is applicable to all employers, employees, and commercial~~
3 ~~motor vehicles that transport property or passengers.~~

4 ~~(2) The rules in 49 C.F.R. 387, entitled minimum levels of~~
5 ~~financial responsibility for motor carriers, are applicable to~~
6 ~~motor carriers as provided in 49 C.F.R. 387.3 or 49~~
7 ~~C.F.R. 387.27.~~

8 ~~(3) Nothing in this act shall be construed to prohibit an~~
9 ~~employer from requiring and enforcing more stringent requirements~~
10 ~~relating to safety of operation and employee safety and health.~~

11 ~~(4) Every motor carrier shall be knowledgeable of and comply~~
12 ~~with this act and the rules promulgated pursuant to this act that~~
13 ~~are applicable to that motor carrier's operations. Every driver~~
14 ~~and employee shall be instructed regarding, and shall comply~~
15 ~~with, all applicable provisions of this act and the rules promul-~~
16 ~~gated pursuant to this act. This act shall not be construed to~~
17 ~~prohibit the use of additional equipment and accessories if such~~
18 ~~additional equipment or accessories are in proper working condi-~~
19 ~~tion, are not inconsistent with or prohibited by this act or the~~
20 ~~rules promulgated pursuant to this act, and do not decrease the~~
21 ~~safety of operation of the vehicles on which they are used. All~~
22 ~~motor vehicle equipment and accessories required by this act and~~
23 ~~federal law or regulation shall be maintained in compliance with~~
24 ~~all applicable performance and design criteria set forth in this~~
25 ~~act and the rules promulgated pursuant to this act.~~

26 ~~(5) Unless otherwise specifically provided, this~~ THIS act
27 and the rules promulgated under this act do not apply to:

1 (a) The occasional transportation of personal property by
2 individuals not for compensation nor in the furtherance of a com-
3 mercial enterprise.

4 (b) The transportation of human corpses or sick and injured
5 persons.

6 (c) The operation of an authorized emergency vehicle by a
7 fire fighter who has met the driver training standards of the
8 Michigan firefighter's training council.

9 (d) A semitrailer or truck used exclusively for storage
10 purposes.

11 (E) A RESCUE VEHICLE WHILE INVOLVED IN EMERGENCY RELIEF AND
12 RELATED OPERATIONS AS DEFINED IN 49 C.F.R. SECTION 390.5.

13 (F) A COMMERCIAL MOTOR VEHICLE OWNED AND OPERATED BY A UNIT
14 OF GOVERNMENT OR ITS EMPLOYEES, EXCEPT AS OTHERWISE PROVIDED IN
15 THIS ACT, AND EXCEPT FOR THE FOLLOWING PARTS OF 49 C.F.R.:
16 PART 382, CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;
17 PART 391, QUALIFICATION OF DRIVERS; PART 392, DRIVING OF MOTOR
18 VEHICLES; AND PART 393, PARTS AND ACCESSORIES NECESSARY FOR SAFE
19 OPERATION.

20 Sec. 4. (1) The department of state police may promulgate
21 rules and regulations reasonably necessary to the accomplishment
22 of the purpose of this act.

23 (2) THE ADMINISTRATIVE RULES PROMULGATED PURSUANT TO THE
24 AUTHORITY GRANTED UNDER SUBSECTION (1) THAT WERE FILED WITH THE
25 SECRETARY OF STATE ON JUNE 22, 1984 AND ANY SUBSEQUENT REVISION
26 TO THOSE RULES ARE HEREBY RESCINDED ON THE EFFECTIVE DATE OF THE
27 AMENDATORY ACT THAT ADDED THIS SUBSECTION.

1 officer as prescribed by
 2 law.
 3 Not valid after
 4 (date)
 5 (signature)
 6 Director

7 (4) ~~(3)~~ A carrier operating within this state with main
 8 offices in another state or province shall submit all transporta-
 9 tion safety related documents as outlined in subsection (1) for
 10 inspection and copying within 10 working days after receiving
 11 formal notification requesting the documents.

12 Sec. 7. (1) Except as provided in section 7b, any driver or
 13 operator who violates this act or a rule promulgated under this
 14 act, or any owner or user of any bus, truck, truck tractor, or
 15 trailer, or certain other motor vehicles or any officer or agent
 16 of any individual, partnership, corporation, or association or
 17 their lessees or receivers appointed by any court which is the
 18 owner or user of any vehicle, who requires or permits the driver
 19 or operator to operate or drive any bus, truck, truck tractor, or
 20 trailer, or certain other motor vehicles in violation of this act
 21 or a rule promulgated under this act, is guilty of a misdemeanor
 22 for each violation PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN
 23 90 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.

24 (2) A peace officer or an officer of the motor carrier divi-
 25 sion of the department of state police, upon reasonable cause to
 26 believe that a motor vehicle is being operated in violation of
 27 this act or a rule promulgated pursuant to this act, may stop the
 28 motor vehicle and inspect the motor vehicle. If a violation is
 29 found, the officer may issue a notice to appear for that
 30 violation.

1 ~~(3) In addition to any penalty imposed under this act, a~~
2 ~~third or subsequent violation within + year of the rules promul-~~
3 ~~gated pursuant to this act with respect to hours of service and~~
4 ~~recording those hours in a daily log may result in an audit of~~
5 ~~the driver of the vehicle by the motor carrier division of the~~
6 ~~department of state police.~~

7 ~~(4) This act does not apply to a unit of government or its~~
8 ~~employees, officers, or representatives or to a motor vehicle,~~
9 ~~truck, truck tractor, or trailer owned or operated thereby,~~
10 ~~except as provided in section 601a of the Michigan vehicle code,~~
11 ~~Act No. 300 of the Public Acts of 1949, being section 257.601a of~~
12 ~~the Michigan Compiled Laws.~~

13 SEC. 7C. (1) A DRIVER OR OPERATOR OR AN OWNER OR USER OF
14 ANY BUS, TRUCK, TRUCK TRACTOR, OR TRAILER, OR CERTAIN OTHER MOTOR
15 VEHICLES, OR ANY OFFICER OR AGENT OF AN INDIVIDUAL, PARTNERSHIP,
16 CORPORATION, OR ASSOCIATION, OR THEIR LESSEES OR RECEIVER
17 APPOINTED BY ANY COURT THAT IS THE OWNER OR USER OF ANY VEHICLE,
18 WHO REQUIRES OR PERMITS THE DRIVER OR OPERATOR TO OPERATE OR
19 DRIVE ANY BUS, TRUCK, TRUCK TRACTOR, OR TRAILER, OR CERTAIN OTHER
20 MOTOR VEHICLES, THAT VIOLATES THIS ACT OR A RULE PROMULGATED
21 UNDER THIS ACT IF THE VEHICLE IS TRANSPORTING A PACKAGE REQUIRED
22 TO BE MARKED OR LABELED UNDER 49 C.F.R. PARTS 100 TO 180, UPON
23 CONVICTION, IS PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00 FOR
24 EACH VIOLATION, OR BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR
25 BOTH.

26 (2) ANY OFFICER, EMPLOYEE, OWNER OR AGENT OF AN INDIVIDUAL,
27 PARTNERSHIP, CORPORATION, OR ASSOCIATION, OR THEIR LESSEES OR

1 RECEIVER APPOINTED BY ANY COURT THAT IS THE OWNER OR USER OF ANY
2 HAZARDOUS MATERIALS VEHICLE INSPECTION OR REPAIR FACILITY THAT
3 VIOLATES A SECTION OF THIS ACT, OR A RULE PROMULGATED UNDER THIS
4 ACT, RELATED TO THE TRANSPORTATION OF HAZARDOUS MATERIALS, IS
5 GUILTY OF A MISDEMEANOR PUNISHABLE AS PRESCRIBED IN THIS SECTION.

6 SEC. 7D. (1) AS USED IN THIS SECTION:

7 (A) "IMMEDIATE DESTINATION" MEANS THE NEXT SCHEDULED STOP OF
8 A COMMERCIAL MOTOR VEHICLE ALREADY IN MOTION WHERE THE CARGO ON
9 BOARD CAN BE SAFELY SECURED.

10 (B) "MOTOR CARRIER DIVISION" MEANS THE MOTOR CARRIER DIVI-
11 SION OF THE DEPARTMENT OF STATE POLICE.

12 (C) "PERSON" MEANS AN INDIVIDUAL, DRIVER, OR EMPLOYEE OR A
13 FIRM, MOTOR CARRIER, LESSEE, LESSOR, ASSOCIATION, PARTNERSHIP, OR
14 CORPORATION, AND THEIR AFFILIATED OR RELATED SUCCESSORS, THAT
15 UNDERTAKES TO CONTROL, DIRECT, CONDUCT, OR OTHERWISE PERFORM
16 TRANSPORTATION BY COMMERCIAL MOTOR VEHICLE UPON THE PUBLIC HIGH-
17 WAYS OF THIS STATE.

18 (D) "SHUT DOWN ORDER" MEANS A COURT ORDER ISSUED TO A MOTOR
19 CARRIER UPON PROOF SHOWN OF UNREASONABLE RISK OR AN IMMINENT
20 HAZARD.

21 (E) "UNREASONABLE RISK OR AN IMMINENT HAZARD" SHALL BE
22 DEFINED AS ANY CONDITION OF COMMERCIAL MOTOR VEHICLE, EMPLOYEE,
23 OR COMMERCIAL MOTOR VEHICLE OPERATION WHICH CREATES, CAUSES, OR
24 COMPOUNDS THE SUBSTANTIAL LIKELIHOOD THAT DEATH, SERIOUS ILLNESS,
25 OR SEVERE PERSONAL INJURY MAY OCCUR IF NOT DISCONTINUED
26 IMMEDIATELY.

1 (2) UPON DETERMINATION THAT THE CONTINUED OPERATION OF
2 COMMERCIAL MOTOR VEHICLES BY A PERSON UPON THE HIGHWAYS OF THIS
3 STATE POSES AN UNREASONABLE RISK OR AN IMMINENT HAZARD TO THE
4 PUBLIC SAFETY, THE MOTOR CARRIER DIVISION SHALL ISSUE A COMPLI-
5 ANCE ORDER. THE ORDER MAY DIRECT A PERSON TO MAKE CERTAIN
6 CHANGES, REPAIRS, OR ALTERATIONS TO THE PERSON'S VEHICLES OR
7 OPERATIONS, TO COMPLY WITH THE LAWS OF THIS STATE. IN MAKING AN
8 ORDER, RESTRICTIONS SHALL NOT BE IMPOSED ON ANY EMPLOYEE OR
9 PERSON BEYOND THAT REQUIRED TO ABATE THE HAZARD. ANY VEHICLE OR
10 DRIVER OPERATING DURING THE SPECIFIED TIME PERIOD OF THE ORDER
11 SHALL BE IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RULES.

12 (3) A COMPLIANCE ORDER SHALL INCLUDE THE NAME AND ADDRESS OF
13 THE PERSON AND THE CHIEF OPERATING OFFICER OF THE PERSON, THE
14 REASON OR REASONS FOR THE ORDER, AND THE REQUIREMENTS OR CONDI-
15 TIONS THAT MUST BE MET FOR RESCISSION OF THE ORDER. THE ORDER
16 SHALL ALSO INCLUDE A STATEMENT THAT THE PERSON HAS 30 DAYS TO
17 COMPLY WITH THE ORDER. IF THE 30-DAY TIME LIMIT EXPIRES AND THE
18 PERSON IS NOT IN COMPLIANCE WITH THE ORDER, THE MOTOR CARRIER
19 DIVISION MAY SEEK A SHUT DOWN ORDER FROM A CIRCUIT COURT.

20 (4) UPON PETITION TO THE CIRCUIT COURT HAVING JURISDICTION
21 BY THE MOTOR CARRIER DIVISION, THE COURT MAY ISSUE A SHUT DOWN
22 ORDER. THE ORDER SHALL DIRECT A VEHICLE OR VEHICLES OR EMPLOYEE
23 OR EMPLOYEES OUT OF SERVICE FROM FURTHER OPERATIONS, OR SHALL
24 DIRECT A PERSON TO CEASE ALL OR PART OF THE PERSON'S COMMERCIAL
25 MOTOR VEHICLE OPERATION. IN MAKING SUCH AN ORDER, RESTRICTIONS
26 SHALL NOT BE IMPOSED ON ANY EMPLOYEE OR PERSON BEYOND THAT
27 REQUIRED TO ABATE THE HAZARD.

1 (5) A SHUT DOWN ORDER SHALL INCLUDE THE NAME AND ADDRESS OF
2 THE PERSON AND THE CHIEF OPERATING OFFICER OF THE PERSON, THE
3 REASON OR REASONS FOR THE ORDER, THE REQUIREMENTS OR CONDITIONS
4 THAT MUST BE MET FOR RESCISSION OF THE ORDER, AND A STATEMENT OF
5 THE RIGHT TO APPEAL.

6 (6) AN ORDER TO ANY PERSON TO CEASE ALL OR PART OF ITS OPER-
7 ATION SHALL NOT PREVENT VEHICLES IN TRANSIT AT THE TIME THE ORDER
8 IS SERVED FROM PROCEEDING TO THEIR IMMEDIATE DESTINATIONS, UNLESS
9 THAT VEHICLE OR PERSON IS SPECIFICALLY ORDERED OUT OF SERVICE.
10 HOWEVER, VEHICLES AND DRIVERS PROCEEDING TO THEIR IMMEDIATE
11 DESTINATION SHALL BE SUBJECT TO COMPLIANCE UPON ARRIVAL.

12 (7) A PERSON WHO FAILS TO COMPLY WITH A SHUT DOWN ORDER IS
13 GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN
14 \$1,000.00 FOR EACH VIOLATION, OR BY IMPRISONMENT FOR NOT MORE
15 THAN 90 DAYS, OR BOTH. A PERSON OR VEHICLE FOUND OPERATING ON
16 THE HIGHWAYS OF THIS STATE WHILE UNDER A SHUT DOWN ORDER SHALL BE
17 IMMEDIATELY STOPPED, AND IMPOUNDED OR ARRESTED. THE OWNER OR
18 LESSEE OF THE VEHICLE SHALL BE RESPONSIBLE FOR ANY COSTS INCURRED
19 DURING IMPOUNDMENT. THE VEHICLE SHALL BE RELEASED UPON THE
20 COURT'S DETERMINATION THAT THE ORDER HAS BEEN COMPLIED WITH.

21 Sec. 9. (1) ~~Act No. 314 of the Public Acts of 1937, as~~
22 ~~amended, being sections 480.1 to 480.5 of the Compiled Laws of~~
23 ~~1948, is repealed.~~ IMMEDIATELY FOLLOWING A FIRE, EXPLOSION,
24 SPILL, LEAK, ACCIDENT, OR OTHER RELATED OCCURRENCE WHICH INVOLVES
25 THE TRANSPORTATION OF HAZARDOUS MATERIALS, THE OWNER, DRIVER,
26 LESSEE, OR REPRESENTATIVE OF THE OWNER, DRIVER, OR LESSEE, SHALL
27 NOTIFY THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE

1 POLICE AND THE ORGANIZED FIRE DEPARTMENT OF THE AREA IN WHICH THE
2 INCIDENT OCCURRED OF THE KNOWN DETAILS REGARDING THE INCIDENT.

3 (2) FOR THE PURPOSES OF THIS SECTION, "NOTIFY THE MOTOR CAR-
4 RIER DIVISION OF THE DEPARTMENT OF STATE POLICE" INCLUDES CON-
5 TACTING THE LOCAL STATE POLICE POST, THE OPERATIONS SECTION OF
6 THE DEPARTMENT OF STATE POLICE, OR THE MOTOR CARRIER DIVISION
7 HEADQUARTERS BY TELEPHONE, FACSIMILE MACHINE, OR OTHER MEANS.

8 Sec. 10. ~~(1) The motor carrier division of the department~~
9 ~~of state police may establish and maintain a voluntary motor car-~~
10 ~~rier vehicle safety inspection program. This program may include~~
11 ~~the placing of inspection stickers on vehicles which successfully~~
12 ~~pass all criteria established for this program. Any motor car-~~
13 ~~rier which is authorized by the motor carrier division to perform~~
14 ~~self inspections and affix stickers issued by the motor carrier~~
15 ~~division shall comply with all requirements, agreed to in writ-~~
16 ~~ing, as set forth by the motor carrier division. The authority~~
17 ~~to participate in the motor carrier division vehicle safety~~
18 ~~self inspection program may be revoked for any authorized~~
19 ~~self inspecting motor carrier that is in violation of the~~
20 ~~requirements set forth by the motor carrier division.~~

21 ~~(2) The motor carrier division may assess a fee to cover~~
22 ~~administrative costs of the motor carrier self inspection safety~~
23 ~~program. However, the fee shall not exceed \$1.00 per vehicle.~~

24 ~~(3) Motor carriers not covered by the self inspection pro-~~
25 ~~gram which request to participate in the program may request from~~
26 ~~the motor carrier division a vehicle safety inspection of any~~
27 ~~truck, truck tractor, or trailer. Those participating motor~~

~~1 carriers may be assessed an inspection fee of up to \$5.00 for the~~
~~2 administration of this act, for each motor vehicle, trailer, or a~~
~~3 combination of trailers inspected.~~ (1) A TRUCK TRACTOR PULLING A
4 SEMITRAILER AND A TRAILER, OR PULLING 2 SEMITRAILERS, SHALL NOT
5 TRANSPORT A COMBUSTIBLE LIQUID UNLESS THE VEHICLE COMBINATION
6 MEETS THE FOLLOWING REQUIREMENTS:

7 (A) IS EQUIPPED WITH A DEVICE THAT RESTRICTS THE HORIZONTAL
8 AND VERTICAL ROTATION OF THE DOLLY ASSEMBLAGE OF THE VEHICLE COM-
9 BINATION IN A MANNER THAT MAINTAINS THE LONGITUDINAL TRACKING OF
10 THE DOLLY AND SEMITRAILER IN A TRUCK TRACTOR, SEMITRAILER, AND
11 TRAILER COMBINATION, OR THE DOLLY AND THE TRUCK IN A TRUCK AND
12 TRAILER COMBINATION. THIS DEVICE SHALL BE WELDED TO THE VEHICLE
13 IN A WORKMANLIKE MANNER, AND THE EFFICIENCY OF A WELD SHALL NOT
14 BE LESS THAN 85% OF THE MECHANICAL PROPERTIES OF THE ADJACENT
15 METAL IN THE CHASSIS.

16 (B) IS EQUIPPED WITH STOPS IN THE SPRING HANGERS OF EACH
17 SEMITRAILER AND TRAILER IN THE VEHICLE COMBINATION IN A MANNER
18 THAT IMPROVES THE STABILITY OF THE VEHICLE COMBINATION BY REDUC-
19 ING THE FREE PLAY OF THE LEAF SPRING SUSPENSION TO A MAXIMUM OF
20 3/4 OF AN INCH WHEN THE SPRING PASSES FROM TENSION TO
21 COMPRESSION.

22 (2) THE OWNER OF THE SEMITRAILER OR TRAILER TO WHICH THE
23 DEVICE DESCRIBED IN SUBSECTION (1) IS ATTACHED SHALL KEEP ON FILE
24 IN THEIR PRINCIPAL PLACE OF BUSINESS THE FOLLOWING INFORMATION:

25 (A) SPECIFICATIONS AND PLANS OF THE DEVICE.

26 (B) NAME OF THE MANUFACTURER OF THE DEVICE.

1 (C) DATE OF INSTALLATION OF THE DEVICE.

2 (D) AN INDIVIDUAL MANUFACTURER IDENTIFICATION NUMBER WHICH
3 IS STAMPED OR PERMANENTLY AFFIXED TO THE DEVICE.

4 (3) THE INFORMATION REQUIRED IN SUBSECTION (2) SHALL BE KEPT
5 BY THE VEHICLE'S OWNER AND SHALL BE TRANSFERRED TO THE NEW OWNER
6 IF THE VEHICLE IS SOLD, OR MAY BE DESTROYED IF THE VEHICLE IS
7 RETIRED FROM SERVICE OR SCRAPPED.

8 (4) THE REQUIREMENTS SPECIFIED IN SUBSECTIONS (2) AND (3)
9 APPLY TO DEVICES AFFIXED TO VEHICLES ON OR AFTER THE EFFECTIVE
10 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

11 (5) COMMERCIAL MOTOR VEHICLES USED TO TRANSPORT FLAMMABLE
12 LIQUIDS, FLAMMABLE GASES, OR COMPRESSED FLAMMABLE GASES SHALL
13 ALSO COMPLY WITH SECTION 722A OF THE MICHIGAN VEHICLE CODE, ACT
14 NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SECTION 257.722A OF THE
15 MICHIGAN COMPILED LAWS.

16 Sec. 11. ~~All money received under this act shall be uti-~~
17 ~~lized by the motor carrier division of the department of state~~
18 ~~police for the administration of the safety inspection program.~~

19 A TOWNSHIP, CITY, VILLAGE, OR COUNTY SHALL NOT ADOPT OR ENFORCE
20 AN ORDINANCE OR RESOLUTION THAT IS INCONSISTENT WITH THIS ACT. A
21 STATE AGENCY OTHER THAN THE MOTOR CARRIER DIVISION OF THE DEPART-
22 MENT OF STATE POLICE SHALL NOT PROMULGATE RULES THAT ARE INCON-
23 SISTENT WITH THIS ACT OR RULES PROMULGATED BY THE MOTOR CARRIER
24 DIVISION OF THE DEPARTMENT OF STATE POLICE PURSUANT TO THIS ACT.
25 AS USED IN THIS SECTION, "INCONSISTENT" MEANS A RULE OR ORDINANCE
26 THAT IS MORE PERMISSIVE THAN THE PROVISIONS OF THIS ACT, OR IS
27 MORE RESTRICTIVE, OR REQUIRES MORE ACTION, EQUIPMENT, OR PERMITS,

1 OR PREVENTS OR OBSTRUCTS COMPLIANCE WITH THE PROVISIONS OF THIS
2 ACT.

3 SEC. 12. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A
4 PERSON, DRIVER, OWNER, CARRIER, LESSEE, OR LESSOR SHALL NOT
5 TRANSFER OR ALLOW TO BE TRANSFERRED A HAZARDOUS MATERIAL FROM A
6 CARGO TANK, PORTABLE TANK, OR ANY OTHER CONTAINER TO ANY CARGO
7 TANK, PORTABLE TANK, FUEL TANK, OR ANY OTHER CONTAINER ON A HIGH-
8 WAY, ROAD, STREET, OR ALLEY WITHIN THIS STATE.

9 (2) SUBSECTION (1) DOES NOT APPLY TO THE FOLLOWING TRANSFER
10 SITUATIONS:

11 (A) FUELING MACHINERY OR EQUIPMENT FOR CONSTRUCTION, FARM,
12 AND MAINTENANCE USE.

13 (B) FUELING EMERGENCY VEHICLES.

14 (C) UNDER EMERGENCY CONDITIONS IF THE TRANSFER IS MADE IN A
15 SAFE MANNER. THE LOCAL FIRE CHIEF, THE STATE FIRE MARSHAL, OR A
16 HAZARDOUS MATERIALS OFFICER OF THE MOTOR CARRIER DIVISION OF THE
17 DEPARTMENT OF STATE POLICE MAY PROHIBIT A TRANSFER PURSUANT TO
18 THEIR RESPECTIVE AUTHORITY UNDER THE FIRE PREVENTION CODE, ACT
19 NO. 207 OF THE PUBLIC ACTS OF 1941, BEING SECTIONS 29.1 TO 29.33
20 OF THE MICHIGAN COMPILED LAWS.

21 Section 2. Sections 2g, 2h, and 5 of Act No. 181 of the
22 Public Acts of 1963, being sections 480.12g, 480.12h, and 480.15
23 of the Michigan Compiled Laws, are repealed.