

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4930

A bill to amend 1933 PA 254, entitled
"The motor carrier act,"
by amending section 18 of article V (MCL 479.18), as amended by
1988 PA 355.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 ARTICLE V

2 Sec. 18. (1) The commission may, upon application of any
3 person or any motor carrier, or upon its own motion, and upon at
4 least 10 days' notice to the parties affected thereby, for good
5 cause, and after an opportunity to be heard, revoke, suspend,
6 alter, amend, or modify any of its findings or orders. However,
7 a certificate or permit shall only be amended, altered, modified,
8 revoked, OR suspended ~~—, or impaired~~ after like notice and
9 opportunity to be heard and upon clear proof of good, just, and
10 sufficient cause. In addition, beginning January 1, 1989, a

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1 person or motor carrier may also be subject to an assessment of
2 not to exceed \$500.00 for each violation of this act, a rule
3 promulgated or an order issued ~~pursuant to~~ UNDER this act, or a
4 term or condition of a certificate or permit.

5 (2) The commission may grant rehearings in all proceedings
6 before it upon petition filed within the time allowed by law to
7 bring proceedings for review. All orders entered pursuant to
8 this section shall be served and take effect as provided in this
9 act for original orders, and the time allowed by law to bring
10 proceedings to review any order of the commission shall continue
11 after the order denying the hearing or after the order made upon
12 a rehearing. The commission shall keep a docket of all causes
13 and proceedings under this act and upon request, upon payment of
14 a reasonable fee, shall furnish any interested party fair copies
15 of any application, answer, petition, motion, order, finding,
16 certificate, or permit on file with, or made or issued by it in
17 any proceeding.

18 (3) The assessments collected pursuant to this section shall
19 be deposited in the truck safety fund established in section 25
20 of ~~Act No. 51 of the Public Acts of 1951, being section 247.675~~
21 ~~of the Michigan Compiled Laws~~ 1951 PA 51, MCL 247.675.

22 (4) THIS CHAPTER SHALL BE APPLICABLE AND UNIFORM THROUGHOUT
23 THIS STATE AND IN ALL POLITICAL SUBDIVISIONS AND LOCAL UNITS OF
24 GOVERNMENT IN THIS STATE. A LOCAL UNIT OF GOVERNMENT SHALL NOT
25 ADOPT, ENACT, OR ENFORCE A LOCAL LAW THAT IS IN CONFLICT WITH
26 THIS ACT.

1 (5) A LOCAL LAW OR A PORTION OF A LOCAL LAW THAT IMPOSES A
2 CRIMINAL PENALTY FOR AN ACT OR OMISSION THAT IS A CIVIL
3 INFRACTION UNDER THIS ACT, OR THAT IMPOSES A CRIMINAL PENALTY OR
4 CIVIL SANCTION IN EXCESS OF THAT PRESCRIBED IN THIS ACT, IS IN
5 CONFLICT WITH THIS ACT AND IS VOID TO THE EXTENT OF THE
6 CONFLICT.

7 (6) [REDACTED]
8 [REDACTED] EXCEPT FOR A CASE IN WHICH THE CITATION IS DISMISSED PURSUANT
9 TO SUBSECTION (7), PROCEEDS OF A CIVIL FINE IMPOSED BY A LOCAL
10 UNIT OF GOVERNMENT FOR VIOLATION OF A LOCAL LAW REGULATING THE
11 OPERATION OF FOR-HIRE MOTOR VEHICLES AND CORRESPONDING TO THIS
12 ACT SHALL BE PAID TO THE COUNTY TREASURER AND SHALL BE ALLOCATED
13 AS FOLLOWS:

14 (A) SEVENTY PERCENT TO THE LOCAL UNIT OF GOVERNMENT IN WHICH
15 THE CITATION IS ISSUED.

16 (B) THIRTY PERCENT FOR LIBRARY PURPOSES AS PROVIDED BY LAW.

17 (7) THE OWNER OR OPERATOR OF A COMMERCIAL MOTOR VEHICLE SHALL
18 NOT BE ISSUED MORE THAN 1 CITATION FOR EACH VIOLATION OF A CODE OR
19 ORDINANCE REGULATING THE OPERATION OF A COMMERCIAL MOTOR VEHICLE AND
20 SUBSTANTIALLY CORRESPONDING TO A PROVISION OF SECTIONS 683 TO 725A
21 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.683 TO 257.725A,
22 WITHIN A 24 HOUR PERIOD. IF THE OWNER OR OPERATOR OF A COMMERCIAL
23 MOTOR VEHICLE IS ISSUED A CITATION FOR AN EQUIPMENT VIOLATION THAT DOES NOT
24 RESULT IN THE VEHICLE BEING PLACED OUT OF SERVICE, THE COURT
25 SHALL DISMISS THE CITATION IF THE OWNER OR OPERATOR OF THAT COM-
26 Mercial MOTOR VEHICLE PROVIDES WRITTEN PROOF TO THE COURT WITHIN
27 14 DAYS AFTER THE CITATION IS ISSUED SHOWING THAT THE DEFECTIVE
EQUIPMENT INDICATED IN THE CITATION HAS BEEN REPAIRED.

24 (8) IN ORDER TO BE CLASSIFIED AS A MOTOR CARRIER ENFORCEMENT
25 OFFICER, A POLICE OFFICER MUST HAVE TRAINING EQUAL TO THE MINIMUM
26 TRAINING REQUIREMENTS, INCLUDING ANY ANNUAL TRAINING UPDATES,
27 ESTABLISHED BY THE DEPARTMENT OF STATE POLICE FOR AN OFFICER OF

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1 THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE POLICE. A
2 POLICE OFFICER WHO HAS RECEIVED TRAINING EQUAL TO THESE MINIMUM
3 TRAINING REQUIREMENTS BEFORE THE EFFECTIVE DATE OF THIS SECTION
4 IS CONSIDERED A MOTOR CARRIER ENFORCEMENT OFFICER FOR PURPOSES OF
5 THIS ACT.

6 (9) AS USED IN THIS SECTION:

7 (A) "LOCAL LAW" INCLUDES A LOCAL CHARTER PROVISION, ORDI-
8 NANCE, RULE, OR REGULATION.

9 (B) "OUT OF SERVICE" MEANS THAT PROCESS ESTABLISHED UNDER
10 THE MOTOR CARRIER SAFETY ACT, 1963 PA 181, MCL 480.11 TO 480.22.

11 Enacting section 1. This amendatory act does not take
12 effect unless all of the following bills of the 90th Legislature
13 are enacted into law:

14 (a) House Bill No. 4927.

15 (b) House Bill No. 4928.

16 (c) House Bill No. 4929.

17 (d) House Bill No. 4931.

18 (e) House Bill No. 4932.