

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4932

A bill to amend 1963 PA 181, entitled
"Motor carrier safety act of 1963,"
by amending sections 7, 7b, 7c, and 11 (MCL 480.17, 480.17b,
480.17c, and 480.21), sections 7 and 11 as amended and section 7c
as added by 1995 PA 265 and section 7b as amended by 1990
PA 339.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) Except as provided in sections 7b, 7c, and 7d,
2 any PERSON, driver, or operator who violates this act or a rule
3 promulgated under this act, or ~~any~~ AN owner or user of ~~any~~ A
4 bus, truck, truck tractor, or trailer, or certain other motor
5 vehicles or ~~any~~ AN officer or agent of ~~any~~ AN individual,
6 partnership, corporation, or association or their lessees or
7 receivers appointed by ~~any~~ A court ~~which~~ THAT is the owner or
8 user of ~~any~~ A vehicle, who requires or permits the driver or

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1 operator to operate or drive ~~any~~ A bus, truck, truck tractor,
2 or trailer, or certain other motor vehicles in violation of this
3 act or a rule promulgated under this act, is ~~guilty of a~~
4 ~~misdemeanor~~ RESPONSIBLE FOR A CIVIL INFRACTION AND MAY BE
5 ORDERED TO PAY A FINE OF NOT MORE THAN \$250.00 for each
6 violation. ~~punishable by imprisonment for not more than 90 days~~
7 ~~or a fine of not more than \$100.00, or both.~~

8 (2) A peace officer or an officer of the motor carrier divi-
9 sion of the department of state police, upon reasonable cause to
10 believe that a motor vehicle is being operated in violation of
11 this act or a rule promulgated ~~pursuant to~~ UNDER this act, may
12 stop the motor vehicle and inspect the motor vehicle. If a vio-
13 lation is found, the officer may issue a notice to appear for
14 that violation. If a motor vehicle is inspected by breaking the
15 load seal, then the peace officer shall give to the driver a
16 signed receipt of inspection and the peace officer shall be
17 responsible for reapplying a Michigan department of transporta-
18 tion seal.

19 Sec. 7b. (1) A driver or operator or an owner or user of
20 any bus, truck, truck tractor, or trailer, or certain other motor
21 vehicles or any officer or agent of an individual, partnership,
22 corporation, or association or their lessees or receivers
23 appointed by any court that is the owner or user of any vehicle,
24 who requires or permits the driver or operator to operate a vehi-
25 cle with a serious safety defect is subject to a CIVIL fine of
26 not more than \$300.00 for each violation. A FINE ORDERED TO BE
27 PAID BY THE DISTRICT COURT UNDER THIS SUBSECTION SHALL BE PAID TO

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1 THE COUNTY TREASURER AND APPLIED FOR LIBRARY PURPOSES AS PROVIDED
2 BY LAW. A FINE ORDERED TO BE PAID BY A MUNICIPAL COURT SHALL BE
3 PAID TO THE TREASURER OF THE POLITICAL SUBDIVISION WHOSE ORDI-
4 NANCE IS VIOLATED.

5 (2) As used in this section, "serious safety defect" means a
6 violation of this act or a rule promulgated pursuant to this act
7 relative to brakes, tires, steering, coupling devices, head-
8 lights, taillights, brake lights, and turn signals that results
9 in the vehicle being placed out of service.

10 Sec. 7c. (1) A driver or operator or an owner or user of
11 ~~any~~ A bus, truck, truck tractor, or trailer, or certain other
12 motor vehicles, or ~~any~~ AN officer or agent of an individual,
13 partnership, corporation, or association, or their lessees or
14 receiver appointed by ~~any~~ A court that is the owner or user of
15 ~~any~~ A vehicle, who requires or permits the driver or operator
16 to operate or drive ~~any~~ A bus, truck, truck tractor, or trail-
17 er, or certain other motor vehicles, that violates this act or a
18 rule promulgated under this act if the vehicle is transporting a
19 package required to be marked or labeled under 49 C.F.R. parts
20 100 to 180, upon conviction, is punishable by a fine of not more
21 than \$500.00 for each violation. ~~, or by imprisonment for not~~
22 ~~more than 90 days, or both.~~

23 (2) ~~Any~~ AN officer, employee, owner, or agent of an indi-
24 vidual, partnership, corporation, or association, or their les-
25 sees or receiver appointed by ~~any~~ A court that is the owner or
26 user of any hazardous materials vehicle inspection or repair
27 facility that violates a section of this act, or a rule

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1 promulgated under this act, related to the transportation of
2 hazardous materials, is guilty of a misdemeanor punishable as
3 prescribed in this section.

4 Sec. 11. (1) A township, city, village, or county shall not
5 adopt or enforce an ordinance or resolution that is inconsistent
6 with this act or any rule promulgated pursuant to this act.

7 (2) A state agency shall not promulgate rules inconsistent
8 with this act. This subsection does not apply to rules promul-
9 gated under the fire prevention code, ~~Act No. 207 of the Public~~
10 ~~Acts of 1941, being sections 29.1 to 29.33 of the Michigan~~
11 ~~Compiled Laws~~ 1941 PA 207, MCL 29.1 TO 29.34, by the state fire
12 safety board with respect to the transportation of liquefied
13 petroleum gas.

14 (3) THE FINE FOR OPERATING A VEHICLE WITH A SERIOUS SAFETY
15 DEFECT ORDERED TO BE PAID UNDER AN ORDINANCE OR RESOLUTION
16 ADOPTED BY A TOWNSHIP, CITY, VILLAGE, OR COUNTY THAT IS CONSIS-
17 TENT WITH SECTION 7B SHALL BE PAID TO THE COUNTY TREASURER AND
18 SHALL BE ALLOCATED AS FOLLOWS:

19 (A) SEVENTY PERCENT TO THE TOWNSHIP, CITY, VILLAGE, OR COUNTY
20 IN WHICH THE CITATION IS ISSUED.

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

22 (4) SUBSECTION (3) DOES NOT APPLY TO A CIVIL FINE ORDERED TO
23 BE PAID FOR A [REDACTED]
24 [REDACTED] CASE IN WHICH THE CITATION IS DISMISSED PURSU-
25 ANT TO SUBSECTION (5).

26 (5) THE OWNER OR OPERATOR OF A COMMERCIAL MOTOR VEHICLE SHALL
NOT BE ISSUED MORE THAN 1 CITATION FOR EACH VIOLATION OF A CODE OR
ORDINANCE REGULATING THE OPERATION OF A COMMERCIAL MOTOR VEHICLE AND
SUBSTANTIALLY CORRESPONDING TO A PROVISION OF SECTIONS 683 TO 725A
OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.683 TO 257.725A,
WITHIN A 24 HOUR PERIOD. IF THE OWNER OR OPERATOR OF A COMMERCIAL
MOTOR VEHICLE
27 IS ISSUED A CITATION BY A TOWNSHIP, CITY, VILLAGE, OR COUNTY FOR AN
EQUIPMENT VIOLATION THAT DOES NOT

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1 RESULT IN THE VEHICLE BEING PLACED OUT OF SERVICE, THE COURT
2 SHALL DISMISS THE CITATION IF THE OWNER OR OPERATOR OF THAT COM-
3 MERCIAL MOTOR VEHICLE PROVIDES WRITTEN PROOF TO THE COURT WITHIN
4 14 DAYS AFTER THE CITATION IS ISSUED SHOWING THAT THE DEFECTIVE
5 EQUIPMENT INDICATED IN THE CITATION HAS BEEN REPAIRED.

6 (6) IN ORDER TO BE CLASSIFIED AS A MOTOR CARRIER ENFORCEMENT
7 OFFICER, A POLICE OFFICER MUST HAVE TRAINING EQUAL TO THE MINIMUM
8 TRAINING REQUIREMENTS, INCLUDING ANY ANNUAL TRAINING UPDATES,
9 ESTABLISHED BY THE DEPARTMENT OF STATE POLICE FOR AN OFFICER OF THE
10 MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE POLICE. A POLICE
11 OFFICER WHO HAS RECEIVED TRAINING EQUAL TO THESE MINIMUM TRAINING
12 REQUIREMENTS BEFORE THE EFFECTIVE DATE OF THIS SECTION IS CONSIDERED
13 A MOTOR CARRIER ENFORCEMENT OFFICER FOR PURPOSES OF THIS ACT.

14 (7) ~~(3)~~ As used in this section, "inconsistent" means a
15 rule or ordinance that is more permissive than the provisions of
16 this act, or is more restrictive, or requires more action, equip-
17 ment, or permits, or prevents or obstructs compliance with the
18 provisions of this act.

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

- 22 (a) House Bill No. 4927.
- 23 (b) House Bill No. 4928.
- 24 (c) House Bill No. 4929.
- (d) House Bill No. 4930.
- (e) House Bill No. 4931.