

Act No. 98
Public Acts of 2000
Approved by the Governor
May 15, 2000
Filed with the Secretary of State
May 15, 2000
EFFECTIVE DATE: May 15, 2000

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000**

Introduced by Reps. Kilpatrick, Rick Johnson, Kelly, Allen, Jelinek, Julian, Garcia, Kukuk, Garza and Bovin

ENROLLED HOUSE BILL No. 4932

AN ACT to amend 1963 PA 181, entitled "An act to promote safety upon the public highways by regulating the operation of certain vehicles; to provide consistent regulation of these areas by state agencies and local units of government; to establish the qualifications of persons necessary for the safe operation of such vehicles; to limit the hours of service of persons engaged in operating such vehicles; to require the keeping of records of such operations; to provide penalties for the violation of this act; to prescribe the powers and duties of certain state agencies; and to repeal certain acts and parts of acts," 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:

Sec. 7. (1) Except as provided in sections 7b, 7c, and 7d, any person, driver, or operator who violates this act or a rule promulgated under this act, or an owner or user of a bus, truck, truck tractor, or trailer, or certain other motor vehicles or an officer or agent of an individual, partnership, corporation, or association or their lessees or receivers appointed by a court that is the owner or user of a vehicle, who requires or permits the driver or operator to operate or drive a bus, truck, truck tractor, or trailer, or certain other motor vehicles in violation of this act or a rule promulgated under this act, is responsible for a civil infraction and may be ordered to pay a fine of not more than \$250.00 for each violation.

(2) A peace officer or an officer of the motor carrier division of the department of state police, upon reasonable cause to believe that a motor vehicle is being operated in violation of this act or a rule promulgated under this act, may stop the motor vehicle and inspect the motor vehicle. If a violation is found, the officer may issue a notice to appear for that violation. If a motor vehicle is inspected by breaking the load seal, then the peace officer shall give to the driver a signed receipt of inspection and the peace officer shall be responsible for reapplying a Michigan department of transportation seal.

Sec. 7b. (1) A driver or operator or an owner or user of any bus, truck, truck tractor, or trailer, or certain other motor vehicles or any officer or agent of an individual, partnership, corporation, or association or their lessees or receivers appointed by any court that is the owner or user of any vehicle, who requires or permits the driver or operator to operate a vehicle with a serious safety defect is subject to a civil fine of not more than \$300.00 for each violation. A fine ordered to be paid by the district court under this subsection shall be paid to the county treasurer and applied for library purposes as provided by law. A fine ordered to be paid by a municipal court shall be paid to the treasurer of the political subdivision whose ordinance is violated.

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

Sec. 7c. (1) A driver or operator or an owner or user of a bus, truck, truck tractor, or trailer, or certain other motor vehicles, or an officer or agent of an individual, partnership, corporation, or association, or their lessees or receiver appointed by a court that is the owner or user of a vehicle, who requires or permits the driver or operator to operate or drive a bus, truck, truck tractor, or trailer, or certain other motor vehicles, that violates this act or a rule promulgated under this act if the vehicle is transporting a package required to be marked or labeled under 49 C.F.R. parts 100 to 180, upon conviction, is punishable by a fine of not more than \$500.00 for each violation.

(2) An officer, employee, owner, or agent of an individual, partnership, corporation, or association, or their lessees or receiver appointed by a court that is the owner or user of any hazardous materials vehicle inspection or repair facility that violates a section of this act, or a rule promulgated under this act, related to the transportation of hazardous materials, is guilty of a misdemeanor punishable as prescribed in this section.

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

(2) A state agency shall not promulgate rules inconsistent with this act. This subsection does not apply to rules promulgated under the fire prevention code, 1941 PA 207, MCL 29.1 to 29.34, by the state fire safety board with respect to the transportation of liquefied petroleum gas.

(3) The fine for operating a vehicle with a serious safety defect ordered to be paid under an ordinance or resolution adopted by a township, city, village, or county that is consistent with section 7b shall be paid to the county treasurer and shall be allocated as follows:

- (a) Seventy percent to the township, city, village, or county in which the citation is issued.
- (b) Thirty percent for library purposes as provided by law.

(4) Subsection (3) does not apply to a civil fine ordered to be paid for a case in which the citation is dismissed pursuant to subsection (5).

(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 is issued a citation by a township, city, village, or county for an equipment violation that does not result in the vehicle being placed out of service, the court shall dismiss the citation if the owner or operator of that commercial motor vehicle provides written proof to the court within 14 days after the citation is issued showing that the defective equipment indicated in the citation has been repaired.

(6) In order to be classified as a motor carrier enforcement officer, a police officer must have training equal to the minimum training requirements, including any annual training updates, established by the department of state police for an officer of the motor carrier division of the department of state police. A police officer who has received training equal to these minimum training requirements before the effective date of this section is considered a motor carrier enforcement officer for purposes of this act.

(7) As used in this section, "inconsistent" means a rule or ordinance that is more permissive than the provisions of this act, or is more restrictive, or requires more action, equipment, or permits, or prevents or obstructs compliance with the provisions of this act.

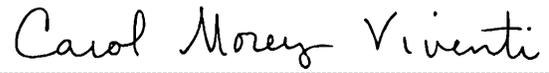
Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 90th Legislature are enacted into law:

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved

Governor.