

Legislative Analysis



REVISE MOTOR CARRIER SAFETY ACT

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House Bill 6663 (Substitute H-1)

Sponsor: Rep. Philip LaJoy

Committee: Transportation

Complete to 12-7-06

A SUMMARY OF HOUSE BILL 6663 AS REPORTED FROM COMMITTEE 11-28-06

The bill, as reported, would amend the Motor Carrier Safety Act (1963 PA 163) by adding Section 12X. The new section would establish maximum driving time rules for motor carriers operating entirely in intrastate commerce solely within the state of Michigan.

Specifically, Section 12X would prohibit a motor carrier operating entirely in intrastate commerce solely within the state of Michigan from permitting or requiring a driver of a commercial motor vehicle, regardless of the number of motor carriers using the driver's services, from doing either of the following:

- 1). Drive for any period after having been on duty 70 hours in any 7 consecutive days or having been on duty 80 hours in any period of 8 days.
- 2). Drive more than 12 hours or be on duty more than 16 hours in any day.

These provisions are less restrictive than federal hours of service rules established for interstate motor carriers in 49 CFR Part 395. Federal rules prohibit driving after having been on duty 60 hours in any 7 consecutive days, and prohibits driving more than 10 hours following 8 consecutive hours off duty.

Note that the bill as introduced would have limited the application to motor carriers operating entirely in intrastate commerce solely within the state of Michigan and "*engaged in seasonal construction-related activities.*" The H-1 substitute eliminates the industry-specific reference. The H-2 substitute (passed the House December 5, 2006) would include the proposed language as new subsection 9 within current Section 5 of the act, and not as a new section.

Prior to October 2005, Section 2v of the Motor Carrier Safety Act had established hours of service rules, including less restrictive rules for "*drivers of commercial motor vehicles engaged in seasonal construction-related activities within a 100 mile radius of the normal work reporting location.*" In 2005, House Bill 4852 (2005 PA 177) made a number of amendments to the Motor Carrier Safety Act in order to make the Act compatible with federal Motor Carrier Safety Regulations. Among other things, HB 4852 repealed Section 2v and established amended hours of service rules in Section 5 of the act. It is our understanding that House Bill 6663 is intended to restore, in part, less restrictive rules for seasonal construction-related motor carriers that were lost with the repeal of Section 2v.

FISCAL IMPACT:

The Michigan State Police Motor Carrier Enforcement Division is supported in part through federal Commercial Motor Carrier Safety Program funds authorized in 49 CFR Part 350. One of the conditions for state funding eligibility is adoption and enforcement of state laws and regulations pertaining to commercial motor vehicle safety that are compatible with appropriate parts of the federal regulations. In a letter to the Commanding Office of the Michigan State Police Motor Carrier Division dated December 3, 2006, the Administrator of the federal Motor Carrier Safety Division, Michigan Division, indicates that the proposed amendment to the Michigan Motor Carrier Safety Act were within the compatibility rules pertaining to the federal program.

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