

SUBSTITUTE FOR  
HOUSE BILL NO. 5248

A bill to amend 1963 PA 181, entitled  
"Motor carrier safety act of 1963,"  
by amending section 1a (MCL 480.11a), as amended by 1995 PA 265.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1a. (1) This state ~~hereby~~ adopts the following  
2 provisions of title 49 of the code of federal regulations, on file  
3 with the office of the secretary of state except where modified by  
4 this act, to provide for the safe transportation of persons and  
5 property with the intent of following the policies and procedures  
6 of the United States department of transportation's federal highway  
7 administration as they relate to title 49 of the code of federal  
8 regulations and the ~~north-american~~ **NORTH AMERICAN** standard  
9 uniform out of service criteria and inspection procedures:

1 (a) Hazardous materials regulations, being ~~49 C.F.R.~~ **49 CFR**  
2 parts ~~100~~ **105** through ~~180~~ **198**.

3 (b) Motor carrier safety regulations, being ~~49 C.F.R.~~ **49 CFR**  
4 part 382, part 387, parts 390 through 393, parts 395 through 397,  
5 and part 399 including appendices 1, D, E, and G, except for the  
6 following:

7 (i) Where the term "United States department of  
8 transportation", "federal highway administration", "federal highway  
9 administrator", "director", "bureau of motor carrier safety",  
10 "research and special projects administration", or "associate  
11 administrator for hazardous materials safety" appears, it refers to  
12 the department of state police.

13 (ii) Where "interstate" appears, it shall mean intrastate or  
14 interstate, or both, as applicable, except as otherwise  
15 specifically provided in this act.

16 (c) Where "special agent of the federal highway  
17 administration", "administration personnel", or "hazardous  
18 materials enforcement specialist" appears, it ~~either~~ means a  
19 peace officer, ~~or~~ an enforcement member, or a vehicle inspector  
20 of the motor carrier division of the department of state police.

21 (d) Where MCS 63 appears, it means MC 9 and MC 9b.

22 (e) Where MCS 64 appears, it means MC 5.

23 (f) Exempt intracity zones and the regulations applicable to  
24 exempt intracity zones do not apply to this act.

25 (2) When a commercial motor vehicle is operated entirely  
26 within this state and not otherwise involved with the movement of  
27 interstate property or passengers in commerce, the definitions in

1 this subsection apply. The definitions contained in those parts of  
2 ~~49 C.F.R.~~ **49 CFR** adopted in subsection (1)(b) apply to this act  
3 except for the following definitions as added or modified:

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

6 (b) "Bus" means any motor vehicle designed for carrying 16 or  
7 more passengers, including the driver. Bus does not include a  
8 school bus, a bus defined and certificated under the motor bus  
9 transportation act, ~~Act No. 432 of the Public Acts of 1982, being~~  
10 ~~sections 474.101 to 474.141 of the Michigan Compiled Laws~~ **1982 PA**  
11 **432, MCL 474.101 TO 474.141**, or a bus operated by a public transit  
12 agency operating under any of the following:

13 (i) A county, city, township, or village as provided by law, or  
14 other authority incorporated under ~~Act No. 55 of the Public Acts~~  
15 ~~of 1963, being sections 124.351 to 124.359 of the Michigan Compiled~~  
16 ~~Laws~~ **1963 PA 55, MCL 124.351 TO 125.359**. Each authority and  
17 governmental agency incorporated under ~~Act No. 55 of the Public~~  
18 ~~Acts of 1963~~ **1963 PA 55, MCL 124.351 TO 124.359**, has the exclusive  
19 jurisdiction to determine its own contemplated routes, hours of  
20 service, estimated transit vehicle miles, costs of public  
21 transportation services, and projected capital improvements or  
22 projects within its service area.

23 (ii) An authority incorporated under the metropolitan  
24 transportation authorities act of 1967, ~~Act No. 204 of the Public~~  
25 ~~Acts of 1967, being sections 124.401 to 124.426 of the Michigan~~  
26 ~~Compiled Laws~~ **1967 PA 204, MCL 124.401 TO 124.426**, or that  
27 operates a transportation service pursuant to an interlocal

1 agreement under the urban cooperation act of 1967, ~~Act No. 7 of~~  
 2 ~~the Public Acts of the Extra Session of 1967, being sections~~  
 3 ~~124.501 to 124.512 of the Michigan Compiled Laws 1967 (EX SESS) PA~~  
 4 **7, MCL 124.501 TO 124.512.**

5 (iii) A contract entered into pursuant to ~~Act No. 8 of the~~  
 6 ~~Public Acts of the Extra Session of 1967, being sections 124.531 to~~  
 7 ~~124.536 of the Michigan Compiled Laws, or Act No. 35 of the Public~~  
 8 ~~Acts of 1951, being sections 124.1 to 124.13 of the Michigan~~  
 9 ~~Compiled Laws 1967 (EX SESS) PA 8, MCL 124.531 TO 124.536, OR 1951~~  
 10 **PA 35, MCL 124.1 TO 124.13.**

11 (iv) An authority incorporated under the public transportation  
 12 authority act, ~~Act No. 196 of the Public Acts of 1986, being~~  
 13 ~~sections 124.451 to 124.479 of the Michigan Compiled Laws 1986 PA~~  
 14 **196, MCL 124.451 TO 124.479,** or a nonprofit corporation organized  
 15 under the nonprofit corporation act, ~~Act No. 162 of the Public~~  
 16 ~~Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan~~  
 17 ~~Compiled Laws 1982 PA 162, MCL 450.2101 TO 450.3192, that provides  
 18 transportation services.~~

19 (v) An authority financing public improvements to  
 20 transportation systems under the revenue bond act of 1933, ~~Act No.~~  
 21 ~~94 of the Public Acts of 1933, being sections 141.101 to 141.140 of~~  
 22 ~~the Michigan Compiled Laws 1933 PA 94, MCL 141.101 TO 141.140.~~

23 (c) "Commercial motor vehicle" means any self-propelled or  
 24 towed vehicle designed or used on public highways to transport  
 25 passengers or property, except for a bus exempted in subdivision

26 (b), if the vehicle is 1 or more of the following:

27 (i) Has either a gross vehicle weight rating or an actual gross

1 weight or gross combination weight rating or an actual gross  
2 combination weight of 10,001 or more pounds.

3 (ii) Is designed for carrying 16 or more passengers, including  
4 the driver.

5 (iii) Is used in the transportation of hazardous materials in a  
6 quantity that requires the vehicle to be marked or placarded  
7 pursuant to ~~49 C.F.R.~~ **49 CFR** parts ~~100~~ **105** to ~~180~~ **198**.

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

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

12 (f) "Hazardous material vehicle inspection or repair facility"  
13 is a commercial enterprise that performs inspections,  
14 certification, testing, or repairs to commercial motor vehicles  
15 transporting hazardous materials as required by ~~49 C.F.R.~~ **49 CFR**  
16 parts ~~100~~ **105** to ~~180~~ **198** and includes motor carriers that  
17 perform the inspections, certification, testing, or repairs to  
18 vehicles owned or leased by the motor carrier.

19 (G) **"MEDICAL EXAMINER" MEANS THAT TERM AS DEFINED UNDER 49 CFR**  
20 **390.5.**

21 (H) ~~(g)~~ "Motor carrier" means a carrier of passengers or  
22 property in a commercial motor vehicle and includes a person who  
23 owns or leases a commercial motor vehicle or that assigns employees  
24 to operate the vehicle. Motor carrier includes a motor carrier's  
25 agents, officers, and representatives, as well as employees  
26 responsible for hiring, supervising, training, assigning, or  
27 dispatching of drivers and employees concerned with the

- 1 installation, inspection, and maintenance of motor vehicle
- 2 equipment and accessories.