

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4852**

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending the title and sections 1a, 2d, 3, 4, 5, 6, 7, 7a, 7b, 7c, 7d, 11, and 12 (MCL 480.11a, 480.12d, 480.13, 480.14, 480.15, 480.16, 480.17, 480.17a, 480.17b, 480.17c, 480.17d, 480.21, and 480.22), the title and sections 1a, 2d, 3, 4, and 6 as amended and sections 7d and 12 as added by 1995 PA 265, section 5 as added by 1998 PA 337, sections 7, 7b, and 11 as amended by 2000 PA 98, section 7a as added by 1988 PA 359, and section 7c as amended by 2004 PA 168, and by adding sections 4a, 13, 14, and 15; and to repeal acts and parts of acts.

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

1

TITLE

1 An act to promote safety upon ~~the public~~ highways **OPEN TO**  
 2 **THE PUBLIC** by regulating the operation of certain vehicles; to  
 3 provide consistent regulation of these areas by state agencies  
 4 and local units of government; to establish the qualifications of  
 5 persons necessary for the safe operation of such vehicles; **TO**  
 6 **ESTABLISH CERTAIN VIOLATIONS OF SHIPPERS OFFERING CERTAIN**  
 7 **MATERIALS FOR TRANSPORTATION**; to limit the hours of service of  
 8 persons engaged in operating such vehicles; to require the  
 9 keeping of records of such operations; to provide penalties for  
 10 the violation of this act; to prescribe the powers and duties of  
 11 certain state agencies; and to repeal ~~certain~~ acts and parts of  
 12 acts.

13 Sec. 1a. (1) This state ~~hereby~~ adopts the following  
 14 provisions of title 49 of the code of federal regulations, on  
 15 file with the office of the secretary of state except where  
 16 modified by this act: ~~, to provide for the safe transportation~~  
 17 ~~of persons and property with the intent of following the policies~~  
 18 ~~and procedures of the United States department of~~  
 19 ~~transportation's federal highway administration as they relate to~~  
 20 ~~title 49 of the code of federal regulations and the north~~  
 21 ~~american standard uniform out of service criteria and inspection~~  
 22 ~~procedures.~~

23 (a) Hazardous materials regulations, being 49 ~~C.F.R.~~ **CFR**  
 24 parts 100 through 180 **EXCEPT FOR THE TRANSPORTATION OF**  
 25 **AGRICULTURAL PRODUCTS FOR WHICH AN EXCEPTION FROM THE APPLICATION**  
 26 **OF 49 CFR SUBCHAPTER C AND 49 CFR SUBCHAPTERS G AND H, PART 172,**  
 27 **IS PROVIDED UNDER 49 CFR 173.5, IS SPECIFICALLY AUTHORIZED IF THE**

1 **TRANSPORTATION IS IN COMPLIANCE WITH THIS ACT AND OTHER STATE**  
 2 **LAW.**

3 (b) Motor carrier safety regulations, being 49 ~~C.F.R. part~~  
 4 **CFR PARTS 40, 356, 365, 368, 371 THROUGH 373, 375, 376, 379, 382,**  
 5 ~~part 385, 387, parts 390 through 393, parts 395 through~~  
 6 ~~397, and part 399 including THE~~ appendices ~~1, D, E, and G, OF~~  
 7 **EACH PART** except for the following:

8 (i) ~~Where~~ **EXCEPT AS PROVIDED IN THIS SUBPARAGRAPH, WHERE**  
 9 the term "United States department of transportation", "federal  
 10 ~~highway~~ **MOTOR CARRIER SAFETY** administration", "federal ~~highway~~  
 11 **MOTOR CARRIER SAFETY** administrator", "director", "bureau of motor  
 12 carrier safety", ~~research and special projects~~ **"PIPELINE AND**  
 13 **HAZARDOUS MATERIALS** administration", or "associate administrator  
 14 for hazardous materials safety" appears, it refers to the  
 15 department of state police. **IF THE TERM IS BEING USED FOR THE**  
 16 **PURPOSES OF 49 CFR 397 AS IT RELATES TO ROUTING AND MOVEMENT OF**  
 17 **HAZARDOUS MATERIALS, IT REFERS TO THE MICHIGAN STATE**  
 18 **TRANSPORTATION DEPARTMENT.**

19 (ii) Where "interstate" appears, it shall mean intrastate or  
 20 interstate, or both, as applicable, except as ~~otherwise~~  
 21 specifically provided in this act.

22 (iii) ~~(e)~~ Where "special agent of the federal ~~highway~~  
 23 **MOTOR CARRIER SAFETY** administration", "administration personnel",  
 24 or "hazardous materials enforcement specialist" appears, it  
 25 either means a peace officer or an enforcement member ~~or a~~  
 26 ~~vehicle inspector~~ of the motor carrier division of the  
 27 department of state police.

1           (iv) ~~—(d)—~~ Where MCS 63 appears, it means MC 9 and MC 9b.

2           (v) ~~—(e)—~~ Where MCS 64 appears, it means ~~MC 5~~ UD-70.

3           (vi) ~~—(f)—~~ Exempt intracity zones and the regulations  
4 applicable to exempt intracity zones do not apply to this act.

5 ~~———(2) When a commercial motor vehicle is operated entirely~~  
6 ~~within this state and not otherwise involved with the movement of~~  
7 ~~interstate property or passengers in commerce, the definitions in~~  
8 ~~this subsection apply. The definitions contained in those parts~~  
9 ~~of 49 C.F.R. adopted in subsection (1)(b) apply to this act~~  
10 ~~except for the following definitions as added or modified:~~

11 ~~———(a) "Appeal board" means the motor carrier safety appeal~~  
12 ~~board created in section 1b.~~

13           (2) ~~—(b) "Bus" means any motor vehicle designed for carrying~~  
14 ~~16 or more passengers, including the driver. Bus does not include~~  
15 ~~a school bus, a bus defined and certificated under the motor bus~~  
16 ~~transportation act, Act No. 432 of the Public Acts of 1982, being~~  
17 ~~sections 474.101 to 474.141 of the Michigan Compiled Laws, or a~~  
18 **THIS ACT DOES NOT APPLY TO A** bus operated by a public transit  
19 agency operating under any of the following:

20           (A) ~~—(i)—~~ A county, city, township, or village as provided by  
21 law, or other authority incorporated under ~~Act No. 55 of the~~  
22 ~~Public Acts of 1963, being sections 124.351 to 124.359 of the~~  
23 ~~Michigan Compiled Laws~~ **1963 PA 55, MCL 124.351 TO 124.359**. Each  
24 authority and governmental agency incorporated under ~~Act No. 55~~  
25 ~~of the Public Acts of 1963~~ **1963 PA 55, MCL 124.351 TO 124.359**,  
26 has the exclusive jurisdiction to determine its own contemplated  
27 routes, hours of service, estimated transit vehicle miles, costs

1 of public transportation services, and projected capital  
2 improvements or projects within its service area.

3 (B) ~~—(ii)—~~ An authority incorporated under the metropolitan  
4 transportation authorities act of 1967, ~~Act No. 204 of the~~  
5 ~~Public Acts of 1967, being sections 124.401 to 124.426 of the~~  
6 ~~Michigan Compiled Laws— 1967 PA 204, MCL 124.401 TO 124.426,~~ or  
7 that operates a transportation service pursuant to an interlocal  
8 agreement under the urban cooperation act of 1967, ~~Act No. 7 of~~  
9 ~~the Public Acts of the Extra Session of 1967, being sections~~  
10 ~~124.501 to 124.512 of the Michigan Compiled Laws— 1967 (EX SESS)~~  
11 ~~PA 7, MCL 124.501 TO 124.512.~~

12 (C) ~~—(iii)—~~ A contract entered into pursuant to ~~Act No. 8 of~~  
13 ~~the Public Acts of the Extra Session of 1967, being sections~~  
14 ~~124.531 to 124.536 of the Michigan Compiled Laws— 1967 (EX SESS)~~  
15 ~~PA 8, MCL 124.531 TO 124.536,~~ or ~~Act No. 35 of the Public Acts~~  
16 ~~of 1951, being sections 124.1 to 124.13 of the Michigan Compiled~~  
17 ~~Laws— 1951 PA 35, MCL 124.1 TO 124.13.~~

18 (D) ~~—(iv)—~~ An authority incorporated under the public  
19 transportation authority act, ~~Act No. 196 of the Public Acts of~~  
20 ~~1986, being sections 124.451 to 124.479 of the Michigan Compiled~~  
21 ~~Laws— 1986 PA 196, MCL 124.451 TO 124.479,~~ or a nonprofit  
22 corporation organized under the nonprofit corporation act, ~~Act~~  
23 ~~No. 162 of the Public Acts of 1982, being sections 450.2101 to~~  
24 ~~450.3192 of the Michigan Compiled Laws— 1982 PA 162, MCL 450.2101~~  
25 ~~TO 450.3192,~~ that provides transportation services.

26 (E) ~~—(v)—~~ An authority financing public improvements to  
27 transportation systems under the revenue bond act of 1933, ~~Act~~

1 ~~No. 94 of the Public Acts of 1933, being sections 141.101 to~~  
2 ~~141.140 of the Michigan Compiled Laws 1933 PA 94, MCL 141.101 TO~~  
3 ~~141.140.~~

4 ~~—— (c) "Commercial motor vehicle" means any self propelled or~~  
5 ~~towed vehicle designed or used on public highways to transport~~  
6 ~~passengers or property, except for a bus exempted in subdivision~~  
7 ~~(b), if the vehicle is 1 or more of the following:~~

8 ~~—— (i) Has either a gross vehicle weight rating or an actual~~  
9 ~~gross weight or gross combination weight rating or an actual~~  
10 ~~gross combination weight of 10,001 or more pounds.~~

11 ~~—— (ii) Is designed for carrying 16 or more passengers,~~  
12 ~~including the driver.~~

13 ~~—— (iii) Is used in the transportation of hazardous materials in~~  
14 ~~a quantity that requires the vehicle to be marked or placarded~~  
15 ~~pursuant to 40 C.F.R. parts 100 to 180.~~

16 ~~—— (d) "Gross combination weight" or "GCW" means the combined~~  
17 ~~weight of a combination of vehicles and any load on those~~  
18 ~~vehicles.~~

19 ~~—— (e) "Gross weight", "gross vehicle weight", or "GVW" means~~  
20 ~~the combined weight of a motor vehicle and any load on that~~  
21 ~~vehicle.~~

22 (3) ~~(f) "Hazardous~~ **AS USED IN THIS ACT, "HAZARDOUS**  
23 ~~material vehicle inspection or repair facility" is~~ **MEANS** a  
24 commercial enterprise that performs inspections, certification,  
25 testing, or repairs to commercial motor vehicles transporting  
26 hazardous materials as required by 49 ~~C.F.R.~~ **CFR** parts 100 to  
27 180 and includes motor carriers that perform the inspections,

1 certification, testing, or repairs to vehicles owned or leased by  
2 the motor carrier.

3 ~~—— (g) "Motor carrier" means a carrier of passengers or  
4 property in a commercial motor vehicle and includes a person who  
5 owns or leases a commercial motor vehicle or that assigns  
6 employees to operate the vehicle. Motor carrier includes a motor  
7 carrier's agents, officers, and representatives, as well as  
8 employees responsible for hiring, supervising, training,  
9 assigning, or dispatching of drivers and employees concerned with  
10 the installation, inspection, and maintenance of motor vehicle  
11 equipment and accessories.~~

12       Sec. 2d. (1) A person shall not drive a commercial motor  
13 vehicle unless he or she is qualified to drive that vehicle. A  
14 motor carrier shall not require or permit a person to drive a  
15 commercial motor vehicle unless that person is qualified to drive  
16 that vehicle.

17       (2) ~~A~~ **IN THE CASE OF INTRASTATE TRANSPORTATION, A** person  
18 is qualified to drive a commercial motor vehicle if he or she  
19 meets all of the requirements of ~~49 C.F.R.~~ **49 CFR** part 391  
20 except ~~for~~ **ALL OF** the following ~~circumstances~~ **PROVISIONS:**

21 ~~—— (a) In the case of intrastate transportation, meets 1 or  
22 more of the following:~~

23 ~~—— (i) Is at least 18 years old when transporting intrastate  
24 property or passengers, except as provided in subparagraphs (ii)  
25 and (iii).~~

26 ~~—— (ii) Is at least 16 years of age when acting as a farm  
27 vehicle driver as defined in 49 C.F.R. 390.5.~~

1 ~~—— (iii) Is at least 21 years old when transporting hazardous~~  
 2 ~~materials in a quantity that requires the vehicle to be marked or~~  
 3 ~~placarded pursuant to the provisions of 49 C.F.R. parts 100 to~~  
 4 ~~180. This subparagraph does not apply to a vehicle eligible for~~  
 5 ~~and displaying valid farm plates with a gross vehicle weight of~~  
 6 ~~40,000 pounds or less if the driver is 18 years of age or over.~~

7 ~~—— (b) In the case of intrastate transportation, is eligible~~  
 8 ~~for and displays a valid medical waiver card or grandfather~~  
 9 ~~rights card issued in accordance with this act.~~

10 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (B), THE  
 11 PERSON IS AT LEAST 18 YEARS OLD WHEN TRANSPORTING INTRASTATE  
 12 PROPERTY OR PASSENGERS.

13 (B) THE PERSON IS AT LEAST 21 YEARS OLD WHEN TRANSPORTING  
 14 HAZARDOUS MATERIALS IN A QUANTITY THAT REQUIRES THE VEHICLE TO BE  
 15 MARKED OR PLACARDED UNDER 49 CFR PARTS 100 TO 180.

16 (C) THE PERSON IS ELIGIBLE FOR AND DISPLAYS A VALID MEDICAL  
 17 WAIVER CARD, IS EXCEPTED FROM THE MEDICAL WAIVER CARD PROVISIONS  
 18 UNDER THIS ACT, OR DISPLAYS A GRANDFATHER RIGHTS CARD ISSUED IN  
 19 ACCORDANCE WITH THIS ACT.

20 Sec. 3. ~~This act and the rules promulgated under this act~~  
 21 ~~do not apply to:~~

22 ~~—— (a) A semitrailer or truck used exclusively for storage~~  
 23 ~~purposes.~~

24 ~~—— (b) A commercial motor vehicle owned and operated by a unit~~  
 25 ~~of government or its employees, except as otherwise provided in~~  
 26 ~~this act, and except for the following parts of 49 C.F.R.: part~~  
 27 ~~382, controlled substances and alcohol use and testing; part 391,~~

1 ~~qualification of drivers, part 392, driving of motor vehicles,~~  
2 ~~and part 393, parts and accessories necessary for safe operation.~~

3 ~~—— (c) A self propelled implement of husbandry or a drawn~~  
4 ~~implement of husbandry if:~~

5 ~~—— (i) The implement of husbandry is as defined by section 21 of~~  
6 ~~the Michigan vehicle code, Act No. 300 of the Public Acts of~~  
7 ~~1949, being section 257.21 of the Michigan Compiled Laws.~~

8 ~~—— (ii) The motor vehicle hauling the implement of husbandry~~  
9 ~~does not exceed a maximum speed of 25 miles per hour if the drawn~~  
10 ~~or self propelled implement of husbandry being drawn is not~~  
11 ~~equipped with brakes or coupling devices, or both, that meet the~~  
12 ~~standards set forth in 49 C.F.R. 393.40 adopted by this act.~~

13 ~~—— (iii) It does not exceed any other implement or component~~  
14 ~~design maximum speed limitation.~~

15 (1) THE MOTOR CARRIER SAFETY APPEAL BOARD IS CREATED. THE  
16 BOARD SHALL CONSIST OF THE DIRECTOR OF THE DEPARTMENT OF STATE  
17 POLICE OR HIS OR HER DESIGNEE, THE SECRETARY OF STATE OR HIS OR  
18 HER DESIGNEE, THE DIRECTOR OF THE STATE TRANSPORTATION DEPARTMENT  
19 OR HIS OR HER DESIGNEE, AND 1 REPRESENTATIVE OF THE MOTOR CARRIER  
20 INDUSTRY CHOSEN JOINTLY BY THESE 3 DEPARTMENT HEADS AND THE  
21 MICHIGAN TRUCKING ASSOCIATION. THE APPEAL BOARD SHALL HEAR AND  
22 DECIDE APPLICATIONS FOR WAIVERS FROM MEDICAL REQUIREMENTS OF THIS  
23 ACT AND THE RULES PROMULGATED PURSUANT TO THIS ACT.

24 (2) A PERSON WHO IS NOT PHYSICALLY QUALIFIED TO DRIVE UNDER  
25 49 CFR 391.41 AND WHO IS OTHERWISE QUALIFIED TO DRIVE A  
26 COMMERCIAL MOTOR VEHICLE MAY DRIVE A COMMERCIAL MOTOR VEHICLE IF  
27 THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE POLICE OR

1 THE APPEAL BOARD HAS GRANTED A WAIVER TO THAT PERSON.

2 (3) AN APPLICATION FOR A WAIVER SHALL BE SUBMITTED JOINTLY  
3 BY THE PERSON WHO SEEKS A WAIVER OF HIS OR HER PHYSICAL  
4 DISQUALIFICATION AND BY THE MOTOR CARRIER THAT WILL EMPLOY THE  
5 PERSON IF THE APPLICATION IS GRANTED. THE APPLICATION SHALL BE  
6 DELIVERED TO THE HEADQUARTERS OF THE MOTOR CARRIER DIVISION OF  
7 THE DEPARTMENT OF STATE POLICE.

8 (4) AN APPLICATION FOR A WAIVER SHALL CONTAIN ALL OF THE  
9 FOLLOWING:

10 (A) A DESCRIPTION OF ALL OF THE FOLLOWING:

11 (i) THE TYPE, SIZE, AND SPECIAL EQUIPMENT, IF ANY, OF THE  
12 VEHICLES THE INDIVIDUAL APPLICANT INTENDS TO DRIVE.

13 (ii) THE GENERAL AREA AND TYPE OF ROADS THE INDIVIDUAL  
14 APPLICANT INTENDS TO TRAVERSE WHILE DRIVING.

15 (iii) THE MAXIMUM DISTANCES THE INDIVIDUAL APPLICANT INTENDS  
16 TO DRIVE.

17 (iv) THE NATURE OF THE COMMODITIES OR CARGO THE INDIVIDUAL  
18 APPLICANT INTENDS TO TRANSPORT.

19 (v) THE METHODS THE APPLICANT OR ANY OTHER PERSON WILL USE  
20 TO LOAD AND SECURE THE COMMODITIES OR CARGO.

21 (vi) THE NATURE AND EXTENT OF THE INDIVIDUAL APPLICANT'S  
22 EXPERIENCE AT OPERATING COMMERCIAL MOTOR VEHICLES OF THE TYPE HE  
23 OR SHE INTENDS TO DRIVE.

24 (B) AN AGREEMENT THAT THE MOTOR CARRIER WILL PROMPTLY FILE  
25 WITH THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE POLICE  
26 REPORTS THAT THE DIVISION MAY REQUIRE, INCLUDING ACCIDENT  
27 REPORTS.

1 (C) AN AGREEMENT THAT IF A WAIVER IS GRANTED, IT AUTHORIZES  
2 THE INDIVIDUAL APPLICANT TO DRIVE INTRASTATE ONLY WHEN EMPLOYED  
3 BY THE MOTOR CARRIER THAT JOINED IN THE INDIVIDUAL'S APPLICATION.

4 (5) AN APPLICATION FOR A WAIVER SHALL BE ACCOMPANIED BY ALL  
5 OF THE FOLLOWING:

6 (A) NOT LESS THAN 2 REPORTS OF MEDICAL EXAMINATIONS,  
7 CONDUCTED WITHIN THE PRECEDING 60 DAYS OF THE DATE OF THE  
8 APPLICATION, PURSUANT TO 49 CFR 391.43, EACH OF WHICH INCLUDES  
9 THE MEDICAL EXAMINER'S OPINION CONCERNING THE INDIVIDUAL  
10 APPLICANT'S ABILITY TO OPERATE SAFELY A VEHICLE OF THE TYPE THE  
11 APPLICANT INTENDS TO DRIVE.

12 (B) A COPY OF THE INDIVIDUAL APPLICANT'S APPLICATION FOR  
13 EMPLOYMENT MADE PURSUANT TO 49 CFR 391.21 OR THIS ACT.

14 (6) AN APPLICATION FOR A WAIVER SHALL BE SIGNED BY BOTH THE  
15 INDIVIDUAL APPLICANT AND THE MOTOR CARRIER. IF THE MOTOR CARRIER  
16 IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER  
17 OF THE CORPORATION. IF THE MOTOR CARRIER IS A PARTNERSHIP, THE  
18 APPLICATION SHALL BE SIGNED BY A GENERAL PARTNER.

19 (7) THE DRIVER APPLICANT OR MOTOR CARRIER APPLICANT SHALL  
20 NOT FALSIFY INFORMATION IN THE LETTER OF APPLICATION OR THE  
21 RENEWAL APPLICATION.

22 (8) THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE  
23 POLICE MAY DENY THE APPLICATION OR MAY APPROVE THE APPLICATION,  
24 IN WHOLE OR IN PART, AND ISSUE A WAIVER SUBJECT TO THE TERMS,  
25 CONDITIONS, AND LIMITATIONS AS IT CONSIDERS CONSISTENT WITH  
26 SAFETY AND THE PUBLIC INTEREST. A WAIVER IS VALID FOR NOT MORE  
27 THAN 2 YEARS, AND A WAIVER MAY BE RENEWED UPON SUBMISSION OF A

1 NEW APPLICATION UNDER THIS ACT.

2 (9) IF THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE  
3 POLICE GRANTS A WAIVER, IT SHALL NOTIFY EACH APPLICANT BY A  
4 LETTER, THAT SETS FORTH THE TERMS, CONDITIONS, AND LIMITATIONS OF  
5 THE WAIVER. THE MOTOR CARRIER SHALL RETAIN THE LETTER OR A  
6 LEGIBLE COPY OF IT AND A COPY OF THE MEDICAL WAIVER CARD IN THE  
7 DRIVER'S QUALIFICATION FILE AS LONG AS THE INDIVIDUAL APPLICANT  
8 IS EMPLOYED BY THAT MOTOR CARRIER AND FOR 3 YEARS THEREAFTER. THE  
9 INDIVIDUAL APPLICANT SHALL HAVE THE CURRENT MEDICAL WAIVER CARD  
10 IN HIS OR HER POSSESSION WHEN HE OR SHE DRIVES A COMMERCIAL MOTOR  
11 VEHICLE OR IS OTHERWISE ON DUTY.

12 (10) THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE  
13 POLICE MAY SUSPEND A WAIVER AT ANY TIME. THE MOTOR CARRIER  
14 DIVISION MAY REVOKE A WAIVER AFTER THE PERSON TO WHOM IT WAS  
15 ISSUED IS GIVEN NOTICE OF THE PROPOSED REVOCATION AND A  
16 REASONABLE OPPORTUNITY TO APPEAL FOR REVIEW.

17 (11) AN APPLICANT WHO WAS DENIED IN WHOLE OR IN PART HIS OR  
18 HER APPLICATION FOR A WAIVER OF PHYSICAL DEFECT UNDER THIS ACT OR  
19 CONFLICT OF MEDICAL EVALUATION UNDER 49 CFR 391.47 MAY MAKE AN  
20 APPEAL FOR REVIEW BY CONTACTING THE MOTOR CARRIER DIVISION.

21 (12) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION,  
22 THE DETERMINATION OF THE MOTOR CARRIER SAFETY APPEAL BOARD SHALL  
23 HAVE NO BEARING ON WORKER'S COMPENSATION STATUS.

24 Sec. 4. ~~(1) The department of state police may promulgate~~  
25 ~~rules and regulations reasonably necessary to the accomplishment~~  
26 ~~of the purpose of this act.~~

27 ~~(2) The administrative rules promulgated pursuant to the~~

1 ~~authority granted under subsection (1) that were filed with the~~  
2 ~~secretary of state on June 22, 1984 and any subsequent revision~~  
3 ~~to these rules are hereby rescinded on the effective date of the~~  
4 ~~amendatory act that added this subsection.~~

5 (1) THE PROVISIONS OF THIS ACT AND 49 CFR 391.21 RELATING TO  
6 APPLICATIONS FOR EMPLOYMENT, 49 CFR 391.23 RELATING TO  
7 INVESTIGATIONS AND INQUIRIES, AND 49 CFR 391.31 AND CFR 391.33  
8 RELATING TO ROAD TESTS DO NOT APPLY TO A DRIVER WHO HAS BEEN A  
9 REGULARLY EMPLOYED DRIVER OF AN INTRASTATE MOTOR CARRIER OF  
10 PROPERTY FOR A CONTINUOUS PERIOD WHICH BEGAN ON OR BEFORE JUNE  
11 10, 1984, AS LONG AS HE OR SHE CONTINUES TO BE A REGULARLY  
12 EMPLOYED DRIVER OF THAT MOTOR CARRIER OR TO A DRIVER WHO HAS BEEN  
13 A REGULARLY EMPLOYED DRIVER OF AN INTRASTATE MOTOR CARRIER OF  
14 PASSENGERS FOR A CONTINUOUS PERIOD WHICH BEGAN ON OR BEFORE MARCH  
15 3, 1991, AS LONG AS HE OR SHE CONTINUED TO BE A REGULARLY  
16 EMPLOYED DRIVER OF THAT MOTOR CARRIER. SUCH A DRIVER IS QUALIFIED  
17 TO DRIVE A COMMERCIAL MOTOR VEHICLE IF HE OR SHE FULFILLS THE  
18 REQUIREMENTS OF SECTION 2D(2).

19 (2) THE PROVISIONS IN THIS ACT PERTAINING TO AN INTRASTATE  
20 DRIVER'S MEDICAL QUALIFICATIONS DO NOT APPLY TO ANY DRIVER WHO:

21 (A) HAS BEEN A REGULARLY EMPLOYED DRIVER OF THE MOTOR  
22 CARRIER FOR A CONTINUOUS PERIOD THAT BEGAN ON OR BEFORE JUNE 10,  
23 1984.

24 (B) HAS CONTINUED TO BE A REGULARLY EMPLOYED DRIVER OF THAT  
25 MOTOR CARRIER.

26 (C) IS OTHERWISE QUALIFIED TO DRIVE A COMMERCIAL MOTOR  
27 VEHICLE UNDER THIS ACT.

1 (D) HAS MADE APPLICATION TO THE APPEAL BOARD CLAIMING  
2 GRANDFATHERING RIGHTS.

3 (E) HAS RECEIVED A GRANDFATHER RIGHTS CARD FROM THE MOTOR  
4 CARRIER DIVISION OF THE DEPARTMENT OF STATE POLICE. THE  
5 GRANDFATHER RIGHTS CARD SHALL BE CARRIED AT ALL TIMES ON THE  
6 PERSON OF THE DRIVER WHILE HE OR SHE IS OPERATING A COMMERCIAL  
7 MOTOR VEHICLE. THE ORIGINAL GRANDFATHER RIGHTS APPLICATION FORM  
8 OR A LEGIBLE COPY OF IT WILL BE RETAINED IN THE DRIVER'S  
9 QUALIFICATION FILE IN ACCORDANCE WITH THIS ACT.

10 (3) NOTWITHSTANDING SUBSECTION (2), THE PROVISIONS OF THIS  
11 ACT PERTAINING TO RANDOM, REASONABLE CAUSE, AND POSTACCIDENT DRUG  
12 AND ALCOHOL TESTING APPLY TO ALL DRIVERS AS REQUIRED BY 49 CFR  
13 PART 382 GRANTED GRANDFATHER RIGHTS UNDER THIS SECTION.

14 (4) GRANDFATHER RIGHTS SHALL REMAIN VALID UNTIL DECEMBER 31,  
15 2014.

16 (5) THE EXEMPTION FROM MEDICAL QUALIFICATION UNDER THIS  
17 SECTION APPLIES ONLY TO PREEXISTING CONDITIONS BEFORE JANUARY 1,  
18 1996. ANY MEDICAL CONDITION THAT WOULD NORMALLY DISQUALIFY A  
19 DRIVER UNDER THIS ACT AUTOMATICALLY VOIDS ANY GRANDFATHER RIGHTS.  
20 ANY DRIVER WHO DEVELOPS A NORMALLY DISQUALIFYING MEDICAL  
21 CONDITION OR VIOLATES ANY PROVISION OF SUBSECTION (2) OF THIS  
22 SECTION AFTER BEING ISSUED A GRANDFATHER CARD MUST RETURN THE  
23 GRANDFATHER CARD TO THE MOTOR CARRIER DIVISION OF THE DEPARTMENT  
24 OF STATE POLICE AND APPLY FOR A MEDICAL WAIVER AS PROVIDED IN  
25 THIS ACT.

26 (6) A MOTOR CARRIER SHALL MAINTAIN THE ORIGINAL OR A LEGIBLE  
27 COPY OF THE GRANDFATHER CARD ISSUED UNDER THIS ACT IN THE FILE OF

1 EACH DRIVER THAT HAS BEEN ISSUED ONE.

2 SEC. 4A. THE DEPARTMENT IS NOT AUTHORIZED TO ISSUE NEW  
3 GRANDFATHER CARDS UNDER SECTION 4 AFTER THE EFFECTIVE DATE OF THE  
4 AMENDATORY ACT THAT ADDED THIS SECTION.

5 Sec. 5. ~~The transportation of agricultural products for~~  
6 ~~which an exception is provided by 49 C.F.R. 173.5 from the~~  
7 ~~application of subchapter C of title 49 of the code of federal~~  
8 ~~regulations, or from the application of subparts G and H of part~~  
9 ~~172 of title 49 of the code of federal regulations, is~~  
10 ~~specifically authorized if in compliance with this act and other~~  
11 ~~state law.~~

12 (1) IN THE CASE OF INTRASTATE TRANSPORTATION, THE PROVISIONS  
13 OF 49 CFR 391.21 RELATING TO APPLICATION FOR EMPLOYMENT, 49 CFR  
14 391.23 RELATING TO INVESTIGATIONS AND INQUIRIES, 49 CFR 391.31  
15 RELATING TO ROAD TESTS, 49 CFR PART 395 RELATING TO HOURS OF  
16 SERVICE, 49 CFR 391.41 TO 391.45 TO THE EXTENT THAT THEY REQUIRE  
17 A DRIVER TO BE MEDICALLY QUALIFIED OR EXAMINED AND TO HAVE A  
18 MEDICAL EXAMINER'S CERTIFICATE ON HIS OR HER PERSON AND THE  
19 PROVISIONS OF THIS ACT RELATING TO FILES AND RECORDS DO NOT APPLY  
20 TO A FARM VEHICLE DRIVER AS DEFINED IN 49 CFR 390.5.

21 (2) FOR INTRASTATE TRANSPORTATION, THE PROVISIONS OF THIS  
22 ACT DO NOT APPLY TO A SELF-PROPELLED IMPLEMENT OF HUSBANDRY OR AN  
23 IMPLEMENT OF HUSBANDRY BEING DRAWN BY A FARM TRACTOR OR ANOTHER  
24 IMPLEMENT OF HUSBANDRY.

25 (3) THE PROVISIONS OF THIS ACT RELATED TO DRIVER  
26 QUALIFICATIONS DO NOT APPLY TO PUBLIC UTILITY, TELEPHONE, AND  
27 CABLE TELEVISION COMPANY SERVICE EMPLOYEES IF THOSE EMPLOYEES ARE

1 NOT OTHERWISE BEING USED AS A REGULARLY EMPLOYED DRIVER AND ARE  
2 NOT OPERATING A VEHICLE THAT MEETS THE DEFINITION OF A COMMERCIAL  
3 MOTOR VEHICLE IN 49 CFR PART 383.

4 (4) THE REQUIREMENTS OF 49 CFR PART 395 DO NOT APPLY TO ANY  
5 DRIVER OF A PUBLIC UTILITY SERVICE VEHICLE WHEN BEING USED IN  
6 CASES OF EMERGENCY. AS USED IN THIS SUBSECTION, "EMERGENCY" MEANS  
7 ANY INSTANCE OF LOSS OF PUBLIC UTILITY SERVICE DUE TO AN  
8 UNFORESEEN CIRCUMSTANCE, A NATURAL DISASTER, OR AN ACT OF GOD. A  
9 DECLARATION OF EMERGENCY BY A PUBLIC OFFICIAL IS NOT REQUIRED TO  
10 CONSTITUTE AN EMERGENCY UNDER THIS SUBSECTION.

11 (5) A COMMERCIAL MOTOR VEHICLE CONSTRUCTED AND MAINTAINED SO  
12 THAT THE BODY CHASSIS OR OTHER PARTS OF THE VEHICLE AFFORD THE  
13 REAR END PROTECTION REQUIRED BY 49 CFR 393.86 IS IN COMPLIANCE  
14 WITH THAT SECTION.

15 (6) THIS ACT AND THE RULES PROMULGATED UNDER THIS ACT DO NOT  
16 APPLY TO A COMMERCIAL MOTOR VEHICLE OWNED AND OPERATED BY A UNIT  
17 OF GOVERNMENT OR ITS EMPLOYEES, EXCEPT AS OTHERWISE PROVIDED BY  
18 THIS ACT, AND EXCEPT FOR ALL OF THE FOLLOWING PARTS OF 49 CFR:

19 (A) PART 382.

20 (B) PART 391

21 (C) PART 392.

22 (D) PART 393.

23 (7) A COMBINATION OF VEHICLES WITH AN ACTUAL COMBINATION  
24 GROSS VEHICLE WEIGHT OR A GROSS COMBINATION WEIGHT RATING OF  
25 26,000 POUNDS OR LESS, PROVIDED THE TRAILER OR SEMITRAILER HAS AN  
26 ACTUAL GROSS VEHICLE WEIGHT OR GROSS VEHICLE WEIGHT RATING OF  
27 15,000 POUNDS OR LESS, MAY BE EQUIPPED WITH SURGE BRAKES FOR

1 INTRASTATE OPERATION AS ALLOWED BY SECTION 705(1)(C) OF THE  
2 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.705. VEHICLES OF ANY  
3 SIZE THAT ARE TRANSPORTING HAZARDOUS MATERIALS IN AN AMOUNT THAT  
4 REQUIRES PLACARDING OR VEHICLES THAT ARE DESIGNED TO TRANSPORT  
5 MORE THAN 8 PASSENGERS, INCLUDING THE DRIVER, ARE PROHIBITED FROM  
6 BEING EQUIPPED WITH SURGE BRAKES FOR INTRASTATE OPERATION.

7 (8) THIS ACT AND THE RULES PROMULGATED UNDER THIS ACT DO NOT  
8 APPLY TO A SCHOOL BUS AS DEFINED IN THE PUPIL TRANSPORTATION ACT,  
9 1990 PA 187, MCL 257.1801 TO 257.1877, OR A BUS DEFINED AND  
10 CERTIFICATED UNDER THE MOTOR BUS TRANSPORTATION ACT, 1982 PA 432,  
11 MCL 474.101 TO 474.141.

12 (9) AS USED IN SUBSECTIONS (3) AND (4), "PUBLIC UTILITY"  
13 MEANS A PERSON OR CORPORATION OPERATING EQUIPMENT OR FACILITIES  
14 FOR PRODUCING, GENERATING, TRANSMITTING, DELIVERING, OR  
15 FURNISHING GAS OR ELECTRICITY FOR THE PRODUCTION OF LIGHT, HEAT,  
16 OR POWER FOR THE PUBLIC FOR COMPENSATION.

17 (10) AS USED IN THIS SECTION:

18 (A) "IMPLEMENT OF HUSBANDRY" MEANS THAT TERM AS DEFINED IN  
19 SECTION 21 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.21.

20 (B) "FARM TRACTOR" MEANS THAT TERM AS DEFINED IN SECTION 16  
21 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.16.

22 Sec. 6. (1) Motor carriers shall submit, upon demand, all  
23 their transportation safety related documents, such as all  
24 records and information pertaining to any accident, drivers'  
25 records of duty status, bills of lading, shipping records, driver  
26 time and payroll records, driver qualification records, vehicle  
27 maintenance records, and equipment for inspection or copying

1 during regular business hours to any **ENFORCEMENT MEMBER OF THE**  
2 motor carrier ~~officer~~ **DIVISION** displaying a valid Michigan  
3 department of state police, motor carrier division identification  
4 card.

5 (2) Hazardous materials vehicle inspection and repair  
6 facilities shall submit, upon demand, all their transportation  
7 safety related documents as required by this act, such as  
8 hazardous materials tank certification and repair documents, and  
9 annual inspection certification documents to any **ENFORCEMENT**  
10 **MEMBER OF THE** motor carrier ~~officer~~ **DIVISION** displaying a valid  
11 Michigan department of state police motor carrier division  
12 identification card.

13 ~~———— (3) The following is a facsimile of the motor carrier~~  
14 ~~division identification card:~~

15 Michigan  
16 State Police  
17 This is to certify that  
18 (rank and name)  
19 Whose photograph appears  
20 hereon is a member of the  
21 Michigan State Police and  
22 Photo is vested with the  
23 authority of a motor  
24 carrier enforcement  
25 officer as prescribed by  
26 law.  
27  
28 Not valid after (signature)



1 ~~operator to operate or drive a bus, truck, truck tractor, or~~  
2 ~~trailer, or certain other motor vehicles in violation of PERMITS~~  
3 **OR REQUIRES ANY PERSON TO VIOLATE** this act or a rule promulgated  
4 under this act, is responsible for a **STATE** civil infraction and  
5 may be ordered to pay a fine of not more than \$250.00 for each  
6 violation.

7 (2) A peace officer or an ~~officer~~ **ENFORCEMENT MEMBER** of  
8 the motor carrier division of the department of state police,  
9 upon ~~reasonable~~ **PROBABLE** cause to believe that a motor vehicle  
10 is being operated in violation of this act or a rule promulgated  
11 under this act, may stop the motor vehicle and inspect the motor  
12 vehicle. If a violation is found, the officer may issue a notice  
13 to appear for that violation. ~~If a motor vehicle is inspected by~~  
14 ~~breaking the load seal, then the peace officer shall give to the~~  
15 ~~driver a signed receipt of inspection and the peace officer shall~~  
16 ~~be responsible for reapplying a Michigan department of~~  
17 ~~transportation seal.~~

18 (3) **AN ENFORCEMENT MEMBER OF THE MOTOR CARRIER DIVISION OF**  
19 **THE DEPARTMENT OF STATE POLICE, UPON NOTIFICATION OF A VALID OUT-**  
20 **OF-SERVICE ORDER UPON A MOTOR CARRIER ISSUED BY THE UNITED STATES**  
21 **DEPARTMENT OF TRANSPORTATION, BY A STATE OR A POLITICAL**  
22 **SUBDIVISION OF A STATE, BY THE CANADIAN OR MEXICAN GOVERNMENT, OR**  
23 **BY THE GOVERNMENT OF A PROVINCE OF CANADA, MAY STOP AND DETAIN**  
24 **ANY VEHICLE OPERATED BY THE MOTOR CARRIER AND PLACE THE VEHICLE**  
25 **AND DRIVER OUT OF SERVICE PURSUANT TO THE ORDER. A DRIVER OR**  
26 **MOTOR CARRIER OPERATING A VEHICLE IN VIOLATION OF AN OUT-OF-**  
27 **SERVICE ORDER IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND**

1 **SHALL BE ASSESSED A FINE OF NOT MORE THAN \$500.00.**

2       Sec. 7a. ~~(1) By December 31, 1989, the truck safety~~  
3 ~~commission shall make recommendations to the legislature with~~  
4 ~~respect to an accident report form regarding accidents involving~~  
5 ~~commercial motor vehicles.~~

6 ~~—— (2) As used in this section, "commercial motor vehicle"~~  
7 ~~means that term as defined in section 7a of the Michigan vehicle~~  
8 ~~code, Act No. 300 of the Public Acts of 1949, being section~~  
9 ~~257.7a of the Michigan Compiled Laws. —~~ **THE DEPARTMENT OF STATE**

10 **POLICE MAY PROMULGATE RULES NECESSARY TO THE ACCOMPLISHMENT OF**  
11 **THE PURPOSE OF THIS ACT. THE ADMINISTRATIVE RULES PROMULGATED AND**  
12 **FILED WITH THE SECRETARY OF STATE ON JUNE 22, 1984 AND ANY**  
13 **SUBSEQUENT REVISIONS TO THOSE RULES WERE RESCINDED EFFECTIVE**  
14 **JANUARY 1, 1996 BY 1995 PA 265.**

15       Sec. 7b. (1) A driver, **PERSON**, or ~~operator or an owner or~~  
16 ~~user of any bus, truck, truck tractor, or trailer, or certain~~  
17 ~~other motor vehicles or any officer or agent of an individual,~~  
18 ~~partnership, corporation, or association or their lessees or~~  
19 ~~receivers appointed by any court that is the owner or user of any~~  
20 ~~vehiele,~~ **MOTOR CARRIER AS DEFINED BY 49 CFR 390.5 WHO OPERATES**  
21 **OR** who requires or permits the driver ~~or operator~~ to operate a  
22 **COMMERCIAL MOTOR** vehicle with a serious safety defect **IN**  
23 **VIOLATION OF THIS ACT OR A RULE PROMULGATED UNDER THIS ACT is**  
24 ~~subject to~~ **RESPONSIBLE FOR** a **STATE** civil ~~fine~~ **INFRACTION AND**  
25 **SHALL BE ASSESSED A FINE** of not more than ~~-\$300.00~~ **\$500.00** for  
26 each violation. A fine ordered to be paid by the district court  
27 under this subsection shall be paid to the county treasurer and

1 applied for library purposes as provided by law. A fine ordered  
2 to be paid by a municipal court shall be paid to the treasurer of  
3 the political subdivision whose ordinance is violated.

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

9 Sec. 7c. (1) A ~~driver or operator or an owner or user of a~~  
10 ~~bus, truck, truck tractor, or trailer, or certain other motor~~  
11 ~~vehicles, or an officer or agent of an individual, partnership,~~  
12 ~~corporation, or association, or their lessees or receiver~~  
13 ~~appointed by a court that is the owner or user of a vehicle,~~  
14 **PERSON** who **OPERATES OR WHO** requires or permits ~~the driver or~~  
15 ~~operator~~ **A PERSON** to operate ~~or drive a bus, truck, truck~~  
16 ~~tractor, or trailer, or certain other~~ **A COMMERCIAL** motor  
17 ~~vehicles, that violates~~ **VEHICLE IN VIOLATION OF** this act or a  
18 rule promulgated under this act **RELATED TO THE TRANSPORTATION OF**  
19 **HAZARDOUS MATERIALS** if the vehicle is transporting a package  
20 required to be marked or labeled under 49 CFR parts 100 to 180 —  
21 is responsible for a state civil infraction and may be ordered to  
22 pay a fine of not more than \$500.00 for each violation.

23 ~~—— (2) A motor carrier shall not transport, or require, permit,~~  
24 ~~or allow to be transported, hazardous material for which a~~  
25 ~~placard is required under 49 CFR parts 100 to 199, in a vehicle~~  
26 ~~identified in subsection (1) if the person that is transporting~~  
27 ~~the hazardous material does not have a hazardous material~~

1 ~~endorsement on his or her operator's or chauffeur's license. A~~  
2 ~~motor carrier that violates this section is guilty of a~~  
3 ~~misdemeanor punishable by imprisonment for not more than 1 year~~  
4 ~~or a fine of not more than \$500.00, or both, for each violation.~~

5 (2) ~~—(3)—~~ A person or entity identified in subsection (1)  
6 ~~or (2)—~~ who knowingly or willfully violates this act or a rule  
7 promulgated under this act is, upon conviction, guilty of a  
8 misdemeanor punishable by imprisonment for not more than 1 year  
9 or a fine of not more than \$500.00, or both, for each violation.

10 (3) ~~—(4)—~~ A person or entity identified in subsection (1)  
11 ~~or (2)—~~ who causes injury or death during a violation of this  
12 act, while a vehicle identified in subsection (1) that is  
13 transporting a package required to be marked or labeled under 49  
14 CFR parts 100 to 180 is used, is, upon conviction, guilty of a  
15 misdemeanor punishable by imprisonment for not more than 1 year  
16 or a fine of not more than \$500.00, or both, for each violation.

17 (4) ~~—(5)—~~ An officer, employee, owner, or agent of an  
18 individual, partnership, corporation, or association, or their  
19 lessees or receiver appointed by a court that is the owner or  
20 user of any hazardous materials vehicle inspection or repair  
21 facility that violates a section of this act, or a rule  
22 promulgated under this act, related to the transportation of  
23 hazardous materials, is guilty of a misdemeanor punishable as  
24 prescribed in this section.

25 Sec. 7d. (1) As used in this section:

26 (a) "Immediate destination" means the next scheduled stop of  
27 a commercial motor vehicle already in motion where the cargo on

1 board can be safely secured.

2 (b) "Motor carrier division" means the motor carrier  
3 division of the department of state police.

4 (c) "Person" means an individual, driver, or employee or a  
5 firm, motor carrier, lessee, lessor, association, partnership, or  
6 corporation, and their affiliated or related successors, that  
7 undertakes to control, direct, conduct, or otherwise perform  
8 transportation by commercial motor vehicle upon the public  
9 highways of this state.

10 (d) "Shut down order" means a court order issued to a motor  
11 carrier upon proof shown of unreasonable risk or an imminent  
12 hazard.

13 (e) "Unreasonable risk or an imminent hazard" shall be  
14 defined as any condition of commercial motor vehicle, employee,  
15 or commercial motor vehicle operation which creates, causes, or  
16 compounds the substantial likelihood that death, serious illness,  
17 or severe personal injury may occur if not discontinued  
18 immediately.

19 (2) Upon determination that the continued operation of  
20 commercial motor vehicles by a person upon the highways of this  
21 state poses an unreasonable risk or an imminent hazard to the  
22 public safety, the motor carrier division shall issue a  
23 compliance order. The order may direct a person to make certain  
24 changes, repairs, or alterations to the person's vehicles or  
25 operations, to comply with the laws of this state. In making an  
26 order, restrictions shall not be imposed on any employee or  
27 person beyond that required to abate the hazard. Any vehicle or

1 driver operating during the specified time period of the order  
2 shall be in compliance with all applicable laws and rules.

3 (3) A compliance order shall include the name and address of  
4 the person and the chief operating officer of the person, the  
5 reason or reasons for the order, and the requirements or  
6 conditions that must be met for rescission of the order. The  
7 order shall also include a statement that the person has ~~30 days~~  
8 **A SET TIME LIMIT** to comply with the order. If the ~~30 day~~ **SET**  
9 time limit expires and the person is not in compliance with the  
10 order, the motor carrier division may seek a shut down order from  
11 a circuit court. **THE MOTOR CARRIER DIVISION SHALL SET THE TIME**  
12 **LIMIT FOR COMPLIANCE WITH THE COMPLIANCE ORDER TO BE NOT LESS**  
13 **THAN 30 DAYS AND NOT MORE THAN 180 DAYS.**

14 (4) Upon petition to the circuit court having jurisdiction  
15 by the motor carrier division, the court may issue a shut down  
16 order. The order shall direct a vehicle or vehicles or employee  
17 or employees out of service from further operations, or shall  
18 direct a person to cease all or part of the person's commercial  
19 motor vehicle operation. In making such an order, restrictions  
20 shall not be imposed on any employee or person beyond that  
21 required to abate the hazard.

22 (5) A shut down order shall include the name and address of  
23 the person and the chief operating officer of the person, the  
24 reason or reasons for the order, the requirements or conditions  
25 that must be met for rescission of the order, and a statement of  
26 the right to appeal.

27 (6) An order to any person to cease all or part of its

1 operation shall not prevent vehicles in transit at the time the  
2 order is served from proceeding to their immediate destinations,  
3 unless that vehicle or person is specifically ordered out of  
4 service. However, vehicles and drivers proceeding to their  
5 immediate destination shall be subject to compliance upon  
6 arrival.

7 (7) A person who fails to comply with a shut down order is  
8 guilty of a misdemeanor, punishable by a fine of not more than  
9 \$1,000.00 for each violation, or by imprisonment for not more  
10 than 90 days, or both. A person or vehicle found operating on the  
11 highways of this state while under a shut down order shall be  
12 immediately stopped, and impounded or arrested. The owner or  
13 lessee of the vehicle shall be responsible for any costs incurred  
14 during impoundment. The vehicle shall be released upon the  
15 court's determination that the order has been complied with.

16 Sec. 11. (1) A township, city, village, ~~or~~ county, **OR**  
17 **ANOTHER STATE AGENCY** shall not adopt or enforce an ordinance or  
18 resolution that is inconsistent with this act or any rule  
19 promulgated pursuant to this act. **AS USED IN THIS SECTION,**  
20 **"INCONSISTENT" MEANS A RULE OR ORDINANCE THAT IS MORE PERMISSIVE**  
21 **THAN THIS ACT, THAT IS MORE RESTRICTIVE THAN THIS ACT, THAT WOULD**  
22 **REQUIRE MORE ACTION, EQUIPMENT, OR PERMITS THAN THIS ACT WOULD**  
23 **REQUIRE, OR THAT PREVENTS OR OBSTRUCTS COMPLIANCE WITH THIS ACT.**

24 ~~—— (2) A state agency shall not promulgate rules inconsistent~~  
25 ~~with this act. This subsection does not apply to rules~~  
26 ~~promulgated under the fire prevention code, 1941 PA 207, MCL 29.1~~  
27 ~~to 29.34, by the state fire safety board with respect to the~~

1 ~~transportation of liquefied petroleum gas.~~

2       (2) ~~—(3)—~~ The fine for operating a vehicle with a serious  
3 safety defect ordered to be paid under an ordinance or resolution  
4 adopted by a township, city, village, or county that is  
5 consistent with section 7b shall be paid to the county treasurer  
6 and shall be allocated as follows:

7       (a) Seventy percent to the township, city, village, or  
8 county in which the citation is issued.

9       (b) Thirty percent for library purposes as provided by law.

10       (3) ~~—(4)—~~ Subsection ~~—(3)—~~ (2) does not apply to a ~~civil~~  
11 fine ordered to be paid for a case in which the citation is  
12 dismissed pursuant to subsection ~~—(5)—~~ (4).

13       (4) ~~—(5)—~~ The owner or operator of a commercial motor  
14 vehicle shall not be issued more than 1 citation for each  
15 violation of a code or ordinance regulating the operation of a  
16 commercial motor vehicle and substantially corresponding to a  
17 provision of sections 683 to 725a of the Michigan vehicle code,  
18 1949 PA 300, MCL 257.683 to 257.725a, within a 24-hour period. If  
19 the owner or operator of a commercial motor vehicle is issued a  
20 citation by a township, city, village, or county for an equipment  
21 violation that does not result in the vehicle being placed out of  
22 service, the court shall dismiss the citation if the owner or  
23 operator of that commercial motor vehicle provides written proof  
24 to the court within 14 days after the citation is issued showing  
25 that the defective equipment indicated in the citation has been  
26 repaired.

27       (5) ~~—(6)—~~ In order to be classified as a motor carrier

1 enforcement officer, a police officer must have training equal to  
2 the minimum training requirements, including any annual training  
3 updates, established by the department of state police for an  
4 officer of the motor carrier division of the department of state  
5 police. A police officer who has received training equal to these  
6 minimum training requirements before the effective date of this  
7 section is considered a motor carrier enforcement officer for  
8 purposes of this act.

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

14       Sec. 12. (1) Except as provided in subsection (2), a person,  
15 driver, owner, carrier, lessee, or lessor shall not transfer or  
16 allow to be transferred a hazardous material from a cargo tank,  
17 portable tank, or any other container to any cargo tank, portable  
18 tank, fuel tank, or any other container on a highway, road,  
19 street, or alley within this state.

20       (2) Subsection (1) does not apply to the following transfer  
21 situations:

22       (a) Fueling machinery or equipment for construction, farm,  
23 and maintenance use.

24       (b) Fueling emergency vehicles.

25       (c) Under emergency conditions, ~~if the~~ **A** transfer ~~is~~ **MAY**  
26 **BE** made ~~in a safe manner. The~~ **PROVIDED IT IS APPROVED BY THE**  
27 local fire chief, the state fire marshal, or a hazardous

1 materials ~~officer~~ INVESTIGATOR of the motor carrier division of  
2 the department of state police ~~may prohibit a transfer~~ pursuant  
3 to their respective authority under the fire prevention code,  
4 Act No. 207 of the Public Acts of 1941, being sections 29.1 to  
5 29.33 of the Michigan Compiled Laws 1941 PA 207, MCL 29.1 TO  
6 29.34.

7 (3) A PERSON SHALL NOT OVERFILL A CONTAINER, INCLUDING A  
8 STORAGE TANK, DURING A TRANSFER OF A HAZARDOUS MATERIAL FROM OR  
9 INTO A VEHICLE, SO THAT HAZARDOUS MATERIAL IS RELEASED FROM THE  
10 PACKAGE OR CONTAINER.

11 (4) THE PENALTY FOR VIOLATING THIS SECTION SHALL BE AS  
12 PRESCRIBED IN SECTION 7C.

13 SEC. 13. (1) A PERSON, DRIVER, OWNER, CARRIER, LESSEE, OR  
14 LESSOR SHALL NOT TRANSPORT OR ALLOW TO BE TRANSPORTED A VEHICLE  
15 CARRYING HAZARDOUS MATERIALS IN AN AMOUNT REQUIRED TO BE  
16 PLACARDED UNDER TITLE 49 OF THE CODE OF FEDERAL REGULATIONS ON A  
17 PUBLICLY MAINTAINED ROUTE AS IDENTIFIED ON THE NATIONAL HAZARDOUS  
18 MATERIALS ROUTE REGISTRY AS DETERMINED BY THE DEPARTMENT OF  
19 TRANSPORTATION UNDER TITLE 49 CFR.

20 (2) THE PENALTY FOR VIOLATING THIS SECTION SHALL BE AS  
21 PRESCRIBED IN SECTION 7C.

22 SEC. 14. (1) A STATE CIVIL INFRACTION SHALL BE ENFORCED IN  
23 THE MANNER PROVIDED FOR ENFORCEMENT OF STATE CIVIL INFRACTIONS IN  
24 CHAPTER 88 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,  
25 MCL 600.8801 TO 600.8835.

26 (2) WHEN A PERSON WHO IS NOT A RESIDENT OF THIS STATE IS  
27 STOPPED FOR A STATE CIVIL INFRACTION UNDER THIS ACT OR ANY RULE

1 UNDER THIS ACT, THE POLICE OFFICER MAKING THE STOP SHALL TAKE  
2 SECURITY FOR THE NONRESIDENT'S APPEARANCE IN COURT. THE PERSON  
3 STOPPED MAY RECOGNIZE TO THE OFFICER OR TO THE COURT FOR HIS OR  
4 HER APPEARANCE BY LEAVING WITH THE OFFICER OR COURT A GUARANTEED  
5 APPEARANCE CERTIFICATE OR A SUM OF MONEY NOT TO EXCEED \$100.00.

6 (3) IF A MAGISTRATE IS AVAILABLE FOR AN IMMEDIATE  
7 APPEARANCE, UPON DEMAND OF THE PERSON STOPPED, THE OFFICER  
8 IMMEDIATELY SHALL TAKE THE NONRESIDENT DRIVER BEFORE THE  
9 MAGISTRATE TO ANSWER TO THE STATE CIVIL INFRACTION ALLEGED. IF  
10 THE NONRESIDENT DEFENDANT REQUESTS A HEARING, THE HEARING SHALL  
11 BE SCHEDULED AND THE DEFENDANT SHALL LEAVE WITH THE COURT THE  
12 GUARANTEED APPEARANCE CERTIFICATE OR DEPOSIT AS SECURITY FOR  
13 APPEARANCE AT THE SCHEDULED INFORMAL OR FORMAL HEARING.

14 (4) THE OFFICER RECEIVING A GUARANTEED APPEARANCE  
15 CERTIFICATE OR DEPOSIT OF MONEY SHALL GIVE A RECEIPT TO THE  
16 PERSON STOPPED FOR THE GUARANTEED APPEARANCE CERTIFICATE OR THE  
17 MONEY DEPOSITED TOGETHER WITH THE WRITTEN CITATION.

18 (5) AT OR BEFORE THE COMPLETION OF HIS OR HER TOUR OF DUTY,  
19 A POLICE OFFICER TAKING A CERTIFICATE OR DEPOSIT OF MONEY SHALL  
20 DELIVER THE CERTIFICATE OR DEPOSIT OF MONEY AND THE CITATION  
21 EITHER TO THE COURT NAMED IN THE CITATION OR TO THE POLICE CHIEF  
22 OR PERSON AUTHORIZED BY THE POLICE CHIEF TO RECEIVE CERTIFICATES  
23 OR DEPOSITS. THE POLICE CHIEF OR PERSON AUTHORIZED BY THE POLICE  
24 CHIEF SHALL DEPOSIT THE CERTIFICATE OR THE MONEY DEPOSITED AND  
25 THE CITATION WITH THE COURT. FAILURE TO DELIVER THE MONEY  
26 DEPOSITED SHALL BE EMBEZZLEMENT OF PUBLIC MONEY.

27 (6) IF THE PERSON WHO POSTS A CERTIFICATE OR DEPOSIT FAILS

1 TO APPEAR AS REQUIRED IN THE CITATION OR FAILS TO APPEAR FOR A  
2 SCHEDULED INFORMAL OR FORMAL HEARING, THE COURT HAVING  
3 JURISDICTION AND VENUE OVER THE CIVIL INFRACTION SHALL ENTER A  
4 DEFAULT JUDGMENT AGAINST THE PERSON, AND THE GUARANTEED  
5 APPEARANCE CERTIFICATE OR MONEY DEPOSITED SHALL BE FORFEITED AND  
6 APPLIED TO ANY CIVIL FINE OR COSTS ORDERED.

7 (7) FOR PURPOSES OF THIS SECTION, "GUARANTEED APPEARANCE  
8 CERTIFICATE" MEANS A CARD OR CERTIFICATE CONTAINING A PRINTED  
9 STATEMENT THAT A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THIS  
10 STATE GUARANTEES THE APPEARANCE OF THE PERSON WHOSE SIGNATURE  
11 APPEARS ON THE CARD OR CERTIFICATE AND THAT THE COMPANY, IF THE  
12 PERSON FAILS TO APPEAR IN COURT AT THE TIME OF A SCHEDULED  
13 INFORMAL OR FORMAL HEARING OR TO PAY ANY FINE OR COSTS IMPOSED,  
14 WILL PAY ANY FINE, COSTS, OR BOND FORFEITURE IMPOSED ON THE  
15 PERSON IN A TOTAL AMOUNT NOT TO EXCEED \$200.00.

16 (8) AS USED IN THIS ACT, "STATE CIVIL INFRACTION" MEANS THAT  
17 TERM AS DEFINED IN SECTION 113(1)(A) OF THE REVISED JUDICATURE  
18 ACT OF 1961, 1961 PA 236, MCL 600.113.

19 SEC. 15. A TRUCK, TRUCK TRACTOR, TRAILER, SEMITRAILER, OR  
20 ANY COMBINATION OF THESE, WHEN USED ON A HIGHWAY, SHALL BE  
21 CONSTRUCTED, EQUIPPED, OR OPERATED TO PREVENT WATER OR OTHER ROAD  
22 SURFACE SUBSTANCES FROM BEING THROWN FROM THE REAR WHEELS OF THE  
23 VEHICLE OR COMBINATION AT TANGENTS EXCEEDING 22-1/2 DEGREES  
24 MEASURED FROM THE ROAD SURFACE. IF A FLAP TYPE DEVICE IS USED, IT  
25 SHALL NOT HAVE ATTACHED ANY TYPE OF LAMP, BREAKABLE REFLECTIVE  
26 MATERIAL, OR REFLECTING BUTTONS NOR MAY THE DEVICE EXTEND BEYOND  
27 THE MAXIMUM WIDTH OF THE VEHICLE OR COMBINATION.

1 Enacting section 1. The following sections of the motor  
2 carrier safety act of 1963, 1963 PA 181, are repealed:

3 (a) MCL 480.11b.

4 (b) MCL 480.12a.

5 (c) MCL 480.12b.

6 (d) MCL 480.12c.

7 (e) MCL 480.12g.

8 (f) MCL 480.12h.

9 (g) MCL 480.12i.

10 (h) MCL 480.12j.

11 (i) MCL 480.12k.

12 (j) MCL 480.12l.

13 (k) MCL 480.12m.

14 (l) MCL 480.12n.

15 (m) MCL 480.12o.

16 (n) MCL 480.12p.

17 (o) MCL 480.12q.

18 (p) MCL 480.12r.

19 (q) MCL 480.12s.

20 (r) MCL 480.12t.

21 (s) MCL 480.12u.

22 (t) MCL 480.12v.

23 (u) MCL 480.12w.

24 Enacting section 2. This amendatory act does not take effect  
25 unless all of the following bills of the 93rd Legislature are  
26 enacted into law:

27 (a) House Bill No. 4857.

1 (b) House Bill No. 4858.