

SENATE 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 2005 PA 177.

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

1       Sec. 1a. (1) This state adopts the following provisions of  
2 title 49 of the code of federal regulations, on file with the  
3 office of the secretary of state except where modified by this act:

4       (a) Hazardous materials regulations, being 49 CFR parts 100  
5 through 180 except for the transportation of agricultural products  
6 for which an exception from the application of 49 CFR subchapter C  
7 and 49 CFR subchapters G and H, part 172, is provided under 49 CFR  
8 173.5, is specifically authorized if the transportation is in  
9 compliance with this act and other state law.

1 (b) Motor carrier safety regulations, being 49 CFR parts 40,  
2 356, 365, 368, 371 through 373, 375, 376, 379, 382, 385, 387, 390  
3 through 393, 395 through 399 including the appendices of each part  
4 except for the following:

5 (i) Except as provided in this subparagraph, where the term  
6 "United States department of transportation", "federal motor  
7 carrier safety administration", "federal motor carrier safety  
8 administrator", "director", "bureau of motor carrier safety",  
9 "pipeline and hazardous materials administration", or "associate  
10 administrator for hazardous materials safety" appears, it refers to  
11 the department of state police. If the term is being used for the  
12 purposes of 49 CFR 397 as it relates to routing and movement of  
13 hazardous materials, it refers to the Michigan state transportation  
14 department.

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

18 (iii) Where "special agent of the federal motor carrier safety  
19 administration", "administration personnel", or "hazardous  
20 materials enforcement specialist" appears, it either means a peace  
21 officer or an enforcement member of the motor carrier division of  
22 the department of state police.

23 (iv) Where MCS 63 appears, it means MC 9 and MC 9b.

24 (v) Where MCS 64 appears, it means UD-70.

25 (vi) Exempt intracity zones and the regulations applicable to  
26 exempt intracity zones do not apply to this act.

27 (2) This act does not apply to a bus operated by a public

transit agency operating under any of the following:

(a) A county, city, township, or village as provided by law, or other authority incorporated under 1963 PA 55, MCL 124.351 to 124.359. Each authority and governmental agency incorporated under 1963 PA 55, MCL 124.351 to 124.359, has the exclusive jurisdiction to determine its own contemplated routes, hours of service, estimated transit vehicle miles, costs of public transportation services, and projected capital improvements or projects within its service area.

(b) An authority incorporated under the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426, or that operates a transportation service pursuant to an interlocal agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

(c) A contract entered into pursuant to 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, or 1951 PA 35, MCL 124.1 to 124.13.

(d) An authority incorporated under the public transportation authority act, 1986 PA 196, MCL 124.451 to 124.479, or a nonprofit corporation organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, that provides transportation services.

(e) An authority financing public improvements to transportation systems under the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140.

(3) As used in this act: ~~—, "hazardous~~

**(A) "HAZARDOUS** material vehicle inspection or repair facility" means a commercial enterprise that performs inspections,

1 certification, testing, or repairs to commercial motor vehicles  
2 transporting hazardous materials as required by 49 CFR parts 100 to  
3 180 and includes motor carriers that perform the inspections,  
4 certification, testing, or repairs to vehicles owned or leased by  
5 the motor carrier.

6 (B) "MEDICAL EXAMINER" MEANS THAT TERM AS DEFINED UNDER 49 CFR  
7 390.5.