

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 6663**

A bill to amend 1963 PA 181, entitled
"Motor carrier safety act of 1963,"
by amending section 5 (MCL 480.15), as amended by 2005 PA 177.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 5. (1) In the case of intrastate transportation, the
2 provisions of 49 CFR 391.21 relating to application for employment,
3 49 CFR 391.23 relating to investigations and inquiries, 49 CFR
4 391.31 relating to road tests, 49 CFR part 395 relating to hours of
5 service, 49 CFR 391.41 to 391.45 to the extent that they require a
6 driver to be medically qualified or examined and to have a medical
7 examiner's certificate on his or her person and the provisions of
8 this act relating to files and records do not apply to a farm
9 vehicle driver as defined in 49 CFR 390.5.
- 10 (2) For intrastate transportation, the provisions of this act

1 do not apply to a self-propelled implement of husbandry or an
2 implement of husbandry being drawn by a farm tractor or another
3 implement of husbandry.

4 (3) The provisions of this act related to driver
5 qualifications do not apply to public utility, telephone, and cable
6 television company service employees if those employees are not
7 otherwise being used as a regularly employed driver and are not
8 operating a vehicle that meets the definition of a commercial motor
9 vehicle in 49 CFR part 383.

10 (4) The requirements of 49 CFR part 395 do not apply to any
11 driver of a public utility service vehicle when being used in cases
12 of emergency. As used in this subsection, "emergency" means any
13 instance of loss of public utility service due to an unforeseen
14 circumstance, a natural disaster, or an act of God. A declaration
15 of emergency by a public official is not required to constitute an
16 emergency under this subsection.

17 (5) A commercial motor vehicle constructed and maintained so
18 that the body chassis or other parts of the vehicle afford the rear
19 end protection required by 49 CFR 393.86 is in compliance with that
20 section.

21 (6) This act and the rules promulgated under this act do not
22 apply to a commercial motor vehicle owned and operated by a unit of
23 government or its employees, except as otherwise provided by this
24 act, and except for all of the following parts of 49 CFR:

25 (a) Part 382.

26 (b) Part 391.

27 (c) Part 392.

1 (d) Part 393.

2 (7) A combination of vehicles with an actual combination gross
3 vehicle weight or a gross combination weight rating of 26,000
4 pounds or less, provided the trailer or semitrailer has an actual
5 gross vehicle weight or gross vehicle weight rating of 15,000
6 pounds or less, may be equipped with surge brakes for intrastate
7 operation as allowed by section 705(1)(c) of the Michigan vehicle
8 code, 1949 PA 300, MCL 257.705. Vehicles of any size that are
9 transporting hazardous materials in an amount that requires
10 placarding or vehicles that are designed to transport more than 8
11 passengers, including the driver, are prohibited from being
12 equipped with surge brakes for intrastate operation.

13 (8) This act and the rules promulgated under this act do not
14 apply to a school bus as defined in the pupil transportation act,
15 1990 PA 187, MCL 257.1801 to 257.1877, or a bus defined and
16 certificated under the motor bus transportation act, 1982 PA 432,
17 MCL 474.101 to 474.141.

18 (9) A MOTOR CARRIER OPERATING ENTIRELY IN INTRASTATE COMMERCE
19 SOLELY WITHIN MICHIGAN SHALL NOT PERMIT OR REQUIRE A DRIVER OF A
20 COMMERCIAL MOTOR VEHICLE ENGAGED IN SEASONAL CONSTRUCTION-RELATED
21 ACTIVITIES, REGARDLESS OF THE NUMBER OF MOTOR CARRIERS USING THE
22 DRIVER'S SERVICES, TO DO EITHER OF THE FOLLOWING:

23 (A) DRIVE FOR ANY PERIOD AFTER HAVING BEEN ON DUTY 70 HOURS IN
24 ANY 7 CONSECUTIVE DAYS OR HAVING BEEN ON DUTY 80 HOURS IN ANY
25 PERIOD OF 8 CONSECUTIVE DAYS.

26 (B) DRIVE MORE THAN 12 HOURS OR BE ON DUTY MORE THAN 16 HOURS
27 IN ANY DAY.

1 (10) ~~—(9)—~~ As used in subsections (3) and (4), "public
2 utility" means a person or corporation operating equipment or
3 facilities for producing, generating, transmitting, delivering, or
4 furnishing gas or electricity for the production of light, heat, or
5 power for the public for compensation.

6 (11) ~~—(10)—~~ As used in this section:

7 (a) "Implement of husbandry" means that term as defined in
8 section 21 of the Michigan vehicle code, 1949 PA 300, MCL 257.21.

9 (b) "Farm tractor" means that term as defined in section 16 of
10 the Michigan vehicle code, 1949 PA 300, MCL 257.16.