

HOUSE BILL No. 5248

September 29, 2005, Introduced by Reps. Wojno, Gaffney, Mortimer, Byrnes, Accavitti, Polidori, Bieda, Vander Veen, Shaffer and Hune and referred to the Committee on Health Policy.

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 standard uniform out of service

1 criteria and inspection procedures:

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

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

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

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

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

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

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

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

26 (2) When a commercial motor vehicle is operated entirely
27 within this state and not otherwise involved with the movement of

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

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

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

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

24 (ii) An authority incorporated under the metropolitan
25 transportation authorities act of 1967, ~~Act No. 204 of the Public~~
26 ~~Acts of 1967, being sections 124.401 to 124.426 of the Michigan~~
27 ~~Compiled Laws~~ **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, ~~Act No. 7 of the Public Acts of the Extra Session of 1967, being sections 124.501 to 124.512 of the Michigan Compiled Laws~~ **1967 (EX SESS) PA 7, MCL 124.501 TO 124.512.**

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

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

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

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

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

1 (i) Has either a gross vehicle weight rating or an actual gross
2 weight or gross combination weight rating or an actual gross
3 combination weight of 10,001 or more pounds.

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

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

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

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

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

20 **(G) "MEDICAL EXAMINER" MEANS AN INDIVIDUAL WHO IS LICENSED,**
21 **CERTIFIED, OR REGISTERED TO PRACTICE UNDER THE LAWS OF ANY STATE AS**
22 **A PHYSICIAN OR A NURSE PRACTITIONER.**

23 **(H) ~~(g)~~ "Motor carrier" means a carrier of passengers or**
24 **property in a commercial motor vehicle and includes a person who**
25 **owns or leases a commercial motor vehicle or that assigns employees**
26 **to operate the vehicle. Motor carrier includes a motor carrier's**
27 **agents, officers, and representatives, as well as employees**

1 responsible for hiring, supervising, training, assigning, or
2 dispatching of drivers and employees concerned with the
3 installation, inspection, and maintenance of motor vehicle
4 equipment and accessories.