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BILL ANALYSIS



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House Bill 5228 (Substitute H-2 as passed by the House)
Sponsor: Representative Greg MacMaster
House Committee: Transportation
Senate Committee: Transportation

Date Completed: 4-24-12

CONTENT

The bill would amend the Motor Carrier Safety Act to exempt from regulation under the Act certain vehicles operated in intrastate commerce, but provide that those vehicles would remain subject to specific Federal regulations.

The bill specifies that the Act would not apply to a vehicle that is not a commercial motor vehicle (CMV) as defined in 49 CFR 383.5 and that is operated in intrastate commerce as defined in 49 CFR 390.5. Such a vehicle, however, would remain subject to 49 CFR Parts 391 through 393.

(Under 49 CFR 383.5, "CMV" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle meets one of the following criteria:

- Has a gross combination weight rating or gross combination weight of at least 26,001 pounds, whichever is greater, inclusive of a towed unit with a gross vehicle weight rating or weight of more than 10,000 pounds, whichever is greater.
- Has a gross vehicle weight rating or gross vehicle weight of at least 26,001 pounds, whichever is greater.
- Is designed to transport at least 16 passengers, including the driver.
- Is of any size and is used in the transportation of hazardous materials.

Under 49 CFR 390.5, "intrastate commerce" means any trade, traffic, or transportation in any state that is not described in the definition of "interstate commerce". "Interstate commerce" means trade, traffic, or transportation in the U.S. between a place in a state and a place outside of that state; between two places in a state through another state or a place outside of the U.S.; or between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the U.S.

Parts 391 through 393 contain Federal motor carrier safety regulations that pertain to qualifications of drivers and longer combination vehicle driver instructors, driving of CMVs, and parts and accessories necessary for safe operation.)

MCL 480.11a

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or local government. The bill would make adjustments to commercial motor vehicle regulation within the Motor Carrier Safety Act. The Federal government provides funding to the State Police Motor Carrier Enforcement Division dependent upon State compliance with Federal regulations and enforcement of motor carrier laws. While this bill would alter State regulations, Federal sources have indicated that these changes would not jeopardize any existing Federal funds provided to Michigan, according to the Department of State Police.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.