

HOUSE BILL No. 5228

December 14, 2011, Introduced by Reps. MacMaster, Goike, Potvin, Haveman, Huuki, Horn, Pettalia and Yonker and referred to the Committee on Transportation.

A bill to amend 1963 PA 181, entitled
"Motor carrier safety act of 1963,"
by amending section 1a (MCL 480.11a), as amended by 2011 PA 160.

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 office
3 of the secretary of state, except where modified by this act:

4 (a) Hazardous materials regulations, being 49 CFR parts 105
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 part 172, subparts G and H, 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.

10 (b) Motor carrier safety regulations, being 49 CFR parts 40,

1 356, 365, 368, 371 through 373, 375, 376, 379, 382, 383, 385, 387,
2 390 through 393, 395 through 399 including the appendices of each
3 part, except for the following:

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

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

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

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

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

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

26 (2) This act does not apply to a bus operated by a public
27 transit agency operating under any of the following:

1 (a) A county, city, township, or village as provided by law,
2 or other authority incorporated under 1963 PA 55, MCL 124.351 to
3 124.359. Each authority and governmental agency incorporated under
4 1963 PA 55, MCL 124.351 to 124.359, has the exclusive jurisdiction
5 to determine its own contemplated routes, hours of service,
6 estimated transit vehicle miles, costs of public transportation
7 services, and projected capital improvements or projects within its
8 service area.

9 (b) An authority incorporated under the metropolitan
10 transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to
11 124.426, or that operates a transportation service under an
12 interlocal agreement as that term is defined in section 2 of the
13 urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.502.

14 (c) A contract entered into under 1967 (Ex Sess) PA 8, MCL
15 124.531 to 124.536, or 1951 PA 35, MCL 124.1 to 124.13.

16 (d) An authority incorporated under the public transportation
17 authority act, 1986 PA 196, MCL 124.451 to 124.479, or a nonprofit
18 corporation organized under the nonprofit corporation act, 1982 PA
19 162, MCL 450.2101 to 450.3192, that provides transportation
20 services.

21 (e) An authority financing public improvements to
22 transportation systems under the revenue bond act of 1933, 1933 PA
23 94, MCL 141.101 to 141.140.

24 **(3) THIS ACT DOES NOT APPLY TO A COMMERCIAL MOTOR VEHICLE THAT**
25 **IS OPERATED ENTIRELY WITHIN THIS STATE AND NOT OTHERWISE INVOLVED**
26 **WITH THE MOVEMENT OF INTERSTATE PROPERTY OR PASSENGERS IN COMMERCE.**
27 **AS USED IN THIS SUBSECTION, "COMMERCIAL MOTOR VEHICLE" MEANS ANY**

1 SELF-PROPELLED OR TOWED VEHICLE DESIGNED OR USED ON PUBLIC HIGHWAYS
2 TO TRANSPORT PASSENGERS OR PROPERTY THAT HAS EITHER A GROSS VEHICLE
3 WEIGHT RATING OR AN ACTUAL GROSS WEIGHT OR GROSS COMBINATION WEIGHT
4 RATING OR AN ACTUAL GROSS COMBINATION WEIGHT OF 26,001 OR MORE
5 POUNDS.

6 (4) ~~(3)~~—As used in this act:

7 (a) "Hazardous material vehicle inspection or repair facility"
8 means a commercial enterprise that performs inspections,
9 certification, testing, or repairs to commercial motor vehicles
10 transporting hazardous materials as required by 49 CFR parts 105 to
11 180 and includes motor carriers that perform the inspections,
12 certification, testing, or repairs to vehicles owned or leased by
13 the motor carrier.

14 (b) "Medical examiner" means that term as defined under 49 CFR
15 390.5.