

HOUSE BILL No. 5911

November 6, 2014, Introduced by Rep. Franz and referred to the Committee on Energy and Technology.

A bill to amend 1980 PA 119, entitled
"Motor carrier fuel tax act,"
by amending section 1 (MCL 207.211), as amended by 2002 PA 667.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. As used in this act:
- 2 (a) "Axle" means any 2 or more load-carrying wheels mounted in
3 a single transverse vertical plane.
- 4 (b) "Commissioner" means the state commissioner of revenue.
- 5 (c) "Department" means the revenue division of the department
6 of treasury.
- 7 (d) "Motor carrier" means:
- 8 (i) A person who operates or causes to be operated a qualified
9 commercial motor vehicle on a public road or highway in this state

1 and at least 1 other state or Canadian province.

2 (ii) A person who operates or causes to be operated a qualified
3 commercial motor vehicle on a public road or highway in this state
4 and who is licensed under the international fuel tax agreement.

5 (e) "Motor fuel" means diesel fuel as **THAT TERM IS** defined by
6 **IN SECTION 2 OF** the motor fuel tax act, 2000 PA 403, MCL 207.1002.

7 (f) "Nonprofit private, parochial, denominational, or public
8 school, college, or university" means an elementary, secondary, or
9 postsecondary educational facility.

10 (g) "Person" means a natural person, partnership, firm,
11 association, joint stock company, limited liability company,
12 limited liability partnership, syndicate, or corporation, and any
13 receiver, trustee, conservator, or officer, other than a unit of
14 government, having jurisdiction and control of property by virtue
15 of law or by appointment of a court.

16 (h) "Public roads or highways" means a road, street, or place
17 maintained by this state or a political subdivision of this state
18 and generally open to use by the public as a matter of right for
19 the purpose of vehicular travel, notwithstanding that they may be
20 temporarily closed or travel restricted for the purpose of
21 construction, maintenance, repair, or reconstruction.

22 (i) "Qualified commercial motor vehicle", subject to
23 subdivision (j), means a motor vehicle used, designed, or
24 maintained for transportation of persons or property and 1 of the
25 following:

26 (i) Having 3 or more axles regardless of weight.

27 (ii) Having 2 axles and a gross vehicle weight or registered

1 gross vehicle weight exceeding 26,000 pounds or 12,000 kilograms.

2 (iii) Is used in a combination of vehicles, if the weight of
3 that combination exceeds 26,000 pounds or 12,000 kilograms gross
4 vehicle or registered gross vehicle weight.

5 (j) "Qualified commercial motor vehicle" ~~shall~~**DOES** not
6 include a recreational vehicle, a road tractor, truck, or truck
7 tractor used exclusively in this state, a road tractor, truck, or
8 truck tractor owned by a farmer and used in connection with the
9 farmer's farming operation and not used for hire, a school bus, a
10 bus defined and certificated under the ~~motor bus~~**COMMERCIAL**
11 **PASSENGER** transportation act, 1982 PA 432, MCL 474.101 to 474.141,
12 or a bus operated by a public transit agency operating under any of
13 the following:

14 (i) A county, city, township, or village as provided by law, or
15 other authority incorporated under 1963 PA 55, MCL 124.351 to
16 124.359. Each authority and governmental agency incorporated under
17 1963 PA 55, MCL 124.351 to 124.359, has the exclusive jurisdiction
18 to determine its own contemplated routes, hours of service,
19 estimated transit vehicle miles, costs of public transportation
20 services, and projected capital improvements or projects within its
21 service area.

22 (ii) An authority incorporated under the metropolitan
23 transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to
24 124.426, or that operates a transportation service pursuant to an
25 interlocal agreement under the urban cooperation act of 1967, 1967
26 (Ex Sess) PA 7, MCL 124.501 to 124.512.

27 (iii) A contract entered into pursuant to 1967 (Ex Sess) PA 8,

1 MCL 124.531 to 124.536, or 1951 PA 35, MCL 124.1 to 124.13.

2 (iv) An authority incorporated under the public transportation
3 authority act, 1986 PA 196, MCL 124.451 to 124.479, or a nonprofit
4 corporation organized under the nonprofit corporation act, 1982 PA
5 162, MCL 450.2101 to 450.3192, that provides transportation
6 services.

7 (v) An authority financing public improvements to
8 transportation systems under the revenue bond act of 1933, 1933 PA
9 94, MCL 141.101 to 141.140.

10 (k) Qualified commercial motor vehicle includes a vehicle
11 operated on a public road or highway owned by a farmer and used in
12 connection with the farmer's farming operation if the vehicle bears
13 out of state registration plates of a state that does not give
14 similar treatment to vehicles from this state.

15 Enacting section 1. This amendatory act does not take effect
16 unless Senate Bill No. ____ or House Bill No. 5908 (request no.
17 03606'13) of the 97th Legislature is enacted into law.