

HOUSE BILL No. 5914

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

A bill to amend 1963 PA 181, entitled
"Motor carrier safety act of 1963,"
by amending section 5 (MCL 480.15), as amended by 2013 PA 263.

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 383.71 and 391.41 to 391.45, to the extent that
6 they require a driver to be medically qualified or examined and to
7 have a medical examiner's certificate on his or her person, and the
8 provisions of this act relating to files and records do not apply
9 to a farm 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 an employee of a public utility,
6 telephone, or cable television company service if the employee is
7 not otherwise being used as a regularly employed driver and is not
8 operating a vehicle that meets the definition of a commercial motor
9 vehicle in 49 CFR part 383.

10 (4) This act and the rules promulgated under this act do not
11 apply to a commercial motor vehicle owned and operated by a unit of
12 government or its employees, except as otherwise provided by this
13 act, and except for 49 CFR 383.71(h) and all of 49 CFR parts 382,
14 391, 392, and 393.

15 (5) A combination of vehicles with an actual combination gross
16 vehicle weight or a gross combination weight rating of 26,000
17 pounds or less, if the trailer or semitrailer has an actual gross
18 vehicle weight or gross vehicle weight rating of 15,000 pounds or
19 less, may be equipped with surge brakes for intrastate operation as
20 allowed by section 705(1)(c) of the Michigan vehicle code, 1949 PA
21 300, MCL 257.705. Vehicles of any size that are transporting
22 hazardous materials in an amount that requires placarding or
23 vehicles that are designed to transport more than 8 passengers,
24 including the driver, shall not be equipped with surge brakes for
25 intrastate operation.

26 (6) Except for the purpose of granting a waiver in accordance
27 with section 53 of the pupil transportation act, 1990 PA 187, MCL

1 257.1853, this act and the rules promulgated under this act do not
2 apply to a school bus as defined in section 7 of the pupil
3 transportation act, 1990 PA 187, MCL 257.1807.

4 (7) Except for section 6, this act and the rules promulgated
5 under this act do not apply to a ~~motor~~-bus as defined in, and for
6 which a certificate ~~of authority~~ was issued under, the ~~motor-bus~~
7 **COMMERCIAL PASSENGER** transportation act, 1982 PA 432, MCL 474.101
8 to 474.141.

9 (8) A motor carrier operating entirely in intrastate commerce
10 solely within this state shall not permit or require an operator of
11 a commercial motor vehicle engaged in seasonal construction-related
12 activities, regardless of the number of motor carriers using the
13 operator's services, to do either of the following:

14 (a) Operate for any period after having been on duty 70 hours
15 in any 7 consecutive days or having been on duty 80 hours in any
16 period of 8 consecutive days.

17 (b) Operate more than 12 hours or be on duty more than 16
18 hours in any day.

19 (9) As used in this section:

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

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

24 (c) "Public utility" means a person that operates equipment or
25 facilities for producing, generating, transmitting, delivering, or
26 furnishing gas or electricity for the production of light, heat, or
27 power for the public for compensation.

1 Enacting section 1. This amendatory act does not take effect
2 unless Senate Bill No. ____ or House Bill No. 5908 (request no.
3 03606'13) of the 97th Legislature is enacted into law.