

Act No. 263  
Public Acts of 2013  
Approved by the Governor  
December 21, 2013  
Filed with the Secretary of State  
December 30, 2013  
EFFECTIVE DATE: December 30, 2013

**STATE OF MICHIGAN  
97TH LEGISLATURE  
REGULAR SESSION OF 2013**

Introduced by Rep. Lane

# **ENROLLED HOUSE BILL No. 4821**

AN ACT to amend 1963 PA 181, entitled "An act to promote safety upon highways open to the public by regulating the operation of certain vehicles; to provide consistent regulation of these areas by state agencies and local units of government; to establish the qualifications of persons necessary for the safe operation of such vehicles; to establish certain violations of shippers offering certain materials for transportation; to limit the hours of service of persons engaged in operating such vehicles; to require the keeping of records of such operations; to provide penalties for the violation of this act; to prescribe the powers and duties of certain state agencies; and to repeal acts and parts of acts," by amending section 5 (MCL 480.15), as amended by 2011 PA 160.

*The People of the State of Michigan enact:*

Sec. 5. (1) In the case of intrastate transportation, the provisions of 49 CFR 391.21 relating to application for employment, 49 CFR 391.23 relating to investigations and inquiries, 49 CFR 391.31 relating to road tests, 49 CFR part 395 relating to hours of service, 49 CFR 383.71 and 391.41 to 391.45, to the extent that they require a driver to be medically qualified or examined and to have a medical examiner's certificate on his or her person, and the provisions of this act relating to files and records do not apply to a farm vehicle driver as defined in 49 CFR 390.5.

(2) For intrastate transportation, the provisions of this act do not apply to a self-propelled implement of husbandry or an implement of husbandry being drawn by a farm tractor or another implement of husbandry.

(3) The provisions of this act related to driver qualifications do not apply to an employee of a public utility, telephone, or cable television company service if the employee is not otherwise being used as a regularly employed driver and is not operating a vehicle that meets the definition of a commercial motor vehicle in 49 CFR part 383.

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

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

(6) Except for the purpose of granting a waiver in accordance with section 53 of the pupil transportation act, 1990 PA 187, MCL 257.1853, this act and the rules promulgated under this act do not apply to a school bus as defined in section 7 of the pupil transportation act, 1990 PA 187, MCL 257.1807.

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

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

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

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

(9) As used in this section:

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

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

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

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor