

Legislative Analysis



COMMERCIAL MOTOR VEHICLES

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Senate Bill 595 (S-1)

Sponsor: Sen. Tom Casperson

House Committee: Transportation and Infrastructure

Senate Committee: Transportation

Complete to 12-12-16

Analysis available at
<http://www.legislature.mi.gov>

(Public Act 452 of 2016)

SUMMARY AS REPORTED FROM HOUSE COMMITTEE WITHOUT AMENDMENT:

According to proponents, this bill would amend the Motor Carrier Safety Act to effectively remove the requirement that a volunteer firefighter or any other employee of a unit of government receive a medical waiver before being cleared to operate a commercial motor vehicle owned by a governmental unit. (For additional information, see *Background*.)

The Motor Carrier Safety Act deals, generally speaking, with the operation of commercial motor vehicles and the regulation of drivers of such vehicles.

Section 5 of the act says, among other things, that the act and the rules promulgated under the act do not apply to a commercial motor vehicle owned and operated by a unit of government or its employees, except as otherwise provided under the act, and except for certain specifically cited federal rules (49CFR 383.71(h) and all of 49 CFR parts 382, 392, and 393).

Senate Bill 595 would delete those references to federal rules. This means that the exemption in state statute for government vehicles would also apply to these federal rules. The bill would take effect 90 days after enactment.

[The following are the rule citations being struck:

- 49 CFR 383.71(h): governing medical certification documentation required by a state.
- 49 CFR Part 382: governing controlled substances and alcohol use and testing.
- 49 CFR Parts 391, 392, and 393: governing the qualifications of drivers and longer combination vehicle driver instructors, the driving of commercial motor vehicles, and the parts and accessories necessary for safe operation of motor vehicles, respectively.]

MCL 480.15

FISCAL IMPACT:

This bill would have no fiscal impact on the Department of State Police, and could incur indeterminate, but likely minimal, cost savings to local units of government.

BACKGROUND:

The following is adapted from information provided by staff to the bill sponsor:

Michigan adopted the federal motor carrier safety regulations (FMCSRs) by reference in the Motor Carrier Safety Act. Among other things, the act allows a medical waiver to be issued by the State of Michigan to allow a driver with certain medical conditions to engage in intrastate operations (that is, within the state not between states). Medical conditions that require an application for the waiver include amputation, cardiovascular conditions, insulin controlled diabetes, limb impairments, seizures, and vision issue. To apply for the medical waiver a driver must submit all of the following to the Motor Carrier Safety Appeal Board:

- An application for a medical waiver
- A medical examination report completed by a medical examiner
- A copy of the driver's official driving record
- A copy of the driver's employment application from the company in which they intend to drive
- A copy of crash reports for any crashes the driver has had in the last five years
- At least one other medical report

The Appeal Board must hear and decide on applications for medical waivers. The board consists of the director of the Department of State Police or a designee, the Secretary of State or a designee, the director of the Department of Transportation or a designee, and one representative of the motor carrier industry chosen jointly by the three department heads and the Michigan Trucking Association.

The federal Motor Carrier Safety Administration (FMCSA) provides for a similar medical waiver process for commercial drivers engaging in interstate activities. The FMCSA does not have statutory authority to grant waivers/exemptions to drivers from the intrastate requirements of Michigan or any other state.

The FMCSRs state that transportation performed by the federal government, a state, or any political subdivision of a state, or an agency established under a compact between states that has been approved by Congress are exempt for certain requirements, including the requirement to obtain a medical waiver to operate a government-owned commercial vehicle. This puts the state act and the federal rules in conflict with each other.

Additionally, cost and liability concerns have recently been raised about the need for volunteer firefighters operating entirely intrastate to obtain a medical waiver. This bill seeks to end the conflict between the FMCSRs and the state Motor Carrier Safety Act by eliminating the requirement that individuals with certain medical conditions receive the medical waiver in order to operate government-owned vehicles within the state.

POSITIONS:

The County Road Association indicated support for the bill to the House Committee on Transportation and Infrastructure. (11-30-16)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.