



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 595 (as enacted)
Sponsor: Senator Tom Casperson
Senate Committee: Transportation
House Committee: Transportation and Infrastructure

PUBLIC ACT 452 of 2016

Date Completed: 1-11-17

RATIONALE

The Motor Carrier Safety Act regulates the operation of commercial motor vehicles, and includes requirements regarding driver qualifications as well as vehicle use, inspection, and equipment. Under the Act, except as otherwise provided, and except for certain Federal regulations, a commercial motor vehicle owned and operated by a unit of government or its employees is exempt from the Act and the rules promulgated under it.

The Federal regulations that are exceptions to this exemption (and therefore continue to apply) include a requirement that an individual possess a document certifying that he or she is physically qualified to operate a commercial motor vehicle before doing so. Apparently, a situation in which a firefighter attempted to obtain a medical certificate under those Federal regulations revealed that, while Michigan law required the firefighter to follow the regulations (in particular, the requirement that the employee obtain a medical certificate), there is a provision within the regulations that exempts transportation performed by the Federal government, a state, any political subdivision of a state, or an agency established between states. Thus, it was suggested that the inconsistency should be addressed within the Act.

CONTENT

The bill amends the Motor Carrier Safety Act to delete a provision under which the following Federal regulations are not included in an exemption from the Act for a commercial motor vehicle owned and operated by a unit of government or its employees:

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

The bill will take effect on April 5, 2017.

MCL 480.15

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

As discussed above, there are discrepancies between Michigan statute and Federal regulations; Michigan requires commercial motor vehicles owned and operated by a unit of government or its employees to follow certain Federal regulations, but the Federal regulations provide exemptions

for the governmental units required to comply with them under Michigan law. For example, this meant that, in the case of the firefighter who was seeking a medical certificate as Michigan law required (being subject to the Federal regulations), that individual was not able to receive the certificate because he was not considered physically qualified under the regulations. (Specifically, the regulations disqualify a person who has a history or diagnosis of diabetes that requires insulin for control, which applied to the firefighter.) By removing the provision that binds a unit of government and its employees to the Federal regulations, the bill will alleviate any concern regarding the liability of a firefighter (or other employee) operating a commercial motor vehicle without a medical certificate in the event of an accident, and will resolve the conflict between the Motor Carrier Safety Act and Federal regulations.

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

The bill will reduce the cost of local government by an unknown amount. Staff from the Michigan State Police have indicated that the bill will reduce requirements for some drivers of governmental vehicles to the requirements of existing Federal law. The amount of the impact will vary based on the number of drivers and local units affected, current local practices and costs, and whether those practices are continued when no longer required by State law.

Fiscal Analyst: Elizabeth Pratt

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.