

HOUSE BILL No. 5492

March 17, 2016, Introduced by Reps. Glenn, Leutheuser and Lauwers and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1963 PA 181, entitled
"Motor carrier safety act of 1963,"
by amending section 11 (MCL 480.21), as amended by 2005 PA 177.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) A township, city, village, county, or another
2 state agency shall not adopt or enforce an ordinance or resolution
3 that is inconsistent with this act or any rule promulgated pursuant
4 ~~to~~ **UNDER** this act. As used in this section, "inconsistent" means a
5 rule or ordinance that is more permissive than this act, that is
6 more restrictive than this act, that would require more action,
7 equipment, or permits than this act would require, or that prevents
8 or obstructs compliance with this act.

9 (2) The fine for operating a vehicle with a serious safety
10 defect ordered to be paid under an ordinance or resolution adopted
11 by a township, city, village, or county that is consistent with

1 section 7b shall be paid to the county treasurer and shall be
2 allocated as follows:

3 (a) Seventy percent to the ~~township, city, village, or~~ **COUNTY**
4 **ROAD COMMISSION OF THE** county in which the citation is issued.

5 (b) Thirty percent for library purposes as provided by law. **AS**
6 **USED IN THIS SUBSECTION, "COUNTY ROAD COMMISSION" INCLUDES THE**
7 **COUNTY BOARD OF COMMISSIONERS OF A COUNTY IF THE BOARD OF COUNTY**
8 **ROAD COMMISSIONERS IS DISSOLVED AS PROVIDED IN SECTION 6 OF CHAPTER**
9 **IV OF 1909 PA 283, MCL 224.6.**

10 (3) Subsection (2) does not apply to a fine ordered to be paid
11 for a case in which the citation is dismissed ~~pursuant to~~ **UNDER**
12 subsection (4).

13 (4) The owner or operator of a commercial motor vehicle shall
14 not be issued more than 1 citation for each violation of a code or
15 ordinance regulating the operation of a commercial motor vehicle
16 and substantially corresponding to a provision of sections 683 to
17 725a of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to
18 257.725a, within a 24-hour period. If the owner or operator of a
19 commercial motor vehicle is issued a citation by a township, city,
20 village, or county for an equipment violation that does not result
21 in the vehicle being placed out of service, the court shall dismiss
22 the citation if the owner or operator of that commercial motor
23 vehicle provides written proof to the court within 14 days after
24 the citation is issued showing that the defective equipment
25 indicated in the citation has been repaired.

26 (5) In order to be classified as a motor carrier enforcement
27 officer, a police officer must have training equal to the minimum

1 training requirements, including any annual training updates,
2 established by the department of state police for an officer of the
3 motor carrier division of the department of state police. A police
4 officer who has received training equal to these minimum training
5 requirements before ~~the effective date of this section~~ **MAY 15, 2000**
6 is considered a motor carrier enforcement officer for purposes of
7 this act.

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.