



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 332 (as introduced 4-26-17)
Sponsor: Senator Tom Casperson
Committee: Transportation

Date Completed: 4-26-17

CONTENT

The bill would amend the Motor Carrier Safety Act to make an exception for certain Federal regulations to a provision that exempts commercial motor vehicles owned and operated by a unit of government or its employees from the Act and the rules promulgated under it; but provide that parts of those regulations would not apply to a person operating a vehicle owned by a fire department.

The Act regulates the operation of commercial motor vehicles, including driver requirements and physical requirements, vehicle use, inspection, and transportation; and sets penalties. However, the Act and the rules promulgated under it 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 bill, this exemption would not apply to the following Federal regulations (which would make a commercial motor vehicle owned and operated by a unit of government or its employees subject to the regulations):

- 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, the driving of commercial motor vehicles, and the parts and accessories necessary for safe operation of motor vehicles, respectively).

In addition, the bill specifies that, notwithstanding any other provision, the provisions of 49 CFR 391.41 to 391.49 (which govern physical qualifications for drivers and medical examination requirements) would not apply to a person operating a vehicle owned by a fire department.

The bill would take effect 90 days after enactment.

BACKGROUND

Previously, the exemption under the Motor Carrier Safety Act for commercial motor vehicles owned and operated by local units of government or their employees did not apply to 49 CFR 383.71(h), 49 CFR Part 382, or 49 CFR Parts 391, 392, or 393. Public Act 452 of 2016 amended the Act to delete this exception; as a result, commercial motor vehicles owned and operated by local units or their employees are not currently subject to those regulations. Public Act 452 took effect on April 5, 2017.

FISCAL IMPACT

The bill would prevent possible increases in costs to the State and local governments by reinstating Federal standards for most government employees driving commercial motor vehicles, while maintaining a narrower exemption from Federal medical requirements for a person operating a commercial motor vehicle owned by a fire department.

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.