

Act No. 559  
Public Acts of 2018  
Approved by the Governor  
December 27, 2018  
Filed with the Secretary of State  
December 28, 2018  
EFFECTIVE DATE: March 28, 2019

**STATE OF MICHIGAN  
99TH LEGISLATURE  
REGULAR SESSION OF 2018**

**Introduced by Reps. Runestad, Lucido, Greimel, Inman, Howell, Vaupel, Reilly, Hornberger, Johnson, Hernandez, Bellino, Ellison, LaGrand, Robinson, Dianda and Howrylak**

# **ENROLLED HOUSE BILL No. 5542**

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 sections 1a and 14 (MCL 480.11a and 480.24), section 1a as amended by 2012 PA 231 and section 14 as added by 2005 PA 177.

*The People of the State of Michigan enact:*

Sec. 1a. (1) This state adopts the following provisions of title 49 of the code of federal regulations on file with the office of the secretary of state, except where modified by this act:

(a) Hazardous materials regulations under 49 CFR parts 105 through 180 except for the transportation of agricultural products for which an exception from the application of subchapter C of chapter I of subtitle B of title 49 of the code of federal regulations and 49 CFR part 172, subparts G and H, is provided under 49 CFR 173.5, is specifically authorized if the transportation is in compliance with this act and other state law.

(b) Motor carrier safety regulations under 49 CFR parts 40, 356, 365, 368, 371 through 373, 375, 376, 379, 382, 383, 385, 387, 390 through 393, 395 through 399 including the appendices of each part, except for the following:

(i) Except as provided in this subparagraph, where the term “United States department of transportation”, “federal motor carrier safety administration”, “federal motor carrier safety administrator”, “director”, “bureau of motor carrier safety”, “pipeline and hazardous materials administration”, or “associate administrator for hazardous materials safety” appears, it refers to the department of state police. If the term is being used for the purposes of 49 CFR part 397 as it relates to routing and movement of hazardous materials, it refers to the Michigan state transportation department.

(ii) Where “interstate” appears, it means intrastate or interstate, or both, as applicable, except as specifically provided in this act.

(iii) Where “special agent of the federal motor carrier safety administration”, “administration personnel”, or “hazardous materials enforcement specialist” appears, it either means a peace officer or an enforcement member of the motor carrier division of the department of state police.

(iv) Where MCS 63 appears, it means MC 9 and MC 9b.

(v) Where MCS 64 appears, it means UD-70.

(vi) Exempt intracity zones and the regulations applicable to exempt intracity zones do not apply to this act.

(2) This act does not apply to a bus operated by a public transit agency operating under any of the following:

(a) A county, city, township, or village as provided by law, or other authority incorporated under 1963 PA 55, MCL 124.351 to 124.359. Each authority and governmental agency incorporated under 1963 PA 55, MCL 124.351 to 124.359, has the exclusive jurisdiction to determine its own contemplated routes, hours of service, estimated transit vehicle miles, costs of public transportation services, and projected capital improvements or projects within its service area.

(b) An authority incorporated under the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426, or that operates a transportation service under an interlocal agreement as that term is defined in section 2 of the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.502.

(c) A contract entered into under 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, or 1951 PA 35, MCL 124.1 to 124.13.

(d) An authority incorporated under the public transportation authority act, 1986 PA 196, MCL 124.451 to 124.479, or a nonprofit corporation organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, that provides transportation services.

(e) An authority financing public improvements to transportation systems under the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140.

(3) Except as otherwise provided in this subsection, subsection (1)(b) and sections 5(8) and 6(1) do not apply to a vehicle that is not a commercial motor vehicle as defined in 49 CFR 383.5 and that is operated in intrastate commerce as defined in 49 CFR 390.5. A vehicle to which subsection (1)(b) does not apply under this subsection remains subject to 49 CFR parts 391 through 393.

(4) As used in this act:

(a) "Hazardous material vehicle inspection or repair facility" means a commercial enterprise that performs inspections, certification, testing, or repairs to commercial motor vehicles transporting hazardous materials as required by 49 CFR parts 105 to 180 and includes motor carriers that perform the inspections, certification, testing, or repairs to vehicles owned or leased by the motor carrier.

(b) "Medical examiner" means that term as defined in 49 CFR 390.5.

(c) "State civil infraction" means that term as defined in section 113 of the revised judicature act of 1961, 1961 PA 236, MCL 600.113.

Sec. 14. A state civil infraction shall be enforced in the manner provided for enforcement of state civil infractions in chapter 88 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8801 to 600.8835.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved .....

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Governor