

SENATE BILL NO. 871

April 24, 2020, Introduced by Senator SCHMIDT and referred to the Committee on Government Operations.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722a (MCL 257.722a), as amended by 1995 PA 248, and by adding section 722b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 722a. (1) A truck pulling a trailer, a truck tractor
2 pulling a semitrailer and trailer combination, or a truck tractor
3 pulling 2 semitrailers ~~shall~~**must** not transport a flammable liquid,

1 in bulk, which has a flash point at or below 70 degrees Fahrenheit
2 within this state.

3 (2) A truck pulling a trailer, a truck tractor pulling a
4 semitrailer and trailer combination, or a truck tractor pulling 2
5 semitrailers ~~shall~~**must** not transport a flammable gas or a
6 compressed flammable gas, in bulk, as defined by 49 ~~C.F.R.~~**CFR**
7 parts 100 to 180, within this state.

8 (3) A truck or a truck tractor pulling a semitrailer ~~shall~~
9 **must** not transport a flammable liquid, in bulk, which has a flash
10 point at or below 70 degrees Fahrenheit in this state, unless the
11 truck or the semitrailer has a water capacity of less than 13,800
12 gallons. This subsection does not apply to those vehicles
13 registered with the motor carrier division of the department of
14 state police on or before January 1, 1986.

15 (4) A truck or truck tractor pulling a semitrailer ~~shall~~**must**
16 not transport a flammable liquid, in bulk, which has a flash point
17 at or below 70 degrees Fahrenheit in a quantity of more than 13,400
18 gallons.

19 (5) The owner or driver of a vehicle that transports, or a
20 shipper who loads a vehicle with a flammable liquid, flammable gas,
21 or compressed flammable gas in violation of this section is guilty
22 of a misdemeanor, punishable by a fine of not more than \$3,000.00,
23 or imprisonment for not more than 90 days, or both.

24 (6) This section ~~shall~~**must** be enforced only by a police
25 officer.

26 (7) For the purposes of this section, "in bulk" means an
27 amount of product or material of 3,500 water gallons or more in a
28 single containment system. Commercial motor vehicles transporting
29 hazardous materials ~~shall~~**must** comply with the motor carrier safety

1 act, ~~Act No. 181 of the Public Acts of 1963, being sections 480.11~~
2 ~~to 480.21 of the Michigan Compiled Laws of 1963, 1963 PA 181, MCL~~
3 480.11 to 480.25.

4 Sec. 722b. (1) Notwithstanding any provisions of this act to
5 the contrary, during the state of emergency declared under
6 Executive Order No. 2020-33 or any extension of that order, the
7 following restrictions are suspended for deliveries that meet the
8 immediate needs of the public:

9 (a) All state and local seasonal load restrictions.

10 (b) All state and local restrictions on the noise and timing
11 of loading and delivery of goods.

12 (2) During the state of emergency declared under Executive
13 Order No. 2020-33 or any extension of that order, the state
14 transportation department, or a local authority with respect to
15 highway under its jurisdiction, shall issue permits that allow
16 nonseasonal local restrictions to be exceeded. The permits issued
17 under this subsection must reflect the bridge weight tolerance and
18 must apply to deliveries that meet the immediate needs of the
19 public.

20 (3) As used in this section, "deliveries that meet the
21 immediate needs of the public" includes deliveries of any of the
22 following:

23 (a) Medical supplies and equipment related to the testing,
24 diagnosis, and treatment of COVID-19.

25 (b) Supplies and equipment that are necessary for community
26 safety, sanitation, and the prevention of community transmission of
27 COVID-19 such as masks, gloves, hand sanitizer, soap, and
28 disinfectants.

29 (c) Food for the emergency restocking of stores.

1 (d) Equipment, supplies, and persons necessary to establish
2 and manage temporary housing, quarantine, and isolation facilities
3 related to the COVID-19 pandemic.

4 (e) Persons designated by federal, state, or local authorities
5 for medical, isolation, or quarantine purposes.

6 (f) Individuals necessary to provide other medical or
7 emergency services, the supply of which may be affected by the
8 COVID-19 pandemic.