

HOUSE BILL NO. 4344

April 17, 2025, Introduced by Reps. Prestin, Roth, Bohnak, Fairbairn, Borton, Cavitt, Markkanen, Johnsen, Neyer, Martin, Bierlein and Bruck and referred to Committee on Transportation and Infrastructure.

A bill to amend 1963 PA 181, entitled
"Motor carrier safety act of 1963,"
by amending section 1a (MCL 480.11a), as amended by 2018 PA 559.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1a. (1) This state adopts the following provisions of
- 2 title 49 of the code of federal regulations on file with the office
- 3 of the secretary of state, except where modified by this act:
- 4 (a) Hazardous materials regulations under 49 CFR parts 105
- 5 through 180 except for the transportation of agricultural products

1 for which an exception from the application of subchapter C of
2 chapter I of subtitle B of title 49 of the code of federal
3 regulations and 49 CFR part 172, subparts G and H, is provided
4 under 49 CFR 173.5, is specifically authorized if the
5 transportation is in compliance with this act and other state law.

6 (b) Motor carrier safety regulations under 49 CFR parts 40,
7 356, 365, 368, 371 through 373, 375, 376, 379, 382, 383, 385, 387,
8 390 through 393, 395 through 399 including the appendices of each
9 part, except for the following:

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

20 (ii) Where "interstate" appears, it means intrastate or
21 interstate, or both, as applicable, except as specifically provided
22 in this act.

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

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

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

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

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

5 (a) A county, city, township, or village as provided by law,
6 or other authority incorporated under 1963 PA 55, MCL 124.351 to
7 124.359. Each authority and governmental agency incorporated under
8 1963 PA 55, MCL 124.351 to 124.359, has the exclusive jurisdiction
9 to determine its own contemplated routes, hours of service,
10 estimated transit vehicle miles, costs of public transportation
11 services, and projected capital improvements or projects within its
12 service area.

13 (b) An authority incorporated under the metropolitan
14 transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to
15 124.426, or that operates a transportation service under an
16 interlocal agreement as that term is defined in section 2 of the
17 urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.502.

18 (c) A contract entered into under 1967 (Ex Sess) PA 8, MCL
19 124.531 to 124.536, or 1951 PA 35, MCL 124.1 to 124.13.

20 (d) An authority incorporated under the public transportation
21 authority act, 1986 PA 196, MCL 124.451 to 124.479, or a nonprofit
22 corporation organized under the nonprofit corporation act, 1982 PA
23 162, MCL 450.2101 to 450.3192, that provides transportation
24 services.

25 (e) An authority financing public improvements to
26 transportation systems under the revenue bond act of 1933, 1933 PA
27 94, MCL 141.101 to 141.140.

28 (3) Except as otherwise provided in this subsection,
29 subsection (1)(b) and sections ~~5(8)~~**5(7)** and 6(1) do not apply to a

1 vehicle that is not a commercial motor vehicle as defined in 49 CFR
2 383.5 and that is operated in intrastate commerce as defined in 49
3 CFR 390.5. A vehicle to which subsection (1)(b) does not apply
4 under this subsection remains subject to 49 CFR parts 391 through
5 393.

6 (4) As adopted under subsection (1)(b), 49 CFR part 395,
7 relating to hours of service, does not apply to a vehicle traveling
8 to assist with or directly assisting with a disaster or emergency
9 during a state of disaster or state of emergency declared under the
10 emergency management act, 1976 PA 390, MCL 30.401 to 30.421.

11 (5) ~~(4)~~As used in this act:

12 (a) "Hazardous material vehicle inspection or repair facility"
13 means a commercial enterprise that performs inspections,
14 certification, testing, or repairs to commercial motor vehicles
15 transporting hazardous materials as required by 49 CFR parts 105 to
16 180 and includes motor carriers that perform the inspections,
17 certification, testing, or repairs to vehicles owned or leased by
18 the motor carrier.

19 (b) "Medical examiner" means that term as defined in 49 CFR
20 390.5.

21 (c) "State civil infraction" means that term as defined in
22 section 113 of the revised judicature act of 1961, 1961 PA 236, MCL
23 600.113.