



HOUSE BILL No. 4535

March 24, 1993, Introduced by Rep. Porreca and referred to the Committee on Transportation.

A bill to amend section 722a of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

as amended by Act No. 141 of the Public Acts of 1985, being section 257.722a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 722a of Act No. 300 of the Public Acts
2 of 1949, as amended by Act No. 141 of the Public Acts of 1985,
3 being section 257.722a of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 722a. ~~(1) Notwithstanding any other provision of this~~
6 ~~section, a truck tractor pulling a semitrailer and trailer combi-~~
7 ~~nation or a truck tractor pulling 2 semitrailers shall not~~
8 ~~transport, except between the hours of midnight to 6 a.m. on~~
9 ~~routes and at times designated by the state fire safety board, a~~

~~1 flammable liquid, in bulk, which has a flash point at or below 70~~
~~2 degrees Fahrenheit within a county having a population of 600,000~~
~~3 or more. In addition, a truck, a truck pulling a trailer, or a~~
~~4 truck tractor pulling a semitrailer shall not transport, except~~
~~5 between the hours of midnight to 6 a.m. on routes and at times~~
~~6 designated by the state fire safety board, a flammable liquid, in~~
~~7 bulk, which has a flash point at or below 70 degrees Fahrenheit,~~
~~8 in a quantity of more than 9,000 gallons within a county having a~~
~~9 population of 600,000 or more. The exceptions provided by this~~
~~10 subsection for transport on routes designated by the state fire~~
~~11 safety board shall be construed to permit that transport only for~~
~~12 the purpose of picking up or delivering a flammable liquid at a~~
~~13 supply depot.~~

~~14 (2) Notwithstanding any other provision of this section, a~~
~~15 truck, truck pulling a trailer, truck tractor pulling a semi-~~
~~16 trailer, a truck tractor pulling a semitrailer and trailer combi-~~
~~17 nation, or a truck tractor pulling 2 semitrailers shall not~~
~~18 transport a flammable liquid, in bulk, which has a flash point at~~
~~19 or below 70 degrees Fahrenheit within this state, unless the~~
~~20 truck, truck and trailer combination, truck tractor and semi-~~
~~21 trailer combination, truck tractor, semitrailer, and trailer com-~~
~~22 bination, or truck tractor and 2 semitrailer combinations meet~~
~~23 safety standards as determined by the state fire safety board.~~

~~24 (1) (3) Notwithstanding any other provision of this sec-~~
~~25 tion, a truck pulling a trailer, a truck tractor pulling a semi-~~
~~26 trailer and trailer combination, or a truck tractor pulling 2~~
~~27 semitrailers shall not transport a flammable liquid, in bulk,~~

1 which has a flash point at or below 70 degrees Fahrenheit within
 2 this state. ~~This subsection shall not take effect until~~
 3 ~~November 1, 1990.~~

4 (2) ~~(4)~~ Notwithstanding any other provision of this sec-
 5 tion other than subsections ~~(3)~~ (1) and ~~(5)~~ (3), a truck with
 6 a water capacity of more than 9,500 gallons ~~, OR a truck trac-~~
 7 tor pulling a semitrailer with a water capacity of more than
 8 9,500 gallons ~~, a truck pulling a trailer, a truck tractor pull-~~
 9 ~~ing a semitrailer and trailer combination, or a truck tractor~~
 10 ~~pulling 2 semitrailers~~ shall not transport a flammable liquid,
 11 in bulk, which has a flash point at or below 70 degrees
 12 Fahrenheit in this state, unless the existing manhole or inspec-
 13 tion ports of each truck, semitrailer, or trailer in the vehicle
 14 combination has been equipped with devices which are capable of
 15 withstanding the forces caused by an internal pressure of 50
 16 pounds per square inch, applied and held at least 50 millisec-
 17 onds, and then released to 2 pounds per square inch, without
 18 having any residual venting of flammable liquid during the subse-
 19 quent 2 pounds per square inch condition.

20 (3) ~~(5)~~ Notwithstanding any other provision of this sec-
 21 tion, a truck or a truck tractor pulling a semitrailer ~~, a semi-~~
 22 ~~trailer and trailer combination, or 2 semitrailers~~ shall not
 23 transport a flammable liquid, in bulk, which has a flash point at
 24 or below 70 degrees Fahrenheit in this state, if the truck or
 25 semitrailer ~~, a semitrailer and trailer combination, or 2 semi-~~
 26 ~~trailers are~~ WAS manufactured after July 1, 1982, or ~~was~~
 27 ~~manufactured~~ before July 1, 1982 but was not a vehicle

1 registered in this state by the secretary of state at any time
2 between January 1, 1985 and October 1, 1985, unless the truck or
3 the semitrailer ~~, a semitrailer and trailer combination, or 2~~
4 ~~semitrailers have~~ HAS a water capacity of less than 13,800
5 gallons.

6 (4) ~~(6)~~ Notwithstanding any other provision of this sec-
7 tion, a truck or truck tractor pulling a semitrailer shall not
8 transport a flammable liquid, in bulk, which has a flash point at
9 or below 70 degrees Fahrenheit in a quantity of more than 13,400
10 gallons. ~~This subsection shall not take effect until~~
11 ~~November 1, 1990.~~

12 ~~(7) Notwithstanding any other provision of this section, a~~
13 ~~truck or truck tractor pulling a trailer or semitrailer, a semi-~~
14 ~~trailer or trailer combination, or 2 semitrailers shall not~~
15 ~~transport a flammable liquid, in bulk, which has a flash point at~~
16 ~~or below 70 degrees Fahrenheit in a quantity of more than 13,400~~
17 ~~gallons unless the owner of the truck or truck tractor pulling~~
18 ~~the trailer or semitrailer, combination semitrailer or trailer,~~
19 ~~or 2 semitrailers files with the department of state police~~
20 ~~within 60 days after the effective date of this act a notarized~~
21 ~~statement that the truck or truck tractor pulling the trailer or~~
22 ~~semitrailer, semitrailer or trailer combination, or 2 semitrail-~~
23 ~~ers did transport a flammable liquid, in bulk, having a flash~~
24 ~~point at or below 70 degrees Fahrenheit, at any time between~~
25 ~~March 1, 1985 and October 1, 1985. Attached to the notarized~~
26 ~~statement shall be 1 of the following:~~

1 ~~(a) A copy of the bill of lading containing the date the~~
2 ~~flammable liquid was transported and the permanent identification~~
3 ~~number of the trailer or semitrailer in which the flammable~~
4 ~~liquid was transported.~~

5 ~~(b) A copy of the daily log prepared by the driver of the~~
6 ~~vehicle transporting the flammable liquid which contains the date~~
7 ~~the flammable liquid was transported and the permanent identifi-~~
8 ~~cation number of the trailer or semitrailer in which the flamma-~~
9 ~~ble liquid was transported.~~

10 (5) ~~(8)~~ The owner or driver of a vehicle which transports
11 a flammable liquid in violation of subsection (1), (2), (3), OR
12 (4) ~~, (5), (6), or (7)~~ is guilty of a misdemeanor, punishable
13 by a fine of not more than \$3,000.00, or imprisonment for not
14 more than 90 days, or both.

15 ~~(9) Except as provided in subsection (8), a person who vio-~~
16 ~~lates this section is responsible for a civil infraction.~~

17 (6) ~~(10)~~ This section shall be enforced only by a police
18 officer OR AN OFFICER APPOINTED BY THE DIRECTOR OF THE DEPARTMENT
19 OF STATE POLICE PURSUANT TO SECTION 6D OF ACT NO. 59 OF THE
20 PUBLIC ACTS OF 1935, BEING SECTION 28.6D OF THE MICHIGAN COMPILED
21 LAWS.