

Legislative Analysis



MOTOR CARRIER SAFETY ACT

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House Bill 5406

Sponsor: Rep. Dale Sheltrown

Committee: Transportation

Complete to 2/11/04

A SUMMARY OF HOUSE BILL 5406 AS INTRODUCED 1/20/04

House Bill 5406 would amend Section 1a of the Motor Carrier Safety Act (Public Act 181 of 1963) to revise the definition of “commercial motor vehicle.”

The Motor Carrier Safety Act (MCL 480.11a) currently defines a “commercial motor vehicle” as any self-propelled or towed vehicle designed or used on public highways to transport passengers or property, except for certain buses, if the vehicle is one or more of the following: (i) has either a gross vehicle weight rating or an actual gross weight or gross combination weight rating or an actual gross combination weight of 10,001 or more pounds; (ii) is designed for carrying 16 or more passengers, including the driver; or (iii) is used in the transportation of hazardous materials in a quantity that requires the vehicle to be marked or placarded pursuant to federal law.

The Act further defines “motor carrier” as a carrier of persons or property in a commercial motor vehicle.

Under HB 5406 bill, these provisions would be retained, except for the vehicle weight criteria in item (i) in the definition of “commercial motor vehicle” which would be increased from 10,001 or more pounds to 26,001 or more pounds.

BACKGROUND INFORMATION:

Chapter III of Title 49 of the Code of Federal Regulations (49 CFR) establishes certain safety regulations for *interstate* motor carriers. Michigan’s Motor Carrier Safety Act of 1963 (PA 181 of 1963) adopted certain provisions of 49 CFR, with modifications and exceptions, for Michigan *intrastate* motor carriers. Under current Michigan law, vehicles with a gross vehicle weight or rating, or a gross combination weight or rating, of 10,001 pounds or more, are considered “commercial motor vehicles” and the operators of these commercial motor vehicles (motor carriers) are subject to provisions of the Act.

By increasing the weight criteria in the “commercial motor vehicle” definition, from 10,001 pounds or more, to 26,001 pounds or more, HB 5406 would exclude a number of intrastate motor carriers from provisions of the Act – specifically driver qualification provisions, medical examination requirements, and maximum driving hour limitations.

See Appendix 1 on page 3 of this analysis for examples of motor vehicles which would be affected by the bill.

Relationship to Federal Law – The current weight threshold in Michigan’s Motor Carrier Safety Act for defining “commercial motor vehicle,” 10,001 pounds and greater, is the same as the federal standard in 49 CFR, Section 350. States may adopt a higher weight threshold for intrastate motor carriers, and it is our understanding that some other states have done so.

The federal government provides funds to states under the Commercial Motor Carrier Safety Assistance Program. This program “provides financial assistance to states to reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicles.” Program objectives include driver/vehicle inspections, traffic enforcement, compliance reviews, public education and awareness, and data collection.

In order to be eligible for federal funds under the program, states must certify that they are in compliance with the conditions for program funding provided in 49 CFR 350. Adoption by Michigan of a higher weight threshold, not exceed 26,001 pounds, for the definition of *intrastate* “commercial motor vehicles,” would not jeopardized federal funds. Michigan would have to continue to enforce federal rules on motor carriers engaged in *interstate* commerce, including motor carriers at or above the 10,001 pound threshold.

Relationship to the Michigan Vehicle Code - HB 5406 would not affect the Chauffeurs License, or Commercial Driver’s License requirements of the Michigan Vehicle Code (PA 300 of 1949). Furthermore, the bill would not affect the maximum vehicle weight limits and weight-based registration taxes which are also established in the Michigan Vehicle Code.

FISCAL IMPACT: The bill has no apparent direct fiscal impact.

Fiscal Analyst: William Hamilton

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

Appendix 1
Examples of Motor Vehicles affected by HB 5406



Mitsubishi Fuso Fm, Gross V. Weight: 25,950



GMC TopKick C6500 Plus, 26,000 GVWR

Examples of vehicles which would be excluded from the provisions of the definition of “commercial motor vehicle” under HB 5604.