

SUBSTITUTE FOR  
HOUSE BILL NO. 5273

A bill to amend 1963 PA 181, entitled  
"Motor carrier safety act of 1963,"  
by amending section 7c (MCL 480.17c), as amended by 2002 PA 118.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 7c. (1) A driver or operator or an owner or user of a  
2 bus, truck, truck tractor, or trailer, or certain other motor  
3 vehicles, or an officer or agent of an individual, partnership,  
4 corporation, or association, or their lessees or receiver  
5 appointed by a court that is the owner or user of a vehicle, who  
6 requires or permits the driver or operator to operate or drive a  
7 bus, truck, truck tractor, or trailer, or certain other motor  
8 vehicles, that violates this act or a rule promulgated under this  
9 act if the vehicle is transporting a package required to be  
10 marked or labeled under 49 ~~C.F.R.~~ **CFR** parts 100 to 180, ~~upon~~  
11 ~~conviction, is guilty of a misdemeanor punishable by imprisonment~~

House Bill No. 5273 (H-1) as amended May 4, 2004

1 ~~for not more than 1 year or~~ **is responsible for a [state] civil**  
2 **infraction and may be ordered to pay** a fine of not more than  
3 \$500.00 ~~, or both,~~ for each violation.

4 (2) A ~~person or entity identified in subsection (1)~~ **motor**  
5 **carrier** shall not transport, or require, permit, or allow to be  
6 transported, hazardous material for which a placard is required  
7 under 49 ~~C.F.R.~~ **CFR** parts 100 to 199, in a vehicle identified  
8 in subsection (1) if the person that is transporting the  
9 hazardous material does not have a hazardous material endorsement  
10 on his or her operator's or chauffeur's license. A ~~person or~~  
11 ~~entity~~ **motor carrier** that violates this section is guilty of a  
12 misdemeanor punishable by imprisonment for not more than 1 year  
13 or a fine of not more than \$500.00, or both, for each violation.

14 (3) A **person or entity identified in subsection (1) or (2)**  
15 **who knowingly or willfully violates this act or a rule**  
16 **promulgated under this act is, upon conviction, guilty of a**  
17 **misdemeanor punishable by imprisonment for not more than 1 year**  
18 **or a fine of not more than \$500.00, or both, for each violation.**

19 (4) A **person or entity identified in subsection (1) or (2)**  
20 **who causes injury or death during a violation of this act, while**  
21 **a vehicle identified in subsection (1) that is transporting a**  
22 **package required to be marked or labeled under 49 CFR parts 100**  
23 **to 180 is used, is, upon conviction, guilty of a misdemeanor**  
24 **punishable by imprisonment for not more than 1 year or a fine of**  
25 **not more than \$500.00, or both, for each violation.**

26 (5) ~~(3)~~ An officer, employee, owner, or agent of an  
27 individual, partnership, corporation, or association, or their

1 lessees or receiver appointed by a court that is the owner or  
2 user of any hazardous materials vehicle inspection or repair  
3 facility that violates a section of this act, or a rule  
4 promulgated under this act, related to the transportation of  
5 hazardous materials, is guilty of a misdemeanor punishable as  
6 prescribed in this section.