

HOUSE BILL No. 5273

November 6, 2003, Introduced by Reps. Casperson, Hummel, Pappageorge, Pastor, Nitz, Huizenga, Kooiman, Newell, Voorhees, Vander Veen, Ward, Hune, Stahl, Emmons, Farhat, Tabor, Shackleton, Mortimer and Garfield and referred to the Committee on Transportation.

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:

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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. parts 100 to 180, ~~upon~~
11 ~~conviction, is guilty of a misdemeanor punishable by imprisonment~~

1 ~~for not more than 1 year or~~ **is responsible for a 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) shall not
5 transport, or require, permit, or allow to be transported,
6 hazardous material for which a placard is required under 49
7 C.F.R. parts 100 to 199, in a vehicle identified in subsection
8 (1) if the person that is transporting the hazardous material
9 does not have a hazardous material endorsement on his or her
10 operator's or chauffeur's license. A person or entity that
11 violates this section is ~~guilty of a misdemeanor punishable by~~
12 ~~imprisonment for not more than 1 year or~~ **responsible for a civil**
13 **infraction and may be ordered to pay** a fine of not more than
14 \$500.00 ~~, or both,~~ for each violation.

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

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

27 (5) ~~(3)~~ An officer, employee, owner, or agent of an

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