

Act No. 168
Public Acts of 2004
Approved by the Governor
June 24, 2004
Filed with the Secretary of State
June 24, 2004
EFFECTIVE DATE: June 24, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Reps. Casperson, Hummel, Pappageorge, Pastor, Nitz, Huizenga, Kooiman, Newell, Voorhees, Vander Veen, Ward, Hune, Stahl, Emmons, Farhat, Tabor, Shackleton, Mortimer and Garfield

ENROLLED HOUSE BILL No. 5273

AN ACT to amend 1963 PA 181, entitled "An act to promote safety upon the public highways by regulating the operation of certain vehicles; to provide consistent regulation of these areas by state agencies and local units of government; to establish the qualifications of persons necessary for the safe operation of such vehicles; to limit the hours of service of persons engaged in operating such vehicles; to require the keeping of records of such operations; to provide penalties for the violation of this act; to prescribe the powers and duties of certain state agencies; and to repeal certain acts and parts of acts," by amending section 7c (MCL 480.17c), as amended by 2002 PA 118.

The People of the State of Michigan enact:

Sec. 7c. (1) A driver or operator or an owner or user of a bus, truck, truck tractor, or trailer, or certain other motor vehicles, or an officer or agent of an individual, partnership, corporation, or association, or their lessees or receiver appointed by a court that is the owner or user of a vehicle, who requires or permits the driver or operator to operate or drive a bus, truck, truck tractor, or trailer, or certain other motor vehicles, that violates this act or a rule promulgated under this act if the vehicle is transporting a package required to be marked or labeled under 49 CFR parts 100 to 180, is responsible for a state civil infraction and may be ordered to pay a fine of not more than \$500.00 for each violation.

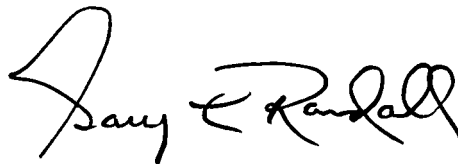
(2) A motor carrier shall not transport, or require, permit, or allow to be transported, hazardous material for which a placard is required under 49 CFR parts 100 to 199, in a vehicle identified in subsection (1) if the person that is transporting the hazardous material does not have a hazardous material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

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

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

(5) An officer, employee, owner, or agent of an individual, partnership, corporation, or association, or their lessees or receiver appointed by a court that is the owner or user of any hazardous materials vehicle inspection or repair facility that violates a section of this act, or a rule promulgated under this act, related to the transportation of hazardous materials, is guilty of a misdemeanor punishable as prescribed in this section.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor