

HOUSE BILL No. 5730

June 12, 2012, Introduced by Rep. Johnson and referred to the Committee on Transportation.

A bill to amend 1963 PA 181, entitled
"Motor carrier safety act of 1963,"
by amending section 5 (MCL 480.15), as amended by 2011 PA 160.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) In the case of intrastate transportation, the
2 provisions of 49 CFR 391.21 relating to application for employment,
3 49 CFR 391.23 relating to investigations and inquiries, 49 CFR
4 391.31 relating to road tests, 49 CFR part 395 relating to hours of
5 service, 49 CFR 383.71 and 391.41 to 391.45 to the extent that they
6 require a driver to be medically qualified or examined and to have
7 a medical examiner's certificate on his or her person, and the
8 provisions of this act relating to files and records do not apply
9 to a farm vehicle driver as defined in 49 CFR 390.5.

10 (2) For intrastate transportation, ~~the provisions of this act~~

1 ~~do~~ **DOES** not apply to a self-propelled implement of husbandry or an
2 implement of husbandry being drawn by a farm tractor or another
3 implement of husbandry.

4 (3) The provisions of this act ~~related to~~ **CONCERNING** driver
5 qualifications do not apply to public utility, telephone, and cable
6 television company service employees if those employees are not
7 otherwise being used as a regularly employed driver and are not
8 operating a vehicle that meets the definition of a commercial motor
9 vehicle in 49 CFR part 383.

10 (4) The requirements of 49 CFR part 395 do not apply to any
11 driver of a public utility service vehicle when being used in cases
12 of emergency. As used in this subsection, "emergency" means any
13 instance of loss of public utility service due to an unforeseen
14 circumstance, a natural disaster, or an act of God. A declaration
15 of emergency by a public official is not required to constitute an
16 emergency under this subsection.

17 (5) This act and the rules promulgated under this act do not
18 apply to a commercial motor vehicle owned and operated by a unit of
19 government or its employees, except as otherwise provided by this
20 act, and except for 49 CFR 383.71(h) and all of 49 CFR parts 382,
21 391, 392, and 393.

22 (6) A combination of vehicles with an actual combination gross
23 vehicle weight or a gross combination weight rating of 26,000
24 pounds or less, if the trailer or semitrailer has an actual gross
25 vehicle weight or gross vehicle weight rating of 15,000 pounds or
26 less, may be equipped with surge brakes for intrastate operation as
27 allowed by section 705(1)(c) of the Michigan vehicle code, 1949 PA

1 300, MCL 257.705. Vehicles of any size that are transporting
 2 hazardous materials in an amount that requires placarding or
 3 vehicles that are designed to transport more than 8 passengers,
 4 including the driver, shall not be equipped with surge brakes for
 5 intrastate operation.

6 (7) Except for the purpose of granting a waiver in accordance
 7 with section 53 of the pupil transportation act, 1990 PA 187, MCL
 8 257.1853, this act and the rules promulgated under this act do not
 9 apply to a school bus as defined in section 7 of the pupil
 10 transportation act, 1990 PA 187, MCL 257.1807, or a bus defined,
 11 and for which a certificate of authority was issued, under the
 12 motor bus transportation act, 1982 PA 432, MCL 474.101 to 474.141.

13 (8) ~~A-THIS ACT DOES NOT RESTRICT THE NUMBER OF CONSECUTIVE~~
 14 ~~HOURS OF OPERATION THAT A~~ motor carrier operating entirely in
 15 intrastate commerce solely within Michigan ~~shall not~~ **MAY** permit or
 16 require **OF** an operator of a commercial motor vehicle engaged in
 17 seasonal construction-related activities. ~~, regardless of the~~
 18 ~~number of motor carriers using the operator's services, to do~~
 19 ~~either of the following:~~

20 ~~—— (a) Operate for any period after having been on duty 70 hours~~
 21 ~~in any 7 consecutive days or having been on duty 80 hours in any~~
 22 ~~period of 8 consecutive days.~~

23 ~~—— (b) Operate more than 12 hours or be on duty more than 16~~
 24 ~~hours in any day.~~

25 (9) As used in subsections (3) and (4), "public utility" means
 26 a person or corporation operating equipment or facilities for
 27 producing, generating, transmitting, delivering, or furnishing gas

1 or electricity for the production of light, heat, or power for the
2 public for compensation.

3 (10) As used in this section:

4 (a) "Implement of husbandry" means that term as defined in
5 section 21 of the Michigan vehicle code, 1949 PA 300, MCL 257.21.

6 (b) "Farm tractor" means that term as defined in section 16 of
7 the Michigan vehicle code, 1949 PA 300, MCL 257.16.