

SENATE BILL No. 287

March 22, 2011, Introduced by Senators KOWALL, HUNE, PAVLOV, BRANDENBURG and GLEASON and referred to the Committee on Transportation.

A bill to amend 1933 PA 254, entitled "The motor carrier act," by amending section 2 of article V (MCL 479.2), as amended by 2008 PA 584.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1
2
3
4
5
6
7
8
9

ARTICLE V

Sec. 2. (1) Except as provided in section 7 of article IV, this act does not apply to any of the following:

(a) A vehicle, other than a vehicle transporting household goods **OR MOTOR VEHICLES**, operated entirely within a city or village of this state; or to a motor carrier of property, other than a motor carrier of household goods **OR MOTOR VEHICLES**, whose operations may extend a distance of not more than 8 miles beyond the boundary of a city or village having a population of less than

1 500,000, if the origin and destination of the property being
2 transported is within an 8-mile radius of the city or village. The
3 territory within the external corporate limits of a city, even
4 though it includes and embraces the area of 1 or more separately
5 organized and existing cities, shall be considered a single city.
6 Notwithstanding any other provision of this subdivision, a
7 certificate or permit issued under this act is required for the
8 operation of a vehicle of a motor carrier, including a vehicle
9 transporting household goods, other than a vehicle exempted under
10 subdivisions (b) to (q), in the transportation of property between
11 a city having a population of 500,000 or more and a city or village
12 located within the commercial zone of a city having a population of
13 500,000 or more, or between cities or villages within that
14 commercial zone. As used in this subdivision, "commercial zone"
15 means the area within an 8-mile radius of a city having a
16 population of 500,000 or more and includes all cities and villages,
17 any part of which are located within that 8-mile radius.

18 (b) A vehicle owned or operated by the state or the United
19 States, or by a state or federal corporation, agency, or
20 instrumentality.

21 (c) A vehicle owned or operated by an incorporated city,
22 village, or school district, or by a county or township in the
23 state or by a corporation, agency, or instrumentality of the state,
24 for governmental purposes.

25 (d) A vehicle used exclusively for carrying United States
26 mail.

27 (e) A vehicle used for the transportation of farm products,

1 including livestock, when transported by other than the owner, from
2 the farm to the market in the raw state, or used for the
3 transportation of milk from the farm to milk stations, or trucks
4 owned by a farmer bearing a farm truck license issued under section
5 801(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.801,
6 when being used by the farmer in hauling farm produce, livestock,
7 or farm equipment, and supplies for other farmers for remuneration
8 in kind or in labor, but not for money.

9 (f) A vehicle used for the transportation of fruits, eggs,
10 poultry, fish and seafood, grain, vegetables, seeds, nursery stock,
11 horticultural products, and sugar beets. This subdivision shall not
12 exempt a vehicle transporting the commodities described in this
13 subdivision in other than the raw state.

14 (g) A vehicle used for occasional accommodative service
15 including seasonal transportation of perishable commodities even
16 though the cost of the accommodative service and seasonal
17 transportation of perishable commodities may be paid by the person
18 accommodated.

19 (h) A dump truck having not more than 4 axles or any dump
20 vehicle moving directly to and from a public highway, airport, or
21 railroad or bridge construction site, when used for the
22 transportation of sand, gravel, slag, stone, limestone, crushed
23 stone, marl, pebbles, cinders, bituminous aggregates, asphalt,
24 blacktop, dirt, or fill material, or any dump vehicle transporting
25 commodities generally transported in the dump vehicle operating
26 within an 8-mile radius of a city having a population of 500,000 or
27 more and including all other cities or villages, any part of which

1 is located within the 8-mile radius.

2 ~~—— (i) A vehicle used to transport a vehicle that is temporarily~~
3 ~~disabled from a point within an 8-mile radius of a city having a~~
4 ~~population of 500,000 or more and including all other cities or~~
5 ~~villages, any part of which is located within the 8-mile radius to~~
6 ~~another point within that radius.~~

7 (I) ~~(j)~~ A vehicle used for the transportation of pulpwood,
8 logs, wood chips, bark, and sawdust when the vehicle is being used
9 to move the commodities from a forest, woodlot, cutting site,
10 sawmill, or chipping site to a market or railroad siding of not
11 more than a 140-mile radius from the place where the vehicle is
12 loaded.

13 (J) ~~(k)~~ A vehicle having a manufacturer's rating of not more
14 than 1-1/2 tons capacity or the equivalent gross vehicle weight
15 rating used for the transportation of newspapers.

16 ~~—— (l) A vehicle towing a disabled motor vehicle from the location~~
17 ~~at which it was disabled to another location or a vehicle towing a~~
18 ~~motor vehicle involved in an accident from the location of the~~
19 ~~accident to another location.~~

20 (K) ~~(m)~~ A vehicle used in the transportation of livestock,
21 poultry feed, chemicals, pesticides, and fertilizers on movements
22 directly to a farm for use in agricultural production.

23 (L) ~~(n)~~ A vehicle used for the transportation of property for
24 compensation provided by a person who is a member of a corporate
25 family for other members of the corporate family, if all of the
26 following conditions are met:

27 (i) The parent corporation notifies the commission annually of

1 its intent or the intent of 1 of its subsidiaries to provide the
2 transportation.

3 (ii) The notice described in subparagraph (i) contains a list of
4 participating subsidiaries and an affidavit that the parent
5 corporation owns directly or indirectly a 100% interest in each of
6 the subsidiaries.

7 (iii) The notice described in subparagraph (i) is accompanied by
8 a fee of \$100.00.

9 (iv) The commission publishes the notice described in
10 subparagraph (i) in the biweekly bulletin.

11 (v) A copy of the notice described in subparagraph (i) is
12 carried in the cab of all vehicles conducting the transportation.

13 (M) ~~(e)~~—A vehicle transporting animal and poultry feed or feed
14 ingredients to sites of agricultural production or to a business
15 enterprise engaged in the sale to agricultural producers of goods
16 used in agricultural production.

17 (N) ~~(p)~~—A vehicle transporting recyclable materials to or from
18 a resource recovery facility. The terms "recyclable materials" and
19 "resource recovery facility" have the meanings attributed to these
20 terms in part 115 of the natural resources and environmental
21 protection act, 1994 PA 451, MCL 324.11501 to 324.11550, except
22 that the term recyclable materials does not include industrial
23 scrap metal. This subdivision shall not be construed to exempt from
24 this act a vehicle transporting new products.

25 (O) ~~(q)~~—A vehicle transporting property for, or on behalf of,
26 a nonprofit charitable institution or for a house of public
27 worship.

1 (2) As used in subsection ~~(1)(a)~~ **(1)(I)**, "corporate family"
2 means a group of corporations consisting of a parent corporation
3 and all subsidiaries in which the parent corporation owns directly
4 or indirectly a 100% interest.

5 (3) None of the exemptions in this section, where applicable,
6 apply to a vehicle entering this state from another state, foreign
7 country, or subdivision of a state or foreign country that does not
8 extend similar exemptions to vehicles from this state entering the
9 state, foreign country, or subdivision.