

**SUBSTITUTE FOR
HOUSE BILL NO. 4821**

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
6 they require a driver to be medically qualified or examined and to
7 have 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 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 driver
5 qualifications do not apply to **AN EMPLOYEE OF A** public utility,
6 telephone, ~~and OR~~ cable television company service employees if
7 ~~those employees are~~ **THE EMPLOYEE IS** not otherwise being used as a
8 regularly employed driver and ~~are~~ **IS** not operating a vehicle that
9 meets the definition of a commercial motor vehicle in 49 CFR part
10 383.

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

18 (4) ~~(5)~~ This act and the rules promulgated under this act do
19 not apply to a commercial motor vehicle owned and operated by a
20 unit of government or its employees, except as otherwise provided
21 by this act, and except for 49 CFR 383.71(h) and all of 49 CFR
22 parts 382, 391, 392, and 393.

23 (5) ~~(6)~~ A combination of vehicles with an actual combination
24 gross vehicle weight or a gross combination weight rating of 26,000
25 pounds or less, if the trailer or semitrailer has an actual gross
26 vehicle weight or gross vehicle weight rating of 15,000 pounds or
27 less, may be equipped with surge brakes for intrastate operation as

1 allowed by section 705(1)(c) of the Michigan vehicle code, 1949 PA
2 300, MCL 257.705. Vehicles of any size that are transporting
3 hazardous materials in an amount that requires placarding or
4 vehicles that are designed to transport more than 8 passengers,
5 including the driver, shall not be equipped with surge brakes for
6 intrastate operation.

7 (6) ~~(7)~~ Except for the purpose of granting a waiver in
8 accordance with section 53 of the pupil transportation act, 1990 PA
9 187, MCL 257.1853, this act and the rules promulgated under this
10 act do not apply to a school bus as defined in section 7 of the
11 pupil transportation act, 1990 PA 187, MCL 257.1807. ~~or a bus~~
12 ~~defined, and for which a certificate of authority was issued, under~~
13 ~~the motor bus transportation act, 1982 PA 432, MCL 474.101 to~~
14 ~~474.141.~~

15 (7) EXCEPT FOR SECTION 6, THIS ACT AND THE RULES PROMULGATED
16 UNDER THIS ACT DO NOT APPLY TO A MOTOR BUS AS DEFINED IN, AND FOR
17 WHICH A CERTIFICATE OF AUTHORITY WAS ISSUED UNDER, THE MOTOR BUS
18 TRANSPORTATION ACT, 1982 PA 432, MCL 474.101 TO 474.141.

19 (8) A motor carrier operating entirely in intrastate commerce
20 solely within Michigan **THIS STATE** shall not permit or require an
21 operator of a commercial motor vehicle engaged in seasonal
22 construction-related activities, regardless of the number of motor
23 carriers using the operator's services, to do either of the
24 following:

25 (a) Operate for any period after having been on duty 70 hours
26 in any 7 consecutive days or having been on duty 80 hours in any
27 period of 8 consecutive days.

1 (b) Operate more than 12 hours or be on duty more than 16
2 hours in any day.

3 ~~(9) As used in subsections (3) and (4), "public utility" means~~
4 ~~a person or corporation operating equipment or facilities for~~
5 ~~producing, generating, transmitting, delivering, or furnishing gas~~
6 ~~or electricity for the production of light, heat, or power for the~~
7 ~~public for compensation.~~

8 (9) ~~(10)~~As used in this section:

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

11 (A) ~~(b)~~"Farm tractor" means that term as defined in section
12 16 of the Michigan vehicle code, 1949 PA 300, MCL 257.16.

13 (B) "IMPLEMENT OF HUSBANDRY" MEANS THAT TERM AS DEFINED IN
14 SECTION 21 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.21.

15 (C) "PUBLIC UTILITY" MEANS A PERSON THAT OPERATES EQUIPMENT OR
16 FACILITIES FOR PRODUCING, GENERATING, TRANSMITTING, DELIVERING, OR
17 FURNISHING GAS OR ELECTRICITY FOR THE PRODUCTION OF LIGHT, HEAT, OR
18 POWER FOR THE PUBLIC FOR COMPENSATION.