

SENATE BILL No. 726

December 13, 2017, Introduced by Senator CASPERSON and referred to the Committee on Transportation.

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 1a (MCL 480.11a), as amended by 2012 PA 231.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1a. (1) This state adopts the following provisions of
2 title 49 of the code of federal regulations on file with the office
3 of the secretary of state, except where modified by this act:

4 (a) Hazardous materials regulations, being 49 CFR parts 105
5 through 180 except for the transportation of agricultural products
6 for which an exception from the application of 49 CFR subchapter C
7 and 49 CFR part 172, subparts G and H, is provided under 49 CFR
8 173.5, is specifically authorized if the transportation is in
9 compliance with this act and other state law.

1 (b) Motor carrier safety regulations, being 49 CFR parts 40,
 2 356, 365, 368, 371 through 373, 375, 376, 379, 382, 383, 385, 387,
 3 390 through 393, 395 through 399 including the appendices of each
 4 part, except for the following:

5 (i) Except as provided in this subparagraph, where the term
 6 "United States department of transportation", "federal motor
 7 carrier safety administration", "federal motor carrier safety
 8 administrator", "director", "bureau of motor carrier safety",
 9 "pipeline and hazardous materials administration", or "associate
 10 administrator for hazardous materials safety" appears, it refers to
 11 the department of state police. If the term is being used for the
 12 purposes of 49 CFR part 397 as it relates to routing and movement
 13 of hazardous materials, it refers to the ~~Michigan~~ state
 14 transportation department.

15 (ii) Where "interstate" appears, it means intrastate or
 16 interstate, or both, as applicable, except as specifically provided
 17 in this act.

18 (iii) Where "special agent of the federal motor carrier safety
 19 administration", "administration personnel", or "hazardous
 20 materials enforcement specialist" appears, it either means a peace
 21 officer or an enforcement member of the ~~motor carrier~~ **COMMERCIAL**
 22 **VEHICLE ENFORCEMENT** division of the department of state police.

23 ~~(iv) Where MCS 63 appears, it means MC 9 and MC 9b.~~

24 ~~(v) Where MCS 64 appears, it means UD 70.~~

25 (iv) ~~(vi)~~ Exempt intracity zones and the regulations
 26 applicable to exempt intracity zones do not apply to this act.

27 (2) This act does not apply to a bus operated by a public

1 transit agency operating under any of the following:

2 (a) A county, city, township, or village as provided by law,
3 or other authority incorporated under 1963 PA 55, MCL 124.351 to
4 124.359. Each authority and governmental agency incorporated under
5 1963 PA 55, MCL 124.351 to 124.359, has the exclusive jurisdiction
6 to determine its own contemplated routes, hours of service,
7 estimated transit vehicle miles, costs of public transportation
8 services, and projected capital improvements or projects within its
9 service area.

10 (b) An authority incorporated under the metropolitan
11 transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to
12 124.426, or that operates a transportation service under an
13 interlocal agreement as that term is defined in section 2 of the
14 urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.502.

15 (c) A contract entered into under 1967 (Ex Sess) PA 8, MCL
16 124.531 to 124.536, or 1951 PA 35, MCL 124.1 to 124.13.

17 (d) An authority incorporated under the public transportation
18 authority act, 1986 PA 196, MCL 124.451 to 124.479, or a nonprofit
19 corporation organized under the nonprofit corporation act, 1982 PA
20 162, MCL 450.2101 to 450.3192, that provides transportation
21 services.

22 (e) An authority financing public improvements to
23 transportation systems under the revenue bond act of 1933, 1933 PA
24 94, MCL 141.101 to 141.140.

25 (3) Except as otherwise provided in this subsection,
26 subsection (1)(b) and sections 5(8) and 6(1) do not apply to a
27 vehicle that is not a commercial motor vehicle as defined in 49 CFR

1 383.5 and that is operated in intrastate commerce as defined in 49
2 CFR 390.5. A vehicle to which subsection (1)(b) does not apply
3 under this subsection remains subject to 49 CFR parts 391 through
4 393.

5 (4) As used in this act:

6 (a) "Hazardous material vehicle inspection or repair facility"
7 means a commercial enterprise that performs inspections,
8 certification, testing, or repairs to commercial motor vehicles
9 transporting hazardous materials as required by 49 CFR parts 105 to
10 180 and includes motor carriers that perform the inspections,
11 certification, testing, or repairs to vehicles owned or leased by
12 the motor carrier.

13 (b) "Medical examiner" means that term as defined under 49 CFR
14 390.5.

15 Enacting section 1. This amendatory act updates the reference
16 to title 49 of the code of federal regulations to incorporate by
17 reference the provisions of title 49 of the code of federal
18 regulations as of the effective date of this amendatory act.