



**Senate Fiscal Agency**  
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BILL ANALYSIS



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House Bill 5852 (as reported without amendment)  
Sponsor: Representative Terry London  
House Committee: Transportation  
Senate Committee: Transportation and Tourism

### **CONTENT**

The bill would amend the Motor Bus Transportation Act to adopt certain provisions of Title 49 of the Code of Federal Regulations as of January 1, 1996, on file with the Office of the Secretary of State except where modified by the Act, to provide for the safe transportation of persons. The bill would delete language added by Public Act 233 of 1989 that adopted Federal regulations in effect on the effective date of that Act.

The bill specifies that the 1996 Federal regulations would be adopted with the intent to follow the policies and procedures of the U.S. Department of Transportation's Federal Highway Administration as they relate to Title 49 of the Code of Federal Regulations and the North American Uniform Driver/Vehicle Inspection Standards (NAUD/VIS) out of service criteria and inspection procedures. This would include motor carrier safety regulations, being 49 C.F.R. Part 382, on controlled substances, alcohol use and testing; Part 387 on minimum levels of financial responsibility for motor carriers; Part 390 on Federal motor carrier safety regulations; Part 391 on qualifications of drivers; Part 392 on driving of commercial motor vehicles; Part 393 on parts and accessories necessary for safe operation; Part 395 on drivers' hours of service; Part 396 on inspection, repair and maintenance; Part 397 on transportation of hazardous materials, driving and parking rules; and Part 399 on employee safety and health standards. The bill specifies that this would include Appendices C, D, E, and G, which provide tables of qualifying drugs and other substances for Schedules I through V and minimum periodic inspection standards.

The bill specifies the following exceptions: Where the terms "United States Department of Transportation", "Federal Highway Administration", "Federal Highway Administrator", "Director", and "Bureau of Motor Carrier Safety" appear, they would have to be construed to refer to the State Transportation Department; where "interstate" appears, it would mean intrastate and/or interstate, as applicable; and where "special agent of the Federal Highway Administration" or "administration personnel" appears, either would have to be construed to mean a peace officer, an enforcement member, or a commercial vehicle safety inspector of the State Transportation Department.

MCL 474.131

Legislative Analyst: L. Arasim

### **FISCAL IMPACT**

The bill would insure compliance with Federal law and prevent imposition of Federal sanctions.

Date Completed: 9-26-96

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.