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BILL ANALYSIS

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House Bill 4852 (Substitute S-2 as reported)  
Sponsor: Representative Tom Casperson  
House Committee: Transportation  
Senate Committee: Transportation

## **CONTENT**

The bill would amend the Motor Carrier Safety Act to do the following:

- Adopt specified parts of Title 49 (Transportation) of the Code of Federal Regulations.
- Revise provisions pertaining to the application for a waiver of the physical qualifications to drive a commercial motor vehicle (CMV).
- Provide that grandfather rights under the Act would remain valid until December 31, 2014, rather than December 31, 2032.
- Allow vehicle combinations weighing 26,000 pounds or less to be equipped with surge brakes for intrastate operation; and prohibit a vehicle transporting certain amounts of hazardous materials from being equipped with surge brakes for intrastate operation.
- Revise the entities subject to various penalties for violations of the Act.
- Prescribe a penalty for operating a CMV in violation of an out-of-service order, and increase the penalty for operating a CMV with a serious safety defect.
- Establish penalties for overfilling a container during the transfer of a hazardous material, or transporting a vehicle carrying hazardous material in an amount required to be placarded on a route on the National Hazardous Materials Route Registry.
- Require the Motor Carrier Division of the Department of State Police to set a deadline for a person to comply with a compliance order.
- Establish procedures for the enforcement of a civil infraction committed by a non-Michigan resident.
- Delete the exemption of certain vehicles from the Act and rules promulgated under it, and add an exemption for school buses.
- Repeal sections regarding qualifications to drive CMVs, vehicle and transportation facility safety standards, medical exam certificates, driver qualification files, investigations of a driver's past employment, override guards, and maximum driving time.

The bill is tie-barred to House Bills 4857 and 4858.

MCL 480.11a et al.

Legislative Analyst: Suzanne Lowe

## **FISCAL IMPACT**

The bill would bring State law into compliance with Federal regulations, allowing the State to continue to receive \$8 million to \$9 million in Federal motor carrier enforcement grants.

The bill also would establish certain physical requirement waiver procedures that would result in minimal costs to the State, which could be assumed by existing resources.

Date Completed: 9-29-05

Fiscal Analyst: Bruce Baker

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Analysis available @ <http://www.michiganlegislature.org>

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.