

# HOUSE BILL No. 5762

June 14, 2012, Introduced by Reps. MacMaster, Agema, McMillin, Yonker, Horn, Rendon, Goike, Forlini and Bumstead and referred to the Committee on Transportation.

A bill to amend 1963 PA 181, entitled  
"Motor carrier safety act of 1963,"  
by amending section 11 (MCL 480.21), as amended by 2005 PA 177.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 11. (1) A township, city, village, county, or another  
2 state agency shall not adopt or enforce an ordinance or resolution  
3 that is inconsistent with this act or any rule promulgated pursuant  
4 to this act. As used in this ~~section~~, **SUBSECTION**, "inconsistent"  
5 means a rule or ordinance that is more permissive than this act,  
6 that is more restrictive than this act, that would require more  
7 action, equipment, or permits than this act would require, or that  
8 prevents or obstructs compliance with this act.

9           (2) The fine for operating a vehicle with a serious safety

1 defect ordered to be paid under an ordinance or resolution adopted  
2 by a township, city, village, or county that is consistent with  
3 section 7b shall be paid to the county treasurer and shall be  
4 allocated as follows:

5 (a) Seventy percent to the ~~township, city, village, or county~~  
6 ~~in which the citation is issued.~~ **MICHIGAN TRANSPORTATION FUND**  
7 **CREATED UNDER 1951 PA 51, MCL 247.651 TO 247.675.**

8 (b) Thirty percent for library purposes as provided by law.

9 (3) Subsection (2) does not apply to a fine ordered to be paid  
10 for a case in which the citation is dismissed pursuant to  
11 subsection ~~(4)~~ **(5)**.

12 (4) The owner or operator of a commercial motor vehicle shall  
13 not be issued more than 1 citation **WITHIN A 24-HOUR PERIOD BY A**  
14 **TOWNSHIP, CITY, VILLAGE, COUNTY, OR OTHER AGENCY, OR ANY**  
15 **COMBINATION OF TOWNSHIPS, CITIES, VILLAGES, COUNTIES, OR OTHER**  
16 **AGENCIES**, for each violation of a code or ordinance regulating the  
17 operation of a commercial motor vehicle and substantially  
18 corresponding to a provision of sections 683 to 725a of the  
19 Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.725a. ~~7~~  
20 ~~within a 24-hour period.~~

21 (5) If the owner or operator of a commercial motor vehicle is  
22 issued a citation by a township, city, village, or county for an  
23 equipment violation that does not result in the vehicle being  
24 placed out of service, the court shall dismiss the citation if the  
25 owner or operator of that commercial motor vehicle provides written  
26 proof to the court within 14 days after the citation is issued  
27 showing that the defective equipment indicated in the citation has

1 been repaired. A CITATION FOR AN EQUIPMENT VIOLATION SHALL INCLUDE  
2 A WRITTEN NOTIFICATION OF THE 14-DAY PERIOD PROVIDED FOR IN THIS  
3 SUBSECTION.

4 (6) ~~(5)~~—In order to be classified as a motor carrier  
5 enforcement officer, a police officer must have training equal to  
6 the minimum training requirements, including any annual training  
7 updates, established by the department of state police for an  
8 officer of the motor carrier division of the department of state  
9 police. A police officer who has received training equal to these  
10 minimum training requirements before ~~the effective date of this~~  
11 ~~section~~ **MAY 15, 2000** is considered a motor carrier enforcement  
12 officer for purposes of this act.