

REVISE MOTOR CARRIER SAFETY ACT

Phone: (517) 373-8080
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Senate Bill 332 (passed by the Senate as S-1)
Sponsor: Sen. Tom Casperson
House Committee: Transportation and Infrastructure
Senate Committee: Transportation
Complete to 6-5-17

Analysis available at
<http://www.legislature.mi.gov>

(Public Act 116 of 2017)

SUMMARY:

Senate Bill 332 would amend the Motor Carrier Safety Act to make certain federal requirements that are imposed on commercial drivers also apply to vehicles and employees of governmental units. The bill provides a limited exception for firefighters.

The federal requirements cited in the bill had previously applied to government employees but were removed with the enactment of Public Act 452 of 2016, which took effect April 5, 2017. (That legislation, among other things, effectively removed the requirement that a volunteer firefighter or any other employee of a unit of government receive a medical waiver before being cleared to operate a commercial motor vehicle owned by a governmental unit. SB 332 appears to maintain the exception for firefighters while reinstating the requirements for other government vehicles and employees.)

The Motor Carrier Safety Act deals, generally speaking, with the operation of commercial motor vehicles and the regulation of drivers of such vehicles. Section 5 of the act says that the act and the rules promulgated under the act do not apply to a commercial motor vehicle owned and operated by a unit of government or its employees, except as otherwise provided under the act. Senate Bill 332 would reinstate in the state statute several provisions of federal law that would again apply to government vehicles and employees.

The bill cites the following federal regulations as applying to commercial motor vehicles owned and operated by a unit of government and its employees:

- 49 CFR 383.71(h): governing medical certification documentation required by a state.
- 49 CFR Part 382: governing controlled substances and alcohol use and testing.
- 49 CFR Parts 391, 392, and 393: governing the qualifications of drivers and longer combination vehicle driver instructors, the driving of commercial motor vehicles, and the parts and accessories necessary for safe operation of motor vehicles, respectively.

However, the bill would specify that the provisions in federal law at 49 CFR 391.41 to 391.49 would not apply to a firefighter operating a commercial motor vehicle that is necessary to firefighting or the preservation of life or property, or the execution of an

emergency governmental function of a local unit of government or government authority. Those provisions govern physical qualifications for drivers and medical examinations.

FISCAL IMPACT:

This bill would likely have no fiscal impact on the State or local units of government, but could prevent additional costs by reinstating federal regulations on employees of local units of government who operate commercial motor vehicles, while retaining the exemption for firefighters.

Legislative Analyst: E. Best
Fiscal Analyst: Kent Dell

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.