

Official HB _____

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Passed the House

Co Clerk of the House of Representatives

Passed the Senate

Secretary of the Senate





HOUSE BILL No. 5932

November 10 1994 Introduced by Rep Lowe and referred to the Committee on Transportation

A bill to amend section 2k of Act No 181 of the Public Acts of 1963, entitled as amended

"Motor carrier safety act of 1963,"

as added by Act No 339 of the Public Acts of 1990, being section 480 12k of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 2k of Act No 181 of the Public Acts of
2 1963, as added by Act No 339 of the Public Acts of 1990, being
3 section 480 12k of the Michigan Compiled Laws, is amended to read
4 as follows

5 Sec 2k (1) A person who is not physically qualified to
6 drive under 49 C F R 391 41 and who is otherwise qualified to
7 drive a motor vehicle may drive a motor vehicle if the motor
8 carrier division of the department of state police or the appeal
9 board has granted a waiver to that person

1 (2) An application for a waiver shall be submitted jointly
2 by the person who seeks a waiver of his or her physical disquali-
3 fication and by the motor carrier that will employ the person if
4 the application is granted The application shall be addressed
5 to

6 Michigan State Police
7 Motor Carrier Division
8 300 North Clippert Street
9 Lansing Michigan 48913

10 (3) An application for a waiver shall contain all of the
11 following

12 (a) A description of all of the following

13 (i) The type, size, and special equipment if any, of the
14 vehicles the individual applicant intends to drive

15 (ii) The general area and type of roads the individual
16 applicant intends to traverse while driving

17 (iii) The maximum distances the individual applicant intends
18 to drive

19 (iv) The periods of time he or she will be on duty and
20 driving

21 (v) The nature of the commodities or cargo the individual
22 applicant intends to transport

23 (vi) The methods the applicant or any other person will use
24 to load and secure the commodities or cargo

25 (vii) The nature and extent of the individual applicant s
26 experience at operating motor vehicles of the type he or she
27 intends to drive

1 (b) An agreement that the motor carrier will promptly file
2 with the motor carrier division of the department of state police
3 such reports as the division may require, including reports about
4 all of the following ~~which~~ THAT involve the individual
5 applicant

6 (i) Driving activities

7 (ii) Accidents

8 (iii) Arrests

9 (iv) License suspensions, revocations, or withdrawals

10 (v) Convictions

11 (c) An agreement that if a waiver is granted, it authorizes
12 the individual applicant to drive intrastate only when employed
13 by the motor carrier that joined in the individual s
14 application

15 (4) An application for a waiver shall be accompanied by all
16 of the following

17 (a) Not less than 2 reports of medical examinations, con-
18 ducted within the preceding 60 days of the date of the applica-
19 tion pursuant to 49 C F R 391.43 at least 1 of which was con-
20 ducted by a medical examiner selected and compensated by the
21 motor carrier, each of which includes the medical examiner s
22 opinion concerning the individual applicant s ability to operate
23 safely a vehicle of the type the applicant intends to drive

24 (b) A copy of the certificate of driver's road test that was
25 issued to the individual applicant pursuant to 49 C F R 391.31

1 (c) A copy of the certificate of written examination that
2 was issued to the individual applicant pursuant to 49
3 C F R 391 35

4 (d) A copy of the individual applicant's application for
5 employment made pursuant to 49 C F R 391 21

6 (5) An application for a waiver shall be signed by both the
7 individual applicant and the motor carrier If the motor carrier
8 is a corporation the application shall be signed by an officer
9 of the corporation If the motor carrier is a partnership, the
10 application shall be signed by a general partner

11 (6) The driver applicant or motor carrier applicant shall
12 not falsify information in the letter of application or the
13 renewal application

14 (7) The motor carrier division of the department of state
15 police may deny the application or may approve the application,
16 in whole or in part and issue a waiver subject to such terms,
17 conditions, and limitations as it may consider consistent with
18 safety and the public interest A waiver is valid for not more
19 than 2 years, and a waiver may be renewed upon submission of a
20 new application pursuant to this act

21 (8) If the motor carrier division of the department of state
22 police grants a waiver, it shall notify each applicant by a
23 letter that sets forth the terms, conditions, and limitations of
24 the waiver The motor carrier shall retain the letter or a legi-
25 ble copy of it in the driver's qualification file as long as the
26 individual applicant is employed by that motor carrier and for 3
27 years thereafter The individual applicant shall have the letter

1 or a legible copy of it in his or her possession when he or she
2 drives a motor vehicle or is otherwise on duty

3 (9) The motor carrier division of the department of state
4 police may suspend a waiver at any time The motor carrier divi-
5 sion may revoke a waiver after the person to whom it was issued
6 is given notice of the proposed revocation and a reasonable
7 opportunity to be heard

8 (10) NOTWITHSTANDING SECTION 1A, A BUS DRIVER WHO IS
9 EMPLOYED BY 1 OF THE FOLLOWING PUBLIC TRANSIT AGENCIES MAY APPLY
10 FOR A WAIVER UNDER THIS SECTION OR MAKE AN APPEAL UNDER SECTION
11 24

12 (A) A COUNTY, CITY, TOWNSHIP, OR VILLAGE AS PROVIDED BY LAW,
13 OR OTHER AUTHORITY INCORPORATED UNDER ACT NO 55 OF THE PUBLIC
14 ACTS OF 1963, BEING SECTIONS 124 351 TO 124 359 OF THE MICHIGAN
15 COMPILED LAWS

16 (B) AN AUTHORITY INCORPORATED UNDER THE METROPOLITAN TRANS-
17 PORTATION AUTHORITIES ACT OF 1967, ACT NO 204 OF THE PUBLIC ACTS
18 OF 1967 BEING SECTIONS 124 401 TO 124 426 OF THE MICHIGAN
19 COMPILED LAWS, OR THAT OPERATES A TRANSPORTATION SERVICE PURSUANT
20 TO AN INTERLOCAL AGREEMENT UNDER THE URBAN COOPERATION ACT OF
21 1967, ACT NO 7 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1967
22 BEING SECTIONS 124 501 TO 124 512 OF THE MICHIGAN COMPILED LAWS

23 (C) A CONTRACT ENTERED INTO PURSUANT TO ACT NO 8 OF THE
24 PUBLIC ACTS OF THE EXTRA SESSION OF 1967, BEING SECTIONS 124 531
25 TO 124 536 OF THE MICHIGAN COMPILED LAWS OR ACT NO 35 OF THE
26 PUBLIC ACTS OF 1951 BEING SECTIONS 124 1 TO 124 13 OF THE
27 MICHIGAN COMPILED LAWS

1 (D) AN AUTHORITY INCORPORATED UNDER THE PUBLIC
2 TRANSPORTATION AUTHORITY ACT ACT NO 196 OF THE PUBLIC ACTS OF
3 1986, BEING SECTIONS 124 451 TO 124 479 OF THE MICHIGAN COMPILED
4 LAWS