

HOUSE BILL No. 5692

May 1, 1990, Introduced by Rep. Owunga and referred to the Committee on Transportation.

A bill to amend section 722a of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

as amended by Act No. 141 of the Public Acts of 1985, being section 257.722a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 722a of Act No. 300 of the Public Acts
2 of 1949, as amended by Act No. 141 of the Public Acts of 1985,
3 being section 257.722a of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 722a. (1) Notwithstanding any other provision of this
6 section, a truck tractor pulling a semitrailer and trailer combi-
7 nation or a truck tractor pulling 2 semitrailers shall not
8 transport, except between the hours of midnight to 6 a.m. on
9 routes and at times designated by the state fire safety board, a

1 flammable liquid, in bulk, which has a flash point at or below 70
2 degrees Fahrenheit within a county having a population of 600,000
3 or more. In addition, a truck, a truck pulling a trailer, or a
4 truck tractor pulling a semitrailer shall not transport, except
5 between the hours of midnight to 6 a.m. on routes and at times
6 designated by the state fire safety board, a flammable liquid, in
7 bulk, which has a flash point at or below 70 degrees Fahrenheit,
8 in a quantity of more than 9,000 gallons within a county having a
9 population of 600,000 or more. The exceptions provided by this
10 subsection for transport on routes designated by the state fire
11 safety board shall be construed to permit that transport only for
12 the purpose of picking up or delivering a flammable liquid at a
13 supply depot.

14 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A
15 TRUCK, A TRUCK PULLING A TRAILER, OR A TRUCK TRACTOR PULLING A
16 SEMITRAILER MAY TRANSPORT BETWEEN THE HOURS OF 6 A.M. TO MID-
17 NIGHT A FLAMMABLE LIQUID, IN BULK WHICH HAS A FLASH POINT AT OR
18 BELOW 70 DEGREES FAHRENHEIT IN A QUANTITY OF MORE THAN 9,000 GAL-
19 LONS BUT NOT MORE THAN 13,400 GALLONS, TO AND FROM POINTS LOCATED
20 WITHIN A COUNTY HAVING A POPULATION OF 600,000 OR MORE IF EITHER
21 THE ORIGIN OR DESTINATION OF THE SHIPMENT IS LOCATED AT A POINT
22 OUTSIDE A COUNTY HAVING A POPULATION OF 600,000 OR MORE.
23 HOWEVER, DELIVERY TO RETAIL SERVICE STATIONS LOCATED AT POINTS
24 WITHIN A COUNTY HAVING A POPULATION OF 600,000 OR MORE UNDER THE
25 TERMS OF THIS SUBSECTION IS PROHIBITED.

26 (3) ~~(2)~~ Notwithstanding any other provision of this
27 section, a truck, truck pulling a trailer, truck tractor pulling

1 a semitrailer, a truck tractor pulling a semitrailer and trailer
2 combination, or a truck tractor pulling 2 semitrailers shall not
3 transport a flammable liquid, in bulk, which has a flash point at
4 or below 70 degrees Fahrenheit within this state, unless the
5 truck, truck and trailer combination, truck tractor and semi-
6 trailer combination, truck tractor, semitrailer, and trailer com-
7 bination, or truck tractor and 2 semitrailer combinations meet
8 safety standards as determined by the state fire safety board.

9 (4) ~~-(3)-~~ Notwithstanding any other provision of this sec-
10 tion, a truck pulling a trailer, a truck tractor pulling a semi-
11 trailer and trailer combination, or a truck tractor pulling 2
12 semitrailers shall not transport a flammable liquid, in bulk,
13 which has a flash point at or below 70 degrees Fahrenheit within
14 this state. This subsection shall not take effect until November
15 1, 1990.

16 (5) ~~-(4)-~~ Notwithstanding any other provision of this sec-
17 tion other than subsections ~~-(3)- and -(5)-~~ (4) AND (6), a truck
18 with a water capacity of more than 9,500 gallons, a truck tractor
19 pulling a semitrailer with a water capacity of more than 9,500
20 gallons, a truck pulling a trailer, a truck tractor pulling a
21 semitrailer and trailer combination, or a truck tractor pulling 2
22 semitrailers shall not transport a flammable liquid, in bulk,
23 which has a flash point at or below 70 degrees Fahrenheit in this
24 state, unless the existing manhole or inspection ports of each
25 truck, semitrailer, or trailer in the vehicle combination has
26 been equipped with devices which are capable of withstanding the
27 forces caused by an internal pressure of 50 pounds per square

1 inch, applied and held at least 50 milliseconds, and then released to 2 pounds per square inch, without having any residual venting of flammable liquid during the subsequent 2 pounds per square inch condition.

5 (6) ~~-(5)-~~ Notwithstanding any other provision of this section, a truck or a truck tractor pulling a semitrailer, a semitrailer and trailer combination, or 2 semitrailers shall not transport a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit in this state, if the truck or semitrailer, a semitrailer and trailer combination, or 2 semitrailers are manufactured after July 1, 1982, or was manufactured before July 1, 1982 but was not a vehicle registered in this state by the secretary of state at any time between January 1, 1985 and October 1, 1985, unless the truck or the semitrailer, a semitrailer and trailer combination, or 2 semitrailers have a water capacity of less than 13,800 gallons.

17 (7) ~~-(6)-~~ Notwithstanding any other provision of this section, a truck or truck tractor pulling a semitrailer shall not transport a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit in a quantity of more than 13,400 gallons. This subsection shall not take effect until November 1, 22 1990.

23 (8) ~~-(7)-~~ Notwithstanding any other provision of this section, a truck or truck tractor pulling a trailer or semitrailer, a semitrailer or trailer combination, or 2 semitrailers shall not transport a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit in a quantity of more than 13,400

1 gallons unless the owner of the truck or truck tractor pulling
2 the trailer or semitrailer, combination semitrailer or trailer,
3 or 2 semitrailers files with the department of state police
4 ~~within 60 days after the effective date of this act~~ BY
5 DECEMBER 31, 1985 a notarized statement that the truck or truck
6 tractor pulling the trailer or semitrailer, semitrailer or
7 trailer combination, or 2 semitrailers did transport a flammable
8 liquid, in bulk, having a flash point at or below 70 degrees
9 Fahrenheit, at any time between March 1, 1985 and October 1,
10 1985. Attached to the notarized statement shall be 1 of the
11 following:

12 (a) A copy of the bill of lading containing the date the
13 flammable liquid was transported and the permanent identification
14 number of the trailer or semitrailer in which the flammable
15 liquid was transported.

16 (b) A copy of the daily log prepared by the driver of the
17 vehicle transporting the flammable liquid which contains the date
18 the flammable liquid was transported and the permanent identifi-
19 cation number of the trailer or semitrailer in which the flamma-
20 ble liquid was transported.

21 (9) ~~(8)~~ The owner or driver of a vehicle which transports
22 a flammable liquid in violation of subsection (1), (2), (3), (4),
23 (5), (6), ~~or~~ (7), OR (8) is guilty of a misdemeanor, punishable
24 by a fine of not more than \$3,000.00, or imprisonment for not
25 more than 90 days, or both.

1 (10) ~~-(9)-~~ Except as provided in subsection ~~-(8)-~~ (9), a
2 person who violates this section is responsible for a civil
3 infraction.

4 (11) ~~-(10)-~~ This section shall be enforced only by a police
5 officer.