

HOUSE BILL No. 5862

June 6, 1990, Introduced by Rep. Willis Bullard and referred to the Committee on Transportation.

A bill to amend section 10a of article V of Act No. 254 of the Public Acts of 1933, entitled as amended "The motor carrier act," as amended by Act No. 399 of the Public Acts of 1982, being section 479.10a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 10a of article V of Act No. 254 of the
2 Public Acts of 1933, as amended by Act No. 399 of the Public Acts
3 of 1982, being section 479.10a of the Michigan Compiled Laws, is
4 amended to read as follows:

ARTICLE V

6 Sec. 10a. (1) The lease, contract, or arrangement under
7 which a holder augments his or her equipment must specify the
8 period for which the equipment is to be operated, which shall not
9 be less than 30 days.

1 (2) The lease, contract, or arrangement shall specify the
2 compensation to be paid by the lessee or party to the contract or
3 arrangement for the rental or use of the equipment.

4 (3) The lease, contract, or arrangement shall specify the
5 time and date or the circumstance on which the contract, lease,
6 or other arrangement begins, and the time or circumstance on
7 which it ends.

8 (4) The lease, contract, or arrangement shall vest in the
9 holder of the vehicle exclusive possession and control of the
10 vehicle for the entire term of the lease, contract, or
11 arrangement.

12 (5) The lease, contract, or arrangement shall provide that
13 any operation of the vehicle must be conducted under the exclu-
14 sive supervision, direction, and control of the holder.

15 ~~(6) The lease, contract, or arrangement shall provide that~~
16 ~~the vehicle, at all times, while being operated under the lease,~~
17 ~~contract, or arrangement, shall be operated only by persons who~~
18 ~~are employees of the holder who stand in relation to the holder~~
19 ~~as employee to employer.~~

20 (6) ~~(7)~~ The lease ~~, contract, or arrangement shall be in~~
21 ~~the manner, form, and further content as the commission by rule~~
22 ~~provides~~ SHALL CONTAIN THE PROVISIONS SET FORTH IN THE FEDERAL
23 LEASE STANDARDS FOR MOTOR CARRIERS AT 49 C.F.R. 1057.12(d), (e),
24 (f), (g), (h), (i), (j), AND (k). THE REQUIRED LEASE PROVISIONS
25 SHALL BE ADHERED TO AND PERFORMED BY THE AUTHORIZED MOTOR
26 CARRIER.

1 (7) ~~(8)~~ The lease, contract, or arrangement shall be
2 executed in quadruplicate; the original shall be filed with the
3 commission. One copy shall be retained by the authorized motor
4 carrier in whose service the equipment is to be operated, 1 copy
5 shall be retained by the owner of the equipment, and 1 copy shall
6 be carried on the equipment specified in the lease, contract, or
7 arrangement during the entire period of the contract, lease, or
8 other arrangement.

9 (8) ~~(9)~~ Nothing in this section shall apply to the inter-
10 change with other certificated motor common carriers or the
11 multiple certification of motor carrier equipment when specific
12 approval and authority to interchange the equipment has been or
13 is granted by the commission.

14 (9) ~~(10)~~ The provisions of ~~subsection~~ SUBSECTIONS (1),
15 (4), AND (5) shall not apply to or be required of or between
16 movers of household goods, when the equipment is used to trans-
17 port household goods as defined by the commission.