

# SENATE BILL No. 649

October 31, 1989, Introduced by Senators FAUST,  
FESSLER and O'BRIEN and referred to the Committee  
on State Affairs, Tourism, and Transportation.

A bill to amend sections 2 and 7 of article IV of Act  
No. 254 of the Public Acts of 1933, entitled as amended  
"The motor carrier act,"  
section 2 as amended and section 7 as added by Act No. 347 of the  
Public Acts of 1988, being sections 478.2 and 478.7 of the  
Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 2 and 7 of article IV of Act No. 254 of  
2       the Public Acts of 1933, section 2 as amended and section 7 as  
3       added by Act No. 347 of the Public Acts of 1988, being  
4       sections 478.2 and 478.7 of the Michigan Compiled Laws, are  
5       amended to read as follows:

## ARTICLE IV

1                   Sec. 2. (1) In addition to the license fees or taxes other-  
2 wise imposed upon motor carriers, there shall be assessed against  
3 and collected from each motor carrier for the administration of  
4 this act, an annual fee of \$100.00 for each self-propelled motor  
5 vehicle operated by or on behalf of the motor carrier, except as  
6 otherwise provided in this subsection. A motor carrier shall pay  
7 a fee of only \$50.00 for each self-propelled motor vehicle oper-  
8 ated by or on behalf of the motor carrier, if the motor carrier  
9 begins operation of the vehicle after June 30 and has not previ-  
10 ously paid a fee under this subsection for that vehicle. After  
11 payment of the \$100.00 annual fee for a motor vehicle, or the  
12 \$50.00 fee paid for a vehicle operated after June 30, or the  
13 \$50.00 fee paid for a vehicle used for the transportation of  
14 household goods if a motor carrier seeks to begin operating a  
15 self-propelled motor vehicle in place of another motor vehicle  
16 not leased to the motor carrier by an owner operator for which a  
17 fee was paid and surrenders the identification allocated to the  
18 motor vehicle by the commission, accompanied by a fee of \$10.00,  
19 a replacement identification shall be issued. Except that where  
20 the owner operator replaces a vehicle while it is still leased to  
21 the same motor carrier to whom it was leased when the identifica-  
22 tion was issued, the replacement identification fee shall be  
23 \$10.00. For all other replacement vehicles, the fee shall be  
24 \$25.00 for each complete or partial calendar year quarter remain-  
25 ing in the year as of the date the replacement vehicle is to  
26 begin operating upon surrender of the identification allocated to  
27

1 the motor carrier by the commission. For each truck or tractor  
2 used exclusively for the transportation of household goods as  
3 defined by the commission, the annual fee shall be \$50.00.

4 (2) A motor carrier licensed in this state shall pay an  
5 annual fee of \$100.00 for each vehicle operated by the motor car-  
6 rier which is registered in this state and operating entirely in  
7 interstate commerce. A MOTOR CARRIER SHALL PAY A FEE OF ONLY  
8 \$50.00 FOR EACH SELF-PROPELLED MOTOR VEHICLE OPERATED BY OR ON  
9 BEHALF OF THE MOTOR CARRIER IF THE MOTOR CARRIER BEGINS OPERATION  
10 OF THE VEHICLE AFTER JUNE 30 AND HAS NOT PREVIOUSLY PAID A FEE  
11 UNDER THIS SUBSECTION FOR THAT VEHICLE.

12 (3) ~~-(2)-~~ The commission may issue a temporary 72-hour  
13 permit for the operation of a vehicle subject to rules and condi-  
14 tions of the commission at a fee of \$10.00, which is in place of  
15 any other fee otherwise required under this section. The commis-  
16 sion shall reserve the authority to deny or curtail the use of  
17 temporary permits authorized by this section.

18 (4) ~~-(3)-~~ A motor carrier shall not operate any motor vehi-  
19 cle upon or over the highways of this state, except as otherwise  
20 provided in this act, while any of the fees imposed by this act  
21 shall remain unpaid. The commission is prohibited from extending  
22 the time of payment or permitting the operation while the delin-  
23 quency continues.

24 (5) ~~-(4)-~~ Motor carriers subject to the act shall not be  
25 required to pay the fee on operations of vehicles within the area  
26 described in section 2(1)(a) of article V.

~~(5) The commission shall collect an annual fee of \$50.00 for each motor vehicle operated by an interstate or foreign motor carrier licensed in another state or province of Canada that levies a regulatory fee or tax on a Michigan licensed motor carrier in excess of the \$10.00 fee provided under the interstate commerce act, 49 U.S.C. 11506, Public Law 89-170, and which state or province of Canada does not have a reciprocal agreement with this state relating to motor carrier regulatory fees or taxes.~~

Sec. 7. (1) A motor carrier shall not engage in the interstate OR FOREIGN transportation of property for compensation without first having registered with the commission AND PAID THE REQUIRED REGISTRATION AND VEHICLE FEES.

(2) A motor carrier operating in this state under authority granted by the interstate commerce commission pursuant to section 10922 of subchapter II of chapter 109 of subtitle IV of title 49 of the United States code, 49 U.S.C. 10922, shall file and maintain a record of that authority with the commission. A motor carrier shall not operate within this state without first complying with this subsection.

(3) A motor carrier shall not engage in the interstate transportation of property within this state pursuant to exemptions from economic regulation permitted under the interstate commerce act, under subtitle IV of title 49 of the United States code, 49 U.S.C. 10101 to 11917, without the approval by the commission of an application for the registration of the exempt operations.

1           (4) The annual fee levied on each interstate or foreign  
2 motor carrier vehicle OPERATED IN THIS STATE AND licensed in  
3 another state or province of Canada shall be ~~equal to the annual~~  
4 ~~fee charged to a Michigan licensed motor carrier vehicle in that~~  
5 ~~state or province of Canada~~ \$10.00. The commission may enter  
6 into a reciprocal agreement with a state or province of Canada  
7 ~~relating to motor carrier~~ THAT DOES NOT CHARGE VEHICLES  
8 LICENSED IN THIS STATE ECONOMIC regulatory fees or taxes and may  
9 waive the fee required under this subsection.

10           (5) ~~The~~ OF THE fees collected pursuant to this section,  
11 NOT LESS THAN 90% OF THOSE FEES COLLECTED IN EXCESS OF  
12 \$1,000,000.00 ANNUALLY shall be deposited in the truck safety  
13 fund established in section 25 of Act No. 51 of the Public Acts  
14 of 1951, being section 247.675 of the Michigan Compiled Laws.