

# HOUSE BILL No. 4708

May 9, 2013, Introduced by Rep. Kowall and referred to the Committee on Appropriations.

A bill to amend 1998 PA 138, entitled  
"Hazardous materials transportation act,"  
by amending sections 2 and 5 (MCL 29.472 and 29.475).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. As used in this act:

2       (a) "Base state" means the state selected by a motor carrier  
3 according to the procedures established by the uniform program.

4       (b) "Base state agreement" means the agreement between  
5 participating states electing to register or permit motor carriers.

6       (c) "Department" means the department of environmental  
7 quality.

8       (d) "Fund" means the ~~hazardous materials transportation permit~~  
9 **ENVIRONMENTAL POLLUTION PREVENTION** fund created in section ~~5-11130~~  
10 **OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA**

1 451, MCL 324.11130.

2 (e) "Hazardous materials" means any of the following:

3 (i) "Hazardous waste" as that term is defined in ~~part 111~~  
4 **SECTION 11103** of the natural resources and environmental protection  
5 act, 1994 PA 451, MCL ~~324.11101 to 324.11152.~~ **324.11103.**

6 (ii) "Liquid industrial waste" as that term is defined in ~~part~~  
7 ~~121~~**SECTION 12101** of the natural resources and environmental  
8 protection act, 1994 PA 451, MCL 324.12101. ~~to 324.12118.~~

9 (f) "Motor carrier" means a person engaged in the  
10 transportation of hazardous materials by highway. Motor carrier  
11 includes a motor carrier's agents, officers, and representatives.  
12 Motor carrier does not include an individual operating under an  
13 exclusive lease to a motor carrier that is in compliance with this  
14 act.

15 (g) "Participating state" means a state electing to  
16 participate in the uniform program by entering a base state  
17 agreement.

18 (h) "Power unit" means a motor vehicle that provides motor  
19 power to the entire combination, or to the vehicle if a single  
20 unit.

21 (i) "Uniform application" means the uniform registration and  
22 permit application form established under the uniform program.

23 (j) "Uniform program" means the uniform state hazardous  
24 materials transportation registration and permit program  
25 established in the report submitted and amended pursuant to 49  
26 ~~U.S.C.~~ **USC** 5119(b).

27 Sec. 5. ~~(1) The hazardous materials transportation permit fund~~

House Bill No. 4708 as amended June 5, 2013

1 ~~is created in the state treasury.~~

2 ~~—— (2) The state treasurer shall direct the investment of the~~  
3 ~~fund. The state treasurer may receive money or other assets from~~  
4 ~~any source for deposit into the fund. The state treasurer shall~~  
5 ~~credit to the fund interest and earnings from investment. Money~~  
6 ~~remaining in the fund at the close of the fiscal year shall remain~~  
7 ~~in the fund and shall not revert into the general fund.~~

8 ~~—— (3) The registration and permit fees collected under this act~~  
9 ~~shall be deposited into the fund. **ANY BALANCE IN THE HAZARDOUS**~~

10 ~~**MATERIALS TRANSPORTATION PERMIT FUND ON [OCTOBER 1, 2013,**~~

11

12 ~~**]** SHALL NOT LAPSE TO THE GENERAL FUND BUT SHALL BE~~  
13 ~~**TRANSFERRED TO THE FUND AND THE HAZARDOUS MATERIALS TRANSPORTATION**~~  
14 ~~**PERMIT FUND SHALL BE CLOSED.**~~

15 ~~—— (4) The department shall expend money from the fund, upon~~  
16 ~~appropriation, for the implementation of this act. In addition,~~  
17 ~~funds not expended for the implementation of this act may be~~  
18 ~~utilized for emergency response, training, and other activities~~  
19 ~~related to hazardous materials transportation safety that are~~  
20 ~~initiated by the department.~~

[Enacting section 1. This amendatory act takes effect October 1, 2013.]