

# HOUSE BILL No. 4389

March 7, 2013, Introduced by Reps. Goike, Lane, Kelly, Lauwers, Victory, Glardon, Schmidt, Daley, Zorn, Jacobsen, Heise and Yonker and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1951 PA 51, entitled

"An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line

fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,"

by amending the title and section 25 (MCL 247.675), the title as amended by 2010 PA 135 and section 25 as amended by 1993 PA 20.

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

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TITLE

An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; ~~to set up and establish the Michigan truck safety~~

1 ~~commission;~~ to establish certain standards for road contracts for  
2 certain businesses; to provide for the continuing review of  
3 transportation needs within the state; to authorize the state  
4 transportation commission, counties, cities, and villages to borrow  
5 money, issue bonds, and make pledges of funds for transportation  
6 purposes; to authorize counties to advance funds for the payment of  
7 deficiencies necessary for the payment of bonds issued under this  
8 act; to provide for the limitations, payment, retirement, and  
9 security of the bonds and pledges; to provide for appropriations  
10 and tax levies by counties and townships for county roads; to  
11 authorize contributions by townships for county roads; to provide  
12 for the establishment and administration of the state trunk line  
13 fund, local bridge fund, comprehensive transportation fund, and  
14 certain other funds; to provide for the deposits in the state trunk  
15 line fund, critical bridge fund, comprehensive transportation fund,  
16 and certain other funds of money raised by specific taxes and fees;  
17 to provide for definitions of public transportation functions and  
18 criteria; to define the purposes for which Michigan transportation  
19 funds may be allocated; to provide for Michigan transportation fund  
20 grants; to provide for review and approval of transportation  
21 programs; to provide for submission of annual legislative requests  
22 and reports; to provide for the establishment and functions of  
23 certain advisory entities; to provide for conditions for grants; to  
24 provide for the issuance of bonds and notes for transportation  
25 purposes; to provide for the powers and duties of certain state and  
26 local agencies and officials; to provide for the making of loans  
27 for transportation purposes by the state transportation department

1 and for the receipt and repayment by local units and agencies of  
2 those loans from certain specified sources; and to repeal acts and  
3 parts of acts.

4       Sec. 25. (1) The truck safety fund is established and shall be  
5 maintained in the state treasury. The truck safety fund shall be  
6 administered by the ~~office of highway safety planning within the~~  
7 ~~department~~ **SECRETARY** of state, ~~police.~~ **AND THE SECRETARY OF STATE**  
8 **SHALL CONTROL THE EXPENDITURES FROM THE TRUCK SAFETY FUND.**

9 ~~—— (2) The Michigan truck safety commission is established in the~~  
10 ~~office of highway safety planning within the department of state~~  
11 ~~police. The commission shall control the expenditures of the truck~~  
12 ~~safety fund. The commission shall consist of the following members:~~

13 ~~—— (a) A member of the state transportation commission, or his or~~  
14 ~~her authorized representative who is a member of the state~~  
15 ~~transportation commission.~~

16 ~~—— (b) The director of the office of highway safety planning,~~  
17 ~~within the department of state police.~~

18 ~~—— (c) The secretary of state.~~

19 ~~—— (d) The commanding officer of the motor carrier division~~  
20 ~~within the department of state police.~~

21 ~~—— (e) Seven individuals appointed by the governor with the~~  
22 ~~advice and consent of the senate as follows:~~

23 ~~—— (i) One individual representing Michigan community colleges.~~

24 ~~—— (ii) One individual representing 4 year colleges or~~  
25 ~~universities.~~

26 ~~—— (iii) One individual representing the Michigan trucking~~  
27 ~~association.~~

1 ~~—— (iv) One individual representing private motor carriers.~~

2 ~~—— (v) One individual representing organized labor.~~

3 ~~—— (vi) Two individuals representing the general public.~~

4 ~~—— (3) The appointed members of the Michigan truck safety~~  
 5 ~~commission shall be appointed for 2 year terms. The chairperson of~~  
 6 ~~the Michigan truck safety commission shall be elected by a majority~~  
 7 ~~of the members serving on the Michigan truck safety commission. A~~  
 8 ~~vacancy shall be filled for the balance of the unexpired term in~~  
 9 ~~the same manner as the original appointment. The business which the~~  
 10 ~~Michigan truck safety commission shall perform shall be conducted~~  
 11 ~~at a quarterly meeting held in compliance with the open meetings~~  
 12 ~~act, Act No. 267 of the Public Acts of 1976, being sections 15.261~~  
 13 ~~to 15.275 of the Michigan Compiled Laws. Public notice of the~~  
 14 ~~meeting shall be given in the manner required under Act No. 267 of~~  
 15 ~~the Public Acts of 1976. A majority of the commission members~~  
 16 ~~serving shall be required to constitute a quorum.~~

17 (2) ~~(4)~~ **THE SECRETARY OF STATE SHALL EXPEND MONEY DEPOSITED IN**  
 18 **THE** truck safety fund ~~shall be expended~~ in the following order of  
 19 priority and in the following manner:

20 (a) Not more than 5% but not more than \$100,000.00 of the  
 21 money deposited in the truck safety fund shall be expended for the  
 22 fund's administrative expenses. ~~The office of highway safety~~  
 23 ~~planning~~ **SECRETARY OF STATE** may employ not more than 2 persons to  
 24 assist in the administration of the fund.

25 (b) ~~Not~~ **THE SECRETARY OF STATE SHALL DISTRIBUTE NOT** less than  
 26 30%, but not less than ~~\$1,000,000.00~~ **\$1,400,000.00** of the balance  
 27 of the money deposited in the truck safety fund ~~shall be expended~~

1 TO A QUALIFIED RECIPIENT IN THE FORM OF A GRANT. A QUALIFIED  
2 RECIPIENT SHALL EXPEND THE MONEY DISTRIBUTED TO IT UNDER THIS  
3 SUBDIVISION for the following purposes:

4 (i) Establishing truck driver safety education programs.

5 (ii) Encouraging, coordinating, and administering grants for  
6 research and demonstration projects to develop the application of  
7 new ideas and concepts in truck driver safety education as applied  
8 to state, as opposed to nationwide, problems.

9 (iii) Applying for, receiving, and accepting any grant, gift,  
10 contribution, loan, or other assistance in the form of money,  
11 property, labor, and any other form from a public or private source  
12 for the enhancement of truck driver safety education, including  
13 matching funds and other assistance from an agency or  
14 instrumentality of the United States and doing each thing as is  
15 necessary to apply for, receive, and administer that assistance in  
16 accordance with the laws of this state.

17 ~~—— (c) Not less than \$750,000.00 of the balance of the money~~  
18 ~~deposited in the truck safety fund shall be expended for the~~  
19 ~~establishment of special transportation enforcement team operations~~  
20 ~~within the motor carrier division of the department of state police~~  
21 ~~and any expenses incurred by the special transportation enforcement~~  
22 ~~team including, but not limited to, required equipment. The motor~~  
23 ~~carrier division of the department of state police shall submit an~~  
24 ~~annual report of the activities of the special transportation~~  
25 ~~enforcement team operations and expenditures of the fund for those~~  
26 ~~operations provided by this subdivision.~~

27 (C) ~~(d) The~~ EXCEPT AS PROVIDED IN SUBSECTION (3), THE balance

1 of the money deposited in the truck safety fund, if any, shall be  
2 ~~expended for the following purposes:~~

3 ~~—— (i) Investigating, performing data collection and analysis, and~~  
4 ~~making recommendations on truck accidents within this state.~~

5 ~~—— (ii) Investigating and making recommendations on the truck~~  
6 ~~safety enforcement procedures of local law enforcement agencies.~~

7 ~~—— (iii) Performing other functions considered necessary by the~~  
8 ~~Michigan truck safety commission for the enhancement of truck and~~  
9 ~~truck driver safety within this state.~~ **DEPOSITED IN THE MICHIGAN**  
10 **TRANSPORTATION FUND ESTABLISHED IN SECTION 10.**

11 **(3) THE SECRETARY OF STATE MAY ANNUALLY EXPEND MONEY FROM THE**  
12 **TRUCK SAFETY FUND TO SEND INFORMATION BY FIRST-CLASS MAIL TO**  
13 **REGISTERED TRUCK OWNERS TO INFORM AND EDUCATE THEM ABOUT CHANGES TO**  
14 **THE LAWS OF THIS STATE AND ASSOCIATED REGULATIONS THAT ARE RELEVANT**  
15 **TO THE TRUCKING COMMUNITY.**

16 **(4) ~~(5) The commission~~ SECRETARY OF STATE** shall make an annual  
17 report to the chairpersons of the house transportation and senate  
18 transportation and tourism committees on the status of the **TRUCK**  
19 **SAFETY** fund. The report shall be submitted within 45 days after the  
20 end of the fiscal year and shall include the year-end balance of  
21 the **TRUCK SAFETY** fund and the disbursements made from the **TRUCK**  
22 **SAFETY** fund during the previous fiscal year.

23 **(5) AS USED IN THIS SECTION, "QUALIFIED RECIPIENT" MEANS A**  
24 **NONPROFIT STATEWIDE TRADE ASSOCIATION THAT SATISFIES ALL OF THE**  
25 **FOLLOWING:**

26 **(A) THE ASSOCIATION IS EXEMPT FROM TAXATION UNDER 26 USC**  
27 **501(C) (6) .**

1           (B) THE ASSOCIATION HAS A CHARITABLE EDUCATIONAL SUBSIDIARY  
2 THAT IS EXEMPT FROM TAXATION UNDER 26 USC 501(C) (3) .

3           (C) THE ASSOCIATION IS INCORPORATED AND ESTABLISHED IN THIS  
4 STATE .

5           (D) THE ASSOCIATION IS AFFILIATED WITH A NATIONAL TRADE  
6 ASSOCIATION WITH MULTIPLE STATE AFFILIATES THAT REPRESENTS FOR HIRE  
7 AND PRIVATE MOTOR CARRIERS FOR THE PURPOSES OF IMPROVING THE  
8 CONDITION OF THE TRUCKING INDUSTRY, THE EDUCATION OF ITS MEMBERS  
9 THROUGH SAFETY EDUCATION PROGRAMS, AND THE PROVISION OF INFORMATION  
10 REGARDING STATE AND FEDERAL LAWS AND REGULATIONS AND CHANGES TO  
11 THOSE LAWS AND REGULATIONS, AND FOR THE PURPOSE OF ESTABLISHING  
12 IMPROVED RELATIONS BETWEEN THE GENERAL PUBLIC AND THE TRUCKING  
13 INDUSTRY .