

**SUBSTITUTE FOR
HOUSE BILL NO. 5378**

A bill to amend 1980 PA 119, entitled
"Motor carrier fuel tax act,"
by amending section 1 (MCL 207.211), as amended by 2015 PA 178.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Alternative fuel" means that term as defined in section
3 151 of the motor fuel tax act, 2000 PA 403, MCL 207.1151.

4 (b) "Alternative fuel dealer" means that term as defined in
5 section 151 of the motor fuel tax act, 2000 PA 403, MCL 207.1151.

6 (c) "Axle" means any 2 or more load-carrying wheels mounted in
7 a single transverse vertical plane.

8 (d) "Commissioner" means the state ~~commissioner of~~
9 ~~revenue.~~**treasurer.**

1 (e) "Department" means ~~the revenue division of~~ the department
2 of treasury.

3 (f) "Gallon equivalent" means that term as defined in section
4 151 of the motor fuel tax act, 2000 PA 403, MCL 207.1151.

5 (g) "Motor carrier" means **either of the following:**

6 (i) A person who operates or causes to be operated a qualified
7 commercial motor vehicle on a public road or highway in this state
8 and at least 1 other state or Canadian province.

9 (ii) A person who operates or causes to be operated a qualified
10 commercial motor vehicle on a public road or highway in this state
11 and who is licensed under the international fuel tax agreement.

12 (h) "Motor fuel" means diesel fuel as defined in section 2 of
13 the motor fuel tax act, 2000 PA 403, MCL 207.1002. Beginning on
14 January 1, 2017, motor fuel includes gasoline as that term is
15 defined in section 3 of the motor fuel tax act, 2000 PA 403, MCL
16 207.1003.

17 (i) "Nonprofit private, parochial, denominational, or public
18 school, college, or university" means an elementary, secondary, or
19 postsecondary educational facility.

20 (j) "Person" means a natural person, partnership, firm,
21 association, joint stock company, limited liability company,
22 limited liability partnership, syndicate, or corporation, and any
23 receiver, trustee, conservator, or officer, other than a unit of
24 government, having jurisdiction and control of property by virtue
25 of law or by appointment of a court.

26 (k) "Public roads or highways" means a road, street, or place
27 maintained by this state or a political subdivision of this state
28 and generally open to use by the public as a matter of right for
29 the purpose of vehicular travel, notwithstanding that they may be

1 temporarily closed or travel restricted for the purpose of
2 construction, maintenance, repair, or reconstruction.

3 (l) "Qualified commercial motor vehicle", subject to
4 subdivision (m), means a motor vehicle used, designed, or
5 maintained for transportation of persons or property and 1 of the
6 following:

7 (i) Having 3 or more axles regardless of weight.

8 (ii) Having 2 axles and a gross vehicle weight or registered
9 gross vehicle weight exceeding 26,000 pounds or ~~12,000~~**11,797**
10 kilograms.

11 (iii) Is used in a combination of vehicles, if the weight of
12 that combination exceeds 26,000 pounds or ~~12,000~~**11,797** kilograms
13 gross vehicle or registered gross vehicle weight.

14 (m) "Qualified commercial motor vehicle" does not include a
15 recreational vehicle, a road tractor, truck, or truck tractor used
16 exclusively in this state, a road tractor, truck, or truck tractor
17 owned by a farmer and used in connection with the farmer's farming
18 operation and not used for hire, a school bus, a bus defined and
19 certificated under the motor bus transportation act, 1982 PA 432,
20 MCL 474.101 to ~~474.141~~**474.139**, or a bus operated by a public
21 transit agency operating under any of the following:

22 (i) A county, city, township, or village as provided by law, or
23 other authority incorporated under 1963 PA 55, MCL 124.351 to
24 124.359. Each authority and governmental agency incorporated under
25 1963 PA 55, MCL 124.351 to 124.359, has the exclusive jurisdiction
26 to determine its own contemplated routes, hours of service,
27 estimated transit vehicle miles, costs of public transportation
28 services, and projected capital improvements or projects within its
29 service area.

1 (ii) An authority incorporated under the metropolitan
2 transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to
3 124.426, or that operates a transportation service pursuant to an
4 interlocal agreement under the urban cooperation act of 1967, 1967
5 (Ex Sess) PA 7, MCL 124.501 to 124.512.

6 (iii) A contract entered into under 1967 (Ex Sess) PA 8, MCL
7 124.531 to 124.536, or 1951 PA 35, MCL 124.1 to 124.13.

8 (iv) An authority incorporated under the public transportation
9 authority act, 1986 PA 196, MCL 124.451 to 124.479, or a nonprofit
10 corporation organized under the nonprofit corporation act, 1982 PA
11 162, MCL 450.2101 to 450.3192, that provides transportation
12 services.

13 (v) An authority financing public improvements to
14 transportation systems under the revenue bond act of 1933, 1933 PA
15 94, MCL 141.101 to 141.140.

16 (n) Qualified commercial motor vehicle includes a vehicle
17 operated on a public road or highway owned by a farmer and used in
18 connection with the farmer's farming operation if the vehicle bears
19 out of state registration plates of a state that does not give
20 similar treatment to vehicles from this state.

21 Enacting section 1. This amendatory act does not take effect
22 unless House Bill No. 5379 of the 102nd Legislature is enacted into
23 law.