

HOUSE BILL NO. 5378

November 14, 2023, Introduced by Reps. Prestin, Wilson, Haadsma, Tsernoglou, Paiz, Rheingans and Hill and referred to the Committee on Transportation, Mobility and Infrastructure.

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

1 a single transverse vertical plane.

2 (d) "Commissioner" means the state ~~commissioner of~~
3 ~~revenue.~~ **treasurer.**

4 (e) "Department" means ~~the revenue division of the~~ department
5 of treasury.

6 (f) "Gallon equivalent" means that term as defined in section
7 151 of the motor fuel tax act, 2000 PA 403, MCL 207.1151.

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

9 (i) 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 at least 1 other state or Canadian province.

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

15 (h) "Motor fuel" means diesel fuel as defined in section 2 of
16 the motor fuel tax act, 2000 PA 403, MCL 207.1002. Beginning on
17 January 1, 2017, motor fuel includes gasoline as that term is
18 defined in section 3 of the motor fuel tax act, 2000 PA 403, MCL
19 207.1003.

20 (i) "Nonprofit private, parochial, denominational, or public
21 school, college, or university" means an elementary, secondary, or
22 postsecondary educational facility.

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

29 (k) "Public roads or highways" means a road, street, or place

1 maintained by this state or a political subdivision of this state
 2 and generally open to use by the public as a matter of right for
 3 the purpose of vehicular travel, notwithstanding that they may be
 4 temporarily closed or travel restricted for the purpose of
 5 construction, maintenance, repair, or reconstruction.

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

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

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

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

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

25 (i) A county, city, township, or village as provided by law, or
 26 other authority incorporated under 1963 PA 55, MCL 124.351 to
 27 124.359. Each authority and governmental agency incorporated under
 28 1963 PA 55, MCL 124.351 to 124.359, has the exclusive jurisdiction
 29 to determine its own contemplated routes, hours of service,

1 estimated transit vehicle miles, costs of public transportation
2 services, and projected capital improvements or projects within its
3 service area.

4 (ii) An authority incorporated under the metropolitan
5 transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to
6 124.426, or that operates a transportation service pursuant to an
7 interlocal agreement under the urban cooperation act of 1967, 1967
8 (Ex Sess) PA 7, MCL 124.501 to 124.512.

9 (iii) A contract entered into under 1967 (Ex Sess) PA 8, MCL
10 124.531 to 124.536, or 1951 PA 35, MCL 124.1 to 124.13.

11 (iv) An authority incorporated under the public transportation
12 authority act, 1986 PA 196, MCL 124.451 to 124.479, or a nonprofit
13 corporation organized under the nonprofit corporation act, 1982 PA
14 162, MCL 450.2101 to 450.3192, that provides transportation
15 services.

16 (v) An authority financing public improvements to
17 transportation systems under the revenue bond act of 1933, 1933 PA
18 94, MCL 141.101 to 141.140.

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