

DEPARTMENT OF TRANSPORTATION
BUREAU OF URBAN AND PUBLIC TRANSPORTATION
MOTOR BUS TRANSPORTATION

Filed with the Secretary of State on January 2, 2019

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a (6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of transportation by section 39 of motor bus transportation act, 1982 PA432, MCL 474.139.

R 474.1, R 474.2, R 474.3, R 474.4, R 474.5, R 474.6, and R 474.7 of the Michigan Administrative Code are added, as follows:

R 474.1 Definitions.

Rule 1. As used in these rules:

“Act” means motor bus transportation act, 1982 PA 432, mcl 474.101 to 474.141.

“Bus” includes private owned school bus. School buses owned and operated by public school systems are not eligible for an authority under the act and the pupil transportation act, 1990 PA 187, MCL 257.1801 to 257.1877.

“MDOT” means the Michigan department of transportation.

“Remuneration” means the compensation that a carrier receives in exchange for the work or services performed, including both cash and non-cash payments received directly or indirectly.

“Renewal period” means the period from January 1 to the last day of February each year.

R 474.2 Applicability.

Rule 2. Carriers based outside this state and registered with the United States Department of Transportation that use vehicles in interstate regular route service or interstate charter service, that begin and end outside of this state, are exempted from the act, unless required by MDOT as a condition of financial assistance. Carriers operating intrastate regular route or charter service offering trip origins within this state shall comply with the requirements of the act.

R 474.3 Applications; information to be submitted; determination.

Rule 3.

An applicant shall submit all items requested in the application, as required by MDOT. The applicant shall send the information specified in the act, and in these rules, to MDOT via electronic means or by mail to the address listed on the application.

To determine if a carrier is “fit, willing, and able” as required by the act, MDOT shall consider if a carrier has completed the application process as specified in the act and if the carrier has a history of violating the act.

R 474.4 Cancellation of insurance; notification.

Rule 4. An alternate method of notifying MDOT of the cancellation of insurance may be requested by MDOT in lieu of granting of notifications rights to MDOT.

R 474.5 Inspections.

Rule 5.

Each vehicle listed under a certificate of authority shall be inspected annually, within 12 months of the previous inspection, or more frequently, to determine the character of the vehicle. Inspections expire the first day of the month following that 12-month period.

The inspection shall follow the federal motor vehicle safety regulations and motor carrier safety standards, except where MDOT determines there is a clear and convincing need to exceed the federal standards.

MDOT may determine the date, time, and location of the inspection based on the inspector’s schedule and availability of a safe inspection location. A carrier shall make its vehicles available at MDOT’s requested time and location.

A carrier shall contact MDOT and ensure its inspection is scheduled prior to the expiration of the previous inspection. Inspections that are not conducted prior to expiration may result in late fees to be paid by the carrier.

It is the responsibility of the carrier to provide a safe inspection location.

MDOT shall offer an inspection date that is within 15 business days from the carrier’s initial contact for an inspection.

An inspector may cancel an inspection if, for any reason, the inspector determines performing the inspection would put the inspector in an unsafe situation. The cancellation may result in late inspection fees.

Upon successful completion of an inspection, a decal designated by MDOT shall be affixed on the driver’s side of the vehicle in the immediate area of the driver’s window.

A vehicle that does not pass its inspection, which is not placed out-of-service by the MDOT inspector under the act, has until the prior inspection expires to make repairs and pass its inspection before its vehicle becomes unauthorized.

The MDOT inspector may place a vehicle in an out-of-service status when found in violation of safety issues as described in the Commercial Vehicle Safety Alliance out-of-service criteria. The vehicle is not authorized for passenger-for-hire service, under the act, until the vehicle is returned to an authorized status by MDOT.

R 474.6 Fees as nonrefundable.

Rule 6. A vehicle registration fee is nonrefundable when the vehicle is entered into the MDOT database.

R 474.7 Alteration, suspension, or revocation of certificate of authority.

Rule 7. An applicant applying for a new or reinstated authority that is determined by MDOT to have been associated with a previously suspended or revoked carrier will have that carrier's previous service record, vehicle condition, and history included in the determination of the applicant's eligibility and ability to meet the requirements of the act.