

# Commercial Motor Vehicle Enforcement Quarterly



**October 2008**

## ***Captain's Corner***

Captain Robert R. Powers, Jr.

The Michigan State Police Traffic Safety Division is pleased and excited to introduce a new publication titled "Border Crossing Guide for Commercial Truck Drivers." This guide, published in English, French, and Spanish is intended to provide guidance to truck drivers and motor carriers on ways to more efficiently cross the international borders between Michigan and Ontario, Canada.

The Border Crossing Guide includes information on various topics including; general information and contact information for the individual crossing points, driver and vehicle compliance, customs clearance, and hazardous materials transportation. The ultimate goal of this guidebook, which was made possible by funding provided by the Federal Motor Carrier Safety Administration, is to enhance the movement of cargo across the borders while preserving both safety and security of both nations.

Copies of the Border Crossing Guide may be obtained free of charge by contacting the Michigan Center for Truck Safety at (800) 682-4682 or online at [www.truckingsafety.org](http://www.truckingsafety.org). The guidebook can also be downloaded by visiting the MSP Traffic Safety Division website at [www.michigan.gov/msp/tsd](http://www.michigan.gov/msp/tsd).

I am also pleased to report that once again this year, school buses continue to be the safest form of transportation in Michigan. On August 31, 2008, vehicle safety inspectors from MSP completed the annual safety inspection of all of Michigan's public and private school buses.

For the 2007/2008 school year inspection cycle, 17,220 buses were inspected with 90 percent passing, up from 89 percent in the previous year and 88.6 percent in 2006. This year 384 schools were awarded a special certificate of excellence for achieving a 100 percent fleet passing rate. This represents a significant improvement over last year when 302 schools earned this distinction.

In closing I want to give one final reminder that there is still time to submit a nomination for the 2008 Michigan Association of Chiefs of Police Award for excellence in commercial vehicle safety. Questions may be directed to me at (517)336-6447 and nomination forms can be downloaded at [www.michiganpolicechiefs.org](http://www.michiganpolicechiefs.org).

I wish all of our partners in commercial vehicle safety and your families a safe and happy holiday season.

## ***SECTIONS***

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## **INSPECTION**

There has been a recent increase in requests to escort super loads coming into and through Michigan. Generally, MDOT has placed a provision on the permit requiring a police escort. *When a police escort is required, the permit also requires that the vehicle, load and driver be inspected by a motor carrier officer prior to movement.* Michigan State Police Operations Section coordinates the inspections and escorts for the superloads. The Operations Section can be reached at 517-241-8000. State Police escorts are typically conducted only on state trunk lines and expressways. A separate permit is required for movement on county or local roads, which is issued by the respective jurisdiction. Escort and inspection provisions may differ depending on local and county permit requirements.

## **VEHICLE CODE**

### **Act 300**

#### *Work Zone Penalties Act 300 section 257.601b Amended*

Section 257.601b has been amended with two major changes. The first change in language affects enhanced penalties. This change no longer applies strictly to workers in a work zone, but to any person injured or killed in a work zone. Since the majority of injuries and/or deaths in work zones affect more vehicle occupants than workers, this will substantially impact prosecution for violations resulting in traffic crashes. The second change removes the language in the former subsection (4) requiring signs notifying drivers of the enhanced penalties "whenever practical." This amendment went into effect October 8, 2008.

#### *Work Zone Traffic Direction Act 300 section 257.611a Added*

2008 PA 298 (HB 5351) adds section 257.611a. The addition of this section gives a properly trained and attired construction worker the authority to direct traffic within a work zone. It also notifies the driver of their obligation to follow the direction of a construction worker directing traffic in a work zone, even if the directions conflict with an existing traffic control device. Failure to obey a construction zone traffic regulator is a civil infraction. This addition went into effect October 8, 2008.

#### *Load Securement Requirements Act 300 section 257.720 Amended*

Section 257.720 was amended with two major changes. The first change is the removal of the load securement requirements for logs and tubular products. The second change added the requirement for canopy trailers or like securement systems. The changes were implemented due to the earlier addition of the load specific requirements being added in the Federal Motor Carrier Safety Regulations (FMCSRs) sections 393.100 thru 393.136. Officers are reminded to use the load specific sections of the FMCSRs for enforcement on commercial motor vehicles. This amendment was effective May 21, 2008.

#### *Chauffeur's License Act 300 section 257.6(1) clarified*

Based on the January 23, 1981 Attorney General Opinion No. 5847, "Service or repair persons operating vehicles in order to perform their duties as service or repair personnel are not employed for the principal purpose of operating a motor vehicle. Although driving a commercial motor vehicle is being done in conjunction with their employment, it is incidental to and not the *principal purpose* of the employment. There is not a transport for gain or any merchandise for sale or delivery as is required."

### **Service and Repair Vehicle Operators Do Not Need Chauffeur Licenses**