



HOUSE BILL No. 4974

June 16, 1995, Introduced by Reps. Profit, Hertel, Kukuk, Palamara, London, Green, Pitoniak and Parks and referred to the Committee on Transportation.

A bill to amend sections 3, 5, 7, 11, 13, 14, 15, 17, 19, 21, 25, 27, 29, 31, 33, 35, and 39 of Act No. 271 of the Public Acts of 1990, entitled "Limousine transportation act," being sections 257.1903, 257.1905, 257.1907, 257.1911, 257.1913, 257.1914, 257.1915, 257.1917, 257.1919, 257.1921, 257.1925, 257.1927, 257.1929, 257.1931, 257.1933, 257.1935, and 257.1939 of the Michigan Compiled Laws; to add sections 12, 20, 22, 26, 34, 36, and 38; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 3, 5, 7, 11, 13, 14, 15, 17, 19, 21,
2 25, 27, 29, 31, 33, 35, and 39 of Act No. 271 of the Public Acts
3 of 1990, being sections 257.1903, 257.1905, 257.1907, 257.1911,
4 257.1913, 257.1914, 257.1915, 257.1917, 257.1919, 257.1921,
5 257.1925, 257.1927, 257.1929, 257.1931, 257.1933, 257.1935, and

1 257.1939 of the Michigan Compiled Laws, are amended and sections
2 12, 20, 22, 26, 34, 36, and 38 are added to read as follows:

3 Sec. 3. As used in this act:

4 (a) "Certificate" ~~of authority~~ means a certificate of
5 authority issued FOR INTRASTATE COMMERCE under the terms of this
6 act unless the context indicates otherwise.

7 (b) "Department" means the state transportation department.

8 (c) "DRIVER" MEANS A PERSON WHO OPERATES A LIMOUSINE.

9 (d) ~~(c)~~ "For hire" means the remuneration or reward of any
10 kind, paid or promised, either directly or indirectly.

11 (E) "INTERSTATE COMMERCE" MEANS TRADE, TRAFFIC, OR TRANSPOR-
12 TATION IN THE UNITED STATES THAT IS BETWEEN A PLACE IN A STATE
13 AND A PLACE OUTSIDE OF THAT STATE, INCLUDING A PLACE OUTSIDE THE
14 UNITED STATES, OR THAT IS BETWEEN 2 PLACES IN A STATE THROUGH
15 ANOTHER STATE OR A PLACE OUTSIDE OF THE UNITED STATES.

16 (F) "INTRASTATE COMMERCE" MEANS TRADE, TRAFFIC, OR TRANSPOR-
17 TATION IN A STATE THAT IS NOT DESCRIBED IN SUBDIVISION (E).

18 (G) ~~(d)~~ "Lessor" means a person who leases a limousine to
19 any other person for the transportation of passengers for hire
20 over the public highways of this state.

21 (H) ~~(e)~~ "Limousine" means a self-propelled motor vehicle
22 used in the carrying of passengers and the baggage of the passen-
23 gers for hire upon a public highway of this state with a seating
24 capacity of 15 passengers or less, including the driver.

25 Limousine does not include a self-propelled motor vehicle having
26 a seating capacity of 15 passengers or less that is used by or on

1 behalf of an employer to transport its employees to and from
2 their place of employment.

3 (I) ~~(f)~~ "Limo carrier" ~~of passengers~~ means a person
4 who, either directly or through any device or arrangement, holds
5 himself or herself out to the public as willing to undertake for
6 hire to transport PASSENGERS by limousine ~~from place to place~~
7 over the public highways of this state. ~~persons who may choose~~
8 ~~to employ him or her for that purpose.~~

9 (J) ~~(g)~~ "Motor vehicle service and repair act" means Act
10 No. 300 of the Public Acts of 1974, being sections 257.1301 to
11 257.1340 of the Michigan Compiled Laws.

12 (K) ~~(h)~~ "Person" means an individual, sole proprietorship,
13 partnership, association, corporation, or other legal entity or
14 the lessee, trustee, or receiver of any of these entities; this
15 state; a city, village, township, or county; the federal govern-
16 ment; or an employee, officer, or agent of any of these units of
17 government.

18 (L) ~~(i)~~ "Public highway" means a highway, road, street,
19 avenue, alley, or thoroughfare of any kind, or a bridge, tunnel,
20 or subway used by the public.

21 (M) ~~(j)~~ "The public" means that part or portion of the
22 general public which the limo carrier is ready, able, willing,
23 and equipped to serve.

24 (N) ~~(k)~~ "Through any device or arrangement" means any and
25 all methods, means, agreements, circumstances, operations, or
26 subterfuges under which a person undertakes for hire to conduct,

1 direct, control, or otherwise perform the transportation of
2 passengers by limousine upon the public highways of this state.

3 Sec. 5. (1) This act shall not apply to a limo carrier of
4 passengers that is any of the following:

5 (a) A county, city, township, or village as provided by law,
6 or other authority incorporated under Act No. 55 of the Public
7 Acts of 1963, being sections 124.351 to 124.359 of the Michigan
8 Compiled Laws.

9 (b) An authority incorporated under the metropolitan trans-
10 portation authorities act of 1967, Act No. 204 of the Public Acts
11 of 1967, being sections 124.401 to 124.426 of the Michigan
12 Compiled Laws, or that operates a transportation service pursuant
13 to an interlocal agreement under the urban cooperation act of
14 1967, Act No. 7 of the Public Acts of the Extra Session of 1967,
15 being sections 124.501 to 124.512 of the Michigan Compiled Laws.

16 (c) Operating under a contract entered into pursuant to Act
17 No. 8 of the Public Acts of the Extra Session of 1967, being sec-
18 tions 124.531 to 124.536 of the Michigan Compiled Laws, or Act
19 No. 35 of the Public Acts of 1951, being sections 124.1 to 124.13
20 of the Michigan Compiled Laws.

21 (d) An authority incorporated under the public transporta-
22 tion authority act, Act No. 196 of the Public Acts of 1986, being
23 sections 124.451 to 124.479 of the Michigan Compiled Laws, or a
24 nonprofit corporation organized under the nonprofit corporation
25 act, Act No. 162 of the Public Acts of 1982, being sections
26 450.2101 to 450.3192 of the Michigan Compiled Laws, that provides
27 transportation services.

1 (e) An authority financing public improvements to
2 transportation systems under the revenue bond act of 1933, Act
3 No. 94 of the Public Acts of 1933, being sections 141.101 to
4 141.140 of the Michigan Compiled Laws.

5 (f) Only operating limousines to provide the transportation
6 of passengers for funerals.

7 (g) Only operating wholly within the boundaries of a local
8 unit of government if the local unit of government has its own
9 safety inspection and insurance requirements.

10 (2) A limo carrier ~~of passengers~~ exempt under subsection
11 (1) shall operate under the requirements of this act when operat-
12 ing outside of the political subdivisions permitted by the autho-
13 rizing statute or the contract required by the authorizing
14 statute.

15 (3) This act shall not apply to a limo carrier ~~of~~
16 ~~passengers~~ who is only providing transportation using metered
17 vehicles THAT CHARGE METERED FARES AND THAT ARE identified as a
18 taxi or taxicab with a maximum seating capacity of 3 to 9 passen-
19 gers or less, including the driver.

20 (4) THIS ACT CONSTITUTES THE ENTIRE REGULATION OF LIMOUSINES
21 AS DEFINED IN THIS ACT UNDER STATE LAW. A LOCAL UNIT OF GOVERN-
22 MENT SHALL NOT ENACT ANY ORDINANCE OR REGULATION THAT CONTRADICTS
23 THIS ACT OR ADDS ADDITIONAL REQUIREMENTS BEYOND THE REQUIREMENTS
24 OF THIS ACT.

25 Sec. 7. A limo carrier ~~of passengers~~ shall not operate a
26 limousine for the transportation of persons for hire on a public
27 highway in this state except in accordance with this act. A limo

1 carrier ~~of passengers~~ shall not operate IN INTRASTATE COMMERCE
2 upon a public highway without first having obtained A CERTIFICATE
3 from the department. ~~a certificate of authority.~~

4 Sec. 11. The department shall issue without a hearing a
5 certificate, ~~of authority~~ RENEWABLE ANNUALLY, to a limo carrier
6 ~~of passengers~~ authorizing that carrier to provide transporta-
7 tion services subject to the jurisdiction of the department under
8 this act, if the department finds pursuant to section 13(1) that
9 the carrier is fit, willing, and able to provide the transporta-
10 tion service authorized by the certificate ~~of authority~~ and to
11 comply with this act and if the applicant presents evidence of
12 the acquisition of personal injury protection and property damage
13 liability insurance as required by section 13(2). The department
14 may attach to the exercise of the privilege granted by a certifi-
15 cate ~~of authority~~ terms or conditions as the department consid-
16 ers appropriate.

17 SEC. 12. A CERTIFICATE ISSUED UNDER THIS ACT SHALL NOT BE
18 CONSTRUED TO BE A FRANCHISE OR TO BE IRREVOCABLE. A CERTIFICATE
19 SHALL NOT BE ASSIGNABLE OR TRANSFERABLE.

20 Sec. 13. (1) In determining the fitness, willingness, and
21 ability of an applicant for a certificate ~~of authority~~ to pro-
22 vide transportation service, the department shall consider all of
23 the following before the issuance of the original certificate:
24 ~~of authority:~~

25 ~~(a) The applicant's safety record.~~

26 (A) ~~(b)~~ The character and condition of each limousine is
27 such that it may be operated safely upon the public highways

1 based on an inspection required pursuant to section 19 and
2 conducted by a mechanic certified under the motor vehicle service
3 and repair act at a motor vehicle repair facility registered
4 under the motor vehicle service and repair act that is designated
5 by the department as an inspection station or by a county, city,
6 village, or township pursuant to section 14. Any limousine that
7 does not pass the required departmental safety inspection shall
8 not be operated over the public highways of this state.

9 (B) ~~(c)~~ The applicant's ~~financial~~ ability to provide
10 continuous insurance coverage as required by subsection (2). ~~and~~
11 ~~to have adequate financial resources in order to pay for damage~~
12 ~~claims against the applicant.~~

13 (2) An applicant shall acquire the following insurance cov-
14 erage of liability for acts or omissions of the applicant as a
15 limo carrier: ~~of passengers.~~

16 (a) For limousines with a seating capacity of 1 to 9 passen-
17 gers including the driver, bodily injury and property damage
18 liability insurance with a minimum combined single limit of
19 \$1,000,000.00 for all persons injured or for property damage.

20 (b) For limousines with a seating capacity of 10 to 15 pas-
21 sengers including the driver, bodily injury and property damage
22 liability insurance with a minimum combined single limit of
23 \$2,000,000.00 for all persons injured or for property damage.

24 (c) Personal protection insurance and property protection
25 insurance as required by sections 3101 to 3179 of the insurance
26 code of 1956, Act No. 218 of the Public Acts of 1956, being
27 sections 500.3101 to 500.3179 of the Michigan Compiled Laws. A

1 limo carrier ~~of passengers~~ shall maintain the insurance
2 described in this subsection as a condition of maintaining a cer-
3 tificate ~~of authority~~ issued under this act.

4 (3) THE INSURANCE REQUIREMENTS OF SUBSECTION (2)(A), (B),
5 AND (C) ARE WAIVED IF THE LIMO CARRIER QUALIFIES FOR
6 SELF-INSURANCE BY OBTAINING A CERTIFICATE OF SELF-INSURANCE FROM
7 THE SECRETARY OF STATE UNDER SECTION 531 OF THE MICHIGAN VEHICLE
8 CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SECTION
9 257.531 OF THE MICHIGAN COMPILED LAWS.

10 (4) ~~(3)~~ An applicant that does not satisfy both
11 subsections (1) and (2) OR (3) shall not be issued a certificate
12 ~~of authority~~ to provide transportation service as a limo car-
13 rier ~~of passengers~~ under this act.

14 Sec. 14. (1) A county, city, village, or township that has
15 adopted a local ordinance to regulate limousines or a limo car-
16 rier ~~of passengers~~ within its corporate limits may perform the
17 safety inspection required by section 19 upon request of a limo
18 carrier. ~~of passengers.~~

19 (2) A safety inspection performed under this section shall
20 meet or exceed the requirements and standards of the department
21 safety inspection.

22 Sec. 15. (1) The department shall approve or deny an appli-
23 cation for a certificate ~~of authority~~ within 90 days after the
24 ~~complete~~ application is filed with the department.

25 (2) If the department denies an application for a
26 certificate, ~~of authority,~~ the department shall notify the
27 applicant in writing of the reason or reasons for the denial, and

1 the applicant shall have 30 days from the date of denial to
2 correct any deficiency and reapply without payment of ~~an~~ addi-
3 tional ~~application fee~~ FEES.

4 ~~(3) A limo carrier of passengers who has a safety inspec-~~
5 ~~tion performed under section 14 may receive a certificate of~~
6 ~~authority by providing the department with a copy of the safety~~
7 ~~inspection report and meeting the other requirements of section~~
8 ~~13.~~

9 Sec. 17. An applicant for an original certificate ~~of~~
10 ~~authority~~ shall pay to the department ~~a filing~~ AN APPLICATION
11 fee of \$300.00 and a REGISTRATION fee of \$50.00 times the number
12 of limousines to be used by the carrier to provide transportation
13 for hire.

14 Sec. 19. (1) Each limo carrier ~~of passengers~~ who holds a
15 certificate ~~of authority~~ issued under this act shall ~~have~~
16 ENSURE THAT each limousine IS inspected annually by a mechanic
17 certified under the motor vehicle service and repair act at a
18 motor vehicle repair facility registered under the motor vehicle
19 service and repair act that is designated by the department as an
20 inspection station OR BY A LOCAL GOVERNMENT UNDER SECTION 14.

21 (2) Each limousine operated by the limo carrier ~~of~~
22 ~~passengers~~ under its certificate ~~of authority~~ shall pass the
23 safety inspection which meets the department's specifications for
24 safe operating character and condition AS A REQUIREMENT for the
25 renewal of A certificate.

26 (3) A limousine that does not pass a required inspection
27 shall not be operated over the public highways of this state.

1 (4) THE DEPARTMENT SHALL FURNISH PROPER AND SUFFICIENT
2 IDENTIFICATION DECALS TO BE FIRMLY AFFIXED UPON EACH LIMOUSINE
3 AUTHORIZED TO OPERATE UNDER THE TERMS OF THIS ACT. THE DEPART-
4 MENT MAY CONFISCATE AND TAKE POSSESSION AND CUSTODY OF AN IDENTI-
5 FICATION DECAL FOUND ATTACHED TO ANY VEHICLE FOR WHICH IT WAS NOT
6 ISSUED, OR IF THE HOLDER OF A DECAL HAS MADE OR IS MAKING ANY
7 UNLAWFUL USE OF THE DECAL.

8 SEC. 20. (1) AN AUTHORIZED AGENT OF THE DEPARTMENT MAY, AT
9 ANY TIME, REQUIRE THE DRIVER OF A LIMOUSINE TO SUBMIT TO A LIMOU-
10 SINE INSPECTION AND MAY REQUIRE THAT THE LIMOUSINE BE DRIVEN TO
11 THE NEAREST DEPARTMENT INSPECTION SITE, FOR THE PURPOSE OF CON-
12 DUCTING A LIMOUSINE INSPECTION TO DETERMINE WHETHER THE LIMOUSINE
13 IS BEING OPERATED IN CONFORMITY WITH THIS ACT. IF A VIOLATION IS
14 FOUND, THE INSPECTOR MAY ISSUE A NOTICE TO APPEAR.

15 (2) A LIMO CARRIER OR A DRIVER OF A LIMOUSINE WHO KNOWINGLY
16 TRIES TO AVOID A LIMOUSINE SAFETY INSPECTION BY AN AUTHORIZED
17 AGENT OF THE DEPARTMENT UNDER THIS ACT IS GUILTY OF A
18 MISDEMEANOR.

19 (3) A LIMO CARRIER OR A DRIVER OF A LIMOUSINE WHO KNOWINGLY
20 FAILS TO SUBMIT TO A SAFETY INSPECTION WHEN REQUESTED OR ORDERED
21 TO DO SO BY AN AUTHORIZED AGENT OF THE DEPARTMENT AUTHORIZED TO
22 REQUIRE THE SAFETY INSPECTION IS GUILTY OF A MISDEMEANOR.

23 Sec. 21. (1) Each limo carrier ~~of passengers~~ who holds a
24 certificate ~~of authority~~ issued under this act shall pay to the
25 department an annual ~~renewal~~ REGISTRATION fee equal to ~~\$50.00~~
26 \$15.00 times the number of limousines used exclusively by the
27 carrier to provide transportation of passengers for hire and

1 ~~meeting annual renewal~~ THAT MEET THE inspection requirements of
2 section 19. ~~An annual renewal fee of \$500.00 shall be paid for~~
3 ~~any limousine not meeting the annual renewal inspection require-~~
4 ~~ment of section 19.~~

5 (2) EACH CARRIER WHO HOLDS A CERTIFICATE ISSUED UNDER THIS
6 ACT SHALL PAY TO THE DEPARTMENT AN ANNUAL REGISTRATION FEE EQUAL
7 TO \$50.00 TIMES THE NUMBER OF LIMOUSINES USED EXCLUSIVELY BY THE
8 CARRIER TO PROVIDE TRANSPORTATION OF PASSENGERS FOR HIRE AND THAT
9 DO NOT MEET THE INSPECTION REQUIREMENTS OF SECTION 19. SUCH LIM-
10 OUSINES SHALL NOT BE OPERATED UNTIL THE FEE HAS BEEN PAID AND THE
11 REQUIREMENTS OF SECTION 19 HAVE BEEN MET.

12 (3) ~~(2) For newly acquired limousines purchased by a~~ A
13 limo carrier ~~of passengers~~ who holds a certificate ~~of~~
14 ~~authority~~ issued under this act to provide transportation for
15 hire ~~, the carrier~~ shall pay to the department a ~~maximum~~
16 REGISTRATION FEE OF \$50.00 ~~fee~~ per limousine ~~to obtain a~~
17 ~~current~~ FOR EACH ADDITIONAL LIMOUSINE ACQUIRED DURING THE year
18 ~~certification~~ after inspection required ~~pursuant to~~ UNDER
19 section 19.

20 (4) ~~(3)~~ All certificates granted by the department
21 ~~terminate~~ EXPIRE on the last day of February of each year
22 unless renewed on or before that date with payment of the appro-
23 priate fee prescribed by this section. The certificate of any
24 limo carrier ~~of passengers~~ who is delinquent in payment of fees
25 required to be paid by this section is canceled and revoked on or
26 after March 1 of the year for which renewal should have been made
27 under the requirements of this section, and the limo carrier ~~of~~

1 ~~passengers~~ shall be prohibited from operating any of its
2 vehicles upon or over the highways of this state. All privileges
3 granted the limo carrier ~~of passengers~~ under the expiring cer-
4 tificate shall cease.

5 SEC. 22. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THIS
6 ACT IS APPLICABLE TO ALL EMPLOYERS, EMPLOYEES, AND LIMOUSINES
7 THAT TRANSPORT PASSENGERS.

8 (2) NOTHING IN THIS ACT SHALL BE CONSTRUED TO PROHIBIT AN
9 EMPLOYER FROM REQUIRING AND ENFORCING MORE STRINGENT REQUIREMENTS
10 RELATING TO SAFETY OF OPERATION AND EMPLOYEE SAFETY AND HEALTH.

11 (3) EVERY LIMO CARRIER SHALL BE KNOWLEDGEABLE OF AND COMPLY
12 WITH THIS ACT AND THE RULES PROMULGATED PURSUANT TO THIS ACT THAT
13 ARE APPLICABLE TO THAT LIMO CARRIER'S OPERATIONS. EVERY DRIVER
14 AND EMPLOYEE SHALL BE INSTRUCTED REGARDING, AND SHALL COMPLY
15 WITH, ALL APPLICABLE PROVISIONS OF THIS ACT AND THE RULES PROMUL-
16 GATED PURSUANT TO THIS ACT. THIS ACT SHALL NOT BE CONSTRUED TO
17 PROHIBIT THE USE OF ADDITIONAL EQUIPMENT AND ACCESSORIES IF SUCH
18 ADDITIONAL EQUIPMENT OR ACCESSORIES ARE IN PROPER WORKING CONDI-
19 TION, ARE NOT INCONSISTENT WITH OR PROHIBITED BY THIS ACT OR THE
20 RULES PROMULGATED PURSUANT TO THIS ACT, AND DO NOT DECREASE THE
21 SAFETY OF OPERATION OF THE VEHICLES ON WHICH THEY ARE USED. ALL
22 LIMOUSINE EQUIPMENT AND ACCESSORIES REQUIRED BY THIS ACT AND FED-
23 ERAL LAW OR REGULATION SHALL BE MAINTAINED IN COMPLIANCE WITH ALL
24 APPLICABLE PERFORMANCE AND DESIGN CRITERIA SET FORTH IN THIS ACT
25 AND THE RULES PROMULGATED PURSUANT TO THIS ACT.

26 Sec. 25. If the insurance coverage required under this act
27 is canceled for any reason, the certificate ~~of authority~~ issued

1 to that carrier ~~shall be considered~~ IS IMMEDIATELY revoked
 2 without any further action by the department.

3 SEC. 26. (1) LIMO CARRIERS SHALL SUBMIT, UPON DEMAND, ALL
 4 THEIR TRANSPORTATION SAFETY RELATED DOCUMENTS, SUCH AS ALL
 5 RECORDS AND INFORMATION PERTAINING TO ANY ACCIDENT, DRIVER
 6 RECORDS OF DUTY STATUS, CHARTER PAPERS, DRIVER TIME AND PAYROLL
 7 RECORDS, DRIVER QUALIFICATION RECORDS, VEHICLE MAINTENANCE
 8 RECORDS, AND EQUIPMENT FOR INSPECTION OR COPYING DURING REGULAR
 9 BUSINESS HOURS TO ANY DEPARTMENT PERSONNEL DISPLAYING A VALID
 10 MICHIGAN DEPARTMENT OF TRANSPORTATION IDENTIFICATION CARD.

11 (2) THE FOLLOWING IS A FACSIMILE OF THE MICHIGAN DEPARTMENT
 12 OF TRANSPORTATION IDENTIFICATION CARD:

13 MICHIGAN
 14 DEPARTMENT OF TRANSPORTATION
 15 THIS IS TO CERTIFY THAT
 16 (NAME)
 17 WHOSE PHOTOGRAPH APPEARS
 18 HEREON IS A MEMBER OF THE
 19 MICHIGAN DEPARTMENT OF TRANSPORTATION AND
 20 PHOTO IS VESTED WITH THE
 21 AUTHORITY OF BUS AND
 22 LIMOUSINE ENFORCEMENT
 23 AS PRESCRIBED BY LAW
 24 NOT VALID AFTER
 25 (DATE)

(SIGNATURE)

DIRECTOR

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(3) A LIMO CARRIER OPERATING WITHIN THIS STATE WITH MAIN OFFICES IN ANOTHER STATE OR PROVINCE SHALL SUBMIT ALL TRANSPORTATION SAFETY RELATED DOCUMENTS AS OUTLINED IN SUBSECTION (1) FOR INSPECTION AND COPYING WITHIN 10 WORKING DAYS AFTER RECEIVING FORMAL NOTIFICATION REQUESTING THE DOCUMENTS.

Sec. 27. The department may use all available legal and equitable remedies of a civil nature to enforce this act, an order issued, or a rule promulgated pursuant to this act. The department may employ such experts, assistants, inspectors, and other personnel as may be necessary, subject to civil service rules, to enable it to administer and enforce this act. An employee of the department shall not ask or receive any fee from a person for the taking of acknowledgments or any other service. State and local police officers AND AUTHORIZED AGENTS OF THE DEPARTMENT shall enforce this act and the rules promulgated pursuant to this act. WHEN THE DULY AUTHORIZED AGENTS OF THE DEPARTMENT ARE PERFORMING THE DUTIES UNDER THIS ACT, THEY SHALL HAVE ALL THE POWERS CONFERRED UPON PEACE OFFICERS BY THE GENERAL LAWS OF THIS STATE, INCLUDING THE AUTHORITY TO ISSUE CITATIONS, THE AUTHORITY FOR ENTRY ON PROPERTY, AND THE AUTHORITY TO PLACE A LIMOUSINE IN AN "OUT OF SERVICE" STATUS. A peace officer may arrest, on sight or upon warrant, any person found violating, or having violated, a provision of this act or a rule promulgated under this act. The attorney general of the state and the prosecuting attorneys of the counties of the state shall

1 prosecute all violations of this act. When this act is violated,
2 the offense may be prosecuted in any jurisdiction in or through
3 which any limousine implicated was present at the time of the
4 violation.

5 Sec. 29. (1) Each person subject to this act who operates a
6 limousine service IN INTRASTATE COMMERCE without obtaining a cer-
7 tificate ~~of authority~~ required under this act or without meet-
8 ing the insurance requirements provided in this act shall be
9 subject to a fine of not more than \$500.00. Each violation con-
10 stitutes a separate offense.

11 (2) A person who commits fraud, misrepresentation, trickery,
12 or deceit in connection with inspections conducted under this act
13 shall be subject to a fine of not more than \$500.00. Each viola-
14 tion constitutes a separate offense.

15 Sec. 31. A limo carrier, ~~of passengers, or an officer or~~
16 ~~agent of a limo carrier of passengers, who requires or permits a~~
17 ~~driver or operator to drive or operate a limousine in violation~~
18 ~~of this act, or a rule promulgated under this act~~ DRIVER, OR
19 OWNER WHO VIOLATES OR WHO PROCURES, AIDS, OR ABETS THROUGH ANY
20 DEVICE OR ARRANGEMENT IN THE VIOLATION OF, OR EVASION OF, ANY
21 PROVISION OF THIS ACT, OR WHO FAILS TO OBEY ANY RULE OF THE
22 DEPARTMENT OR WHO PROCURES OR AIDS OR ABETS ANY PERSON IN HIS OR
23 HER FAILURE TO OBEY SUCH A RULE, is guilty of a misdemeanor, pun-
24 ishable by a fine of not more than \$500.00 or by imprisonment for
25 not more than 90 days, or both.

26 Sec. 33. The department may alter ~~or suspend,~~ or revoke a
27 certificate ~~of authority~~ issued under this act if the

1 department determines in a contested case hearing held pursuant
2 to chapter 4 of the administrative procedures act of 1969, Act
3 No. 306 of the Public Acts of 1969, being sections 24.271 to
4 24.287 of the Michigan Compiled Laws, that a person to whom a
5 certificate ~~of authority~~ has been issued has willfully violated
6 or refused to comply with this act.

7 SEC. 34. (1) A DRIVER OR OPERATOR OR AN OWNER OR USER OF
8 ANY LIMOUSINE, OR ANY OFFICER OR AGENT OF AN INDIVIDUAL, PARTNER-
9 SHIP, CORPORATION, OR ASSOCIATION OR THEIR LESSEES OR RECEIVERS
10 APPOINTED BY ANY COURT THAT IS THE OWNER OR USER OF ANY LIMOU-
11 SINE, WHO REQUIRES OR PERMITS THE DRIVER OR OPERATOR TO OPERATE A
12 VEHICLE WITH A SERIOUS SAFETY DEFECT IS SUBJECT TO A FINE OF UP
13 TO \$1,000.00 FOR EACH DEFECT.

14 (2) AS USED IN THIS SECTION, "SERIOUS SAFETY DEFECT" MEANS A
15 VIOLATION OF THIS ACT OR A RULE PROMULGATED PURSUANT TO THIS ACT
16 RELATIVE TO BRAKES, TIRES, STEERING, HEADLIGHTS, TAILLIGHTS,
17 BRAKE LIGHTS, AND TURN SIGNALS THAT RESULTS IN THE VEHICLE BEING
18 PLACED OUT OF SERVICE.

19 Sec. 35. ~~A person shall not violate or evade the provi-~~
20 ~~sions of this act through any device or arrangement.~~ VIOLATION
21 OF AN OUT-OF-SERVICE NOTICE ISSUED PURSUANT TO THIS ACT IS PUN-
22 ISHABLE BY A FINE OF NOT TO EXCEED \$1,000.00.

23 SEC. 36. (1) A COURT MAY IMPOSE, IN ADDITION TO THE MAXIMUM
24 FINES SET FORTH IN THIS ACT, COURT COSTS NOT TO EXCEED THOSE
25 IMPOSED FOR NONCOMMERCIAL VEHICLE OR DRIVER VIOLATIONS. COURT
26 COSTS SHALL NOT VARY BECAUSE OF THE STATE OF LICENSURE OF THE
27 VEHICLE OR DRIVER.

1 (2) A COURT SHALL NOT IMPOSE A SURCHARGE OF ANY TYPE ON THE
2 FINES FOR VIOLATIONS OF THIS ACT, UNLESS THE SURCHARGE IS REGU-
3 LARLY IMPOSED, IN THE SAME AMOUNTS, ON NONCOMMERCIAL VEHICLE OR
4 DRIVER VIOLATIONS. A SURCHARGE SHALL NOT VARY BECAUSE OF THE
5 STATE OF LICENSURE OF THE VEHICLE OR DRIVER.

6 SEC. 38. (1) UPON APPLICATION OF THE DEPARTMENT, THE ATTOR-
7 NEY GENERAL, THE PROSECUTING ATTORNEY OF A COUNTY, ANOTHER LOCAL
8 UNIT OF GOVERNMENT OR POLITICAL SUBDIVISION, OR A LIMO CARRIER
9 AGGRIEVED BY A VIOLATION OF THIS ACT OR A RULE PROMULGATED UNDER
10 THIS ACT, THE CIRCUIT COURT OF THE COUNTY WHERE THE VIOLATION
11 OCCURS MAY GRANT INJUNCTIVE RELIEF.

12 (2) A BOND SHALL NOT BE REQUIRED WHEN INJUNCTIVE RELIEF IS
13 SOUGHT BY THE DEPARTMENT, THE ATTORNEY GENERAL, OR THE PROSECUT-
14 ING ATTORNEY OF A COUNTY.

15 Sec. 39. All revenues collected pursuant to sections 17,
16 ~~19, 23,~~ 21, 29, and 31 shall be deposited in the comprehensive
17 transportation fund.

18 Section 2. Section 23 of Act No. 271 of the Public Acts of
19 1990, being section 257.1923 of the Michigan Compiled Laws, is
20 repealed.