

SENATE BILL No. 561

July 13, 2011, Introduced by Senators BRANDENBURG, ROCCA, ROBERTSON, CASWELL, JONES, NOFS and MARLEAU and referred to the Committee on Transportation.

A bill to amend 1990 PA 271, entitled "Limousine transportation act," by amending sections 5, 7, 13, and 15 (MCL 257.1905, 257.1907, 257.1913, and 257.1915), section 7 as amended by 2000 PA 487; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) This act ~~shall~~ **DOES** not apply to a limo carrier of
2 passengers that is any of the following:

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

7 (b) An authority incorporated under the metropolitan
8 transportation authorities act of 1967, ~~Act No. 204 of the Public~~
9 ~~Acts of 1967, being sections 124.401 to 124.426 of the Michigan~~

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1 ~~Compiled Laws, 1967 PA 204, MCL 124.401 TO 124.426~~, or that
2 operates a transportation service pursuant to an interlocal
3 agreement under the urban cooperation act of 1967, ~~Act No. 7 of the~~
4 ~~Public Acts of the Extra Session of 1967, being sections 124.501 to~~
5 ~~124.512 of the Michigan Compiled Laws. 1967 (EX SESS) PA 7, MCL~~
6 ~~124.501 TO 124.512.~~

7 (c) Operating under a contract entered into pursuant to ~~Act~~
8 ~~No. 8 of the Public Acts of the Extra Session of 1967, being~~
9 ~~sections 124.531 to 124.536 of the Michigan Compiled Laws, or Act~~
10 ~~No. 35 of the Public Acts of 1951, being sections 124.1 to 124.13~~
11 ~~of the Michigan Compiled Laws. 1967 (EX SESS) PA 8, MCL 124.531 TO~~
12 ~~124.536, OR 1951 PA 35, MCL 124.1 TO 124.13.~~

13 (d) An authority incorporated under the public transportation
14 authority act, ~~Act No. 196 of the Public Acts of 1986, being~~
15 ~~sections 124.451 to 124.479 of the Michigan Compiled Laws, 1986 PA~~
16 ~~196, MCL 124.451 TO 124.479~~, or a nonprofit corporation organized
17 under the nonprofit corporation act, ~~Act No. 162 of the Public Acts~~
18 ~~of 1982, being sections 450.2101 to 450.3192 of the Michigan~~
19 ~~Compiled Laws, 1982 PA 162, MCL 450.2101 TO 450.3192~~, that provides
20 transportation services.

21 (e) An authority financing public improvements to
22 transportation systems under the revenue bond act of 1933, ~~Act No.~~
23 ~~94 of the Public Acts of 1933, being sections 141.101 to 141.140 of~~
24 ~~the Michigan Compiled Laws. 1933 PA 94, MCL 141.101 TO 141.140.~~

25 (f) Only operating limousines to provide the transportation of
26 passengers for funerals.

27 ~~(g) Only operating wholly within the boundaries of a local~~

1 ~~unit of government if the local unit of government has its own~~
2 ~~safety inspection and insurance requirements.~~

3 (2) A limo carrier of passengers exempt under subsection (1)
4 shall operate under the requirements of this act when operating
5 outside of the political subdivisions permitted by the authorizing
6 statute or the contract required by the authorizing statute.

7 (3) This act shall not apply to a limo carrier of passengers
8 who is only providing transportation using metered vehicles
9 identified as a taxi or taxicab with a maximum seating capacity of
10 3 to 9 passengers or ~~less~~, **FEWER**, including the driver.

11 Sec. 7. (1) A limo carrier of passengers shall not operate a
12 limousine for the transportation of persons for hire on a public
13 highway in this state except in accordance with this act. ~~A limo~~
14 ~~carrier of passengers that operates class B limousines for the~~
15 ~~purpose of picking up passengers within a city with a population of~~
16 ~~750,000 or more shall also comply with the vehicle for hire~~
17 ~~ordinance of that city with respect to those limousines. However, a~~
18 ~~limo carrier of passengers may remain in the city during a given~~
19 ~~trip for the sole purpose of picking up the same passengers that~~
20 ~~the limo carrier of passengers originally brought into the city on~~
21 ~~that trip.~~ A limo carrier of passengers shall not operate upon a
22 public highway without first having obtained from the department a
23 certificate of authority. A certificate of authority may be
24 obtained for operation of either class A limousines or class B
25 limousines or both.

26 ~~—— (2) The amendatory act that added this subsection takes effect~~
27 ~~30 days after a city with a population of 750,000 or more makes~~

1 ~~available bonds for class B limousines. The total number of class B~~
2 ~~limousine bonds shall be determined by the city. However, for the~~
3 ~~first 90 days the number of bonds to be made available for class B~~
4 ~~limousines shall not be less than 100 or more than 200.~~

5 (2) THE DEPARTMENT AND THE DEPARTMENT OF STATE HAVE EXCLUSIVE
6 AUTHORITY TO LICENSE LIMOUSINES AND LIMO CARRIERS OF PASSENGERS AND
7 TO LICENSE OPERATORS, DRIVERS, AND CHAUFFEURS OF LIMOUSINES AND
8 LIMO CARRIERS OF PASSENGERS. A COUNTY, REGIONAL AUTHORITY, CITY,
9 TOWNSHIP, OR VILLAGE OR ANY OTHER LOCAL UNIT OF GOVERNMENT SHALL
10 NOT LICENSE LIMOUSINES OR LIMO CARRIERS OF PASSENGERS OR CHAUFFEURS
11 OF LIMOUSINES OR LIMO CARRIERS OF PASSENGERS.

12 (3) A COUNTY, CITY, VILLAGE, OR TOWNSHIP SHALL NOT ADOPT A
13 LOCAL ORDINANCE TO LICENSE LIMOUSINE DRIVERS OR LIMO CARRIERS OF
14 PASSENGERS WITHIN THE LIMITS OF THE COUNTY, CITY, VILLAGE, OR
15 TOWNSHIP.

16 (4) ~~(3)~~ As used in this section:

17 (a) "Class A limousine" means a limousine with a seating
18 capacity of not less than 7 passengers but not more than 15
19 passengers including the driver.

20 (b) "Class B limousine" means a limousine with a seating
21 capacity of ~~less~~ FEWER than 7 passengers including the driver.

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

27 (a) The applicant's safety record.

1 (b) ~~The~~ **WHETHER THE** character and condition of each limousine
2 is such that it may be operated safely upon the public highways
3 based on an inspection required pursuant to section 19 and
4 conducted by a mechanic certified under the motor vehicle service
5 and repair act at a motor vehicle repair facility registered under
6 the motor vehicle service and repair act that is designated by the
7 department as an inspection station. ~~or by a county, city, village,~~
8 ~~or township pursuant to section 14.~~ Any limousine that does not
9 pass the required departmental safety inspection shall not be
10 operated over the public highways of this state.

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

15 (2) An applicant shall acquire the following insurance
16 coverage of liability for acts or omissions of the applicant as a
17 limo carrier of passengers:

18 (a) For limousines with a seating capacity of 1 to 9
19 passengers including the driver, bodily injury and property damage
20 liability insurance with a minimum combined single limit of
21 \$1,000,000.00 for all persons injured or for property damage.

22 (b) For limousines with a seating capacity of 10 to 15
23 passengers including the driver, bodily injury and property damage
24 liability insurance with a minimum combined single limit of
25 \$2,000,000.00 for all persons injured or for property damage.

26 (c) Personal protection insurance and property protection
27 insurance as required by sections 3101 to 3179 of the insurance

1 code of 1956, ~~Act No. 218 of the Public Acts of 1956, being~~
2 ~~sections 500.3101 to 500.3179 of the Michigan Compiled Laws.1956 PA~~
3 ~~218, MCL 500.3101 TO 500.3179.~~

4 (3) A limo carrier of passengers shall maintain the insurance
5 described in ~~this~~ subsection (2) as a condition of maintaining a
6 certificate of authority issued under this act.

7 (4) ~~(3)~~ An applicant that does not satisfy ~~both~~ subsections
8 (1) ~~and (2)~~ **TO (3)** shall not be issued a certificate of authority
9 to provide transportation service as a limo carrier of passengers
10 under this act.

11 Sec. 15. (1) The department shall approve or deny an
12 application for a certificate of authority within 90 days after the
13 complete application is filed with the department.

14 (2) If the department denies an application for a certificate
15 of authority, the department shall notify the applicant in writing
16 of the reason or reasons for the denial, and the applicant shall
17 have 30 days from the date of denial to correct any deficiency and
18 reapply without payment of an additional application fee.

19 ~~—— (3) A limo carrier of passengers who has a safety inspection~~
20 ~~performed under section 14 may receive a certificate of authority~~
21 ~~by providing the department with a copy of the safety inspection~~
22 ~~report and meeting the other requirements of section 13.~~

23 Enacting section 1. Sections 1914 and 1923 of the limousine
24 transportation act, 1990 PA 271, MCL 257.1914 and 257.1923, are
25 repealed.