

**HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 392**

A bill to amend 1982 PA 432, entitled "Motor bus transportation act," by amending the title and sections 3, 4, 5, 7, 9, 15, 16, 17, 27, 29, 32, 33, 34, 35, and 39 (MCL 474.103, 474.104, 474.105, 474.107, 474.109, 474.115, 474.116, 474.117, 474.127, 474.129, 474.132, 474.133, 474.134, 474.135, and 474.139), sections 3, 4, 5, 7, 17, 27, 29, 33, 34, 35, and 39 as amended and section 32 as added by 1989 PA 233, section 9 as amended by 2012 PA 570, and section 16 as amended by 1996 PA 421, and by adding section 10; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1  
2  
3

TITLE

An act to regulate persons who transport passengers by motor bus; to prescribe powers and duties for the state transportation

1 department; to impose certain fees; ~~and to impose penalties;~~ **AND TO**  
2 **REPEAL ACTS AND PARTS OF ACTS.**

3 Sec. 3. As used in this act:

4 (A) "APPLICANT" MEANS A PERSON WHO APPLIES FOR AN AUTHORITY  
5 UNDER THIS ACT.

6 (B) ~~(a) "Certificate of authority"~~ "AUTHORITY" means a  
7 ~~certificate of~~ **AN** authority issued under ~~the terms of this act.~~  
8 ~~unless the context indicates otherwise.~~ **AUTHORITY INCLUDES AN**  
9 **ORIGINAL ANNUAL AUTHORITY, A REINSTATEMENT AUTHORITY, AND A RENEWAL**  
10 **AUTHORITY.**

11 (C) "AUTHORIZED SEASONAL VEHICLE" MEANS AN AUTHORIZED VEHICLE  
12 THAT SATISFIES BOTH OF THE FOLLOWING:

13 (i) THE DEPARTMENT HAS APPROVED THE VEHICLE TO BE USED IN  
14 SERVICE FOR A CONTIGUOUS PERIOD OF TIME THAT DOES NOT EXCEED 6  
15 MONTHS.

16 (ii) THE VEHICLE SATISFIES THE INSPECTION AND INSURANCE  
17 REQUIREMENTS OF THIS ACT DURING THE PERIOD THE VEHICLE HAS BEEN  
18 APPROVED FOR USE.

19 (D) "AUTHORIZED VEHICLE" MEANS A VEHICLE OPERATED BY A MOTOR  
20 CARRIER THAT COMPLIES WITH ALL REQUIREMENTS OF THIS ACT.

21 (E) "BUS" MEANS A MOTOR VEHICLE WITH A SEATING CAPACITY OF 9  
22 OR MORE PASSENGERS, INCLUDING THE DRIVER, THAT IS USED IN THE  
23 TRANSPORTATION OF PASSENGERS AND THEIR BAGGAGE FOR HIRE UPON ANY  
24 PUBLIC HIGHWAY OF THIS STATE. EXCEPT AS OTHERWISE PROVIDED IN  
25 SECTION 4(1) (J), BUS INCLUDES A SCHOOL BUS.

26 (F) ~~(b)~~ "Department" means the state transportation  
27 department.

1           (G) ~~(e)~~ "For hire" means for remuneration or reward of any  
2 kind, paid or promised, either directly or indirectly.

3           ~~(d) "Lessor" means a person who leases a motor bus to any  
4 other person for the transportation of passengers for hire over the  
5 public highways of this state.~~

6           ~~(c) "Motor bus" means a self-propelled motor vehicle used in  
7 the transportation of passengers and their baggage for hire upon  
8 any public highway of this state with a maximum seating capacity of  
9 10 persons or more, or 16 persons or more if the limousine  
10 transportation act is enacted into law, including the driver. Motor  
11 bus does not include a self-propelled motor vehicle having a  
12 seating capacity of 15 passengers or less that is used by or on  
13 behalf of an employer to transport its employees to and from their  
14 place of employment.~~

15           (H) ~~(f)~~ "Motor carrier of passengers" "**MOTOR CARRIER**" means a  
16 person who, either directly or through any device or arrangement,  
17 holds himself or herself out to the public as willing to ~~undertake~~  
18 ~~for hire to transport~~ **PASSENGERS FOR HIRE** by motor bus from place  
19 ~~to place~~ over the public highways of this state. ~~persons who may~~  
20 ~~choose to employ him or her for that purpose or for the purpose of~~  
21 ~~transporting package express, baggage of passengers, newspapers, or~~  
22 ~~United States mail in the same vehicle used to transport~~  
23 ~~passengers.~~

24           (I) "**ORIGINAL ANNUAL AUTHORITY**" **MEANS THE FIRST AUTHORITY**  
25 **APPLIED FOR AND RECEIVED BY A MOTOR CARRIER UNDER THIS ACT.**

26           (J) ~~(g)~~ "Person" means an individual, sole proprietorship,  
27 partnership, association, corporation, or other legal entity, or

1 the lessee, trustee, or receiver of any of these entities; this  
2 state; a city, village, township, or county of this state; the  
3 federal government; or an employee, officer, or agent of any of  
4 these units of government.

5 (K) ~~(h)~~—"Public highway" means a highway, road, street,  
6 avenue, alley, or thoroughfare of any kind, or a bridge, tunnel, or  
7 subway used by the public.

8 (I) "REINSTATEMENT AUTHORITY" MEANS AN AUTHORITY ISSUED TO A  
9 MOTOR CARRIER WHOSE ORIGINAL ANNUAL AUTHORITY OR ORIGINAL SEASONAL  
10 AUTHORITY WAS PREVIOUSLY REVOKED UNDER THIS ACT.

11 (M) "RENEWAL AUTHORITY" MEANS AN AUTHORITY FOR THE  
12 CONTINUATION OF A PRIOR ORIGINAL ANNUAL AUTHORITY OR AN ORIGINAL  
13 SEASONAL AUTHORITY THAT REMAINED IN GOOD STANDING, OR THE  
14 CONTINUATION OF A REINSTATEMENT AUTHORITY.

15 (N) "ROSTER" MEANS A LIST OF BUSES TO BE OPERATED FOR HIRE BY  
16 A MOTOR CARRIER THAT IS AUTHORIZED OR SEEKING AUTHORIZATION UNDER  
17 THIS ACT AND THAT INDICATES ALL OF THE FOLLOWING INFORMATION:

18 (i) THE VEHICLE IDENTIFICATION NUMBER, MAKE, MODEL, FLEET  
19 NUMBER, AND YEAR OF EACH VEHICLE.

20 (ii) THE BEGINNING AND ENDING DATES OF SERVICE FOR EACH  
21 SEASONAL VEHICLE.

22 (O) "SAFETY INSPECTOR" MEANS AN INDIVIDUAL DESIGNATED BY THE  
23 DEPARTMENT TO CONDUCT SAFETY INSPECTIONS UNDER THIS ACT.

24 (P) "SERVICE" MEANS THE MOVEMENT OF PASSENGERS BY BUS.

25 (Q) ~~(i)~~—"The public" means ~~that~~ **THE** part or portion of the  
26 general public ~~which~~ **THAT** the motor carrier is ready, able,  
27 willing, and equipped to serve.

1           **(R)** ~~(j)~~—"Through any device or arrangement" means any and all  
2 methods, means, agreements, circumstances, operations, or  
3 subterfuges under which a person undertakes for hire to conduct,  
4 direct, control, or otherwise perform the transportation of  
5 passengers by ~~motor~~ bus service upon the public highways of this  
6 state.

7           Sec. 4. (1) This act ~~shall~~ **DOES** not apply to a motor carrier  
8 ~~of passengers~~ that is any of the following:

9           (a) A county, city, township, or village as provided by law,  
10 or other authority incorporated under ~~Act No. 55 of the Public Acts~~  
11 ~~of 1963, as amended, being sections 124.351 to 124.359 of the~~  
12 ~~Michigan Compiled Laws. Each authority and governmental agency~~  
13 ~~incorporated under Act No. 55 of the Public Acts of 1963 shall have~~  
14 ~~the exclusive jurisdiction to determine its own contemplated~~  
15 ~~routes, hours of service, estimated transit vehicle miles, costs of~~  
16 ~~public transportation services, and projected capital improvements~~  
17 ~~or projects within its service area.~~ **1963 PA 55, MCL 124.351 TO**  
18 **124.359.**

19           (b) An authority incorporated under the metropolitan  
20 transportation authorities act of 1967, ~~Act No. 204 of the Public~~  
21 ~~Acts of 1967, as amended, being sections 124.401 to 124.426 of the~~  
22 ~~Michigan Compiled Laws,~~ **1967 PA 204, MCL 124.401 TO 124.426,** or  
23 that operates a transportation service pursuant to an interlocal  
24 agreement under the urban cooperation act of 1967, ~~Act No. 7 of the~~  
25 ~~Public Acts of the Extra Session of 1967, as amended, being~~  
26 ~~sections 124.501 to 124.512 of the Michigan Compiled Laws.~~ **1967 (EX**  
27 **SESS) PA 7, MCL 124.501 TO 124.512.**

1 (c) Operating under a contract entered into pursuant to Act  
 2 No. 8 of the Public Acts of the Extra Session of 1967, being  
 3 sections 124.531 to 124.536 of the Michigan Compiled Laws, **UNDER**  
 4 **1967 (EX SESS) PA 8, MCL 124.531 TO 124.536**, or Act No. 35 of the  
 5 Public Acts of 1951, being sections 124.1 to 124.13 of the Michigan  
 6 Compiled Laws. **1951 PA 35, MCL 124.1 TO 124.13.**

7 (d) An authority incorporated under the public transportation  
 8 authority act, Act No. 196 of the Public Acts of 1986, being  
 9 sections 124.451 to 124.479 of the Michigan Compiled Laws, or a  
 10 **1986 PA 196, MCL 124.451 TO 124.479.**

11 **(E) A REGIONAL TRANSIT AUTHORITY CREATED UNDER THE REGIONAL**  
 12 **TRANSIT AUTHORITY ACT, 2012 PA 387, MCL 124.541 TO 124.558.**

13 **(F) A** nonprofit corporation organized under the nonprofit  
 14 corporation act, Act No. 162 of the Public Acts of 1982, being  
 15 sections 450.2101 to 450.3192 of the Michigan Compiled Laws, **1982**  
 16 **PA 162, MCL 450.2101 TO 450.3192, AND AS DEFINED BY SECTIONS**  
 17 **501(C) (3), (4), (19), OR (23) OF THE INTERNAL REVENUE CODE OF 1986,**  
 18 that provides **1 OR BOTH OF THE FOLLOWING** transportation services: -

19 **(i) SERVICES THAT ARE RESTRICTED ONLY TO REGISTERED MEMBERS OF**  
 20 **THE NONPROFIT CORPORATION.**

21 **(ii) SERVICES THAT ARE FUNDED UNDER 1951 PA 51, MCL 247.651 TO**  
 22 **247.675, THROUGH PROGRAMS ADMINISTERED BY THE DEPARTMENT.**

23 **(G) (e)** An authority financing public improvements to  
 24 transportation systems under the revenue bond act of 1933, Act No.  
 25 94 of the Public Acts of 1933, being sections 141.101 to 141.140 of  
 26 the Michigan Compiled Laws. **1933 PA 94, MCL 141.101 TO 141.140.**

27 **(H) A MOTOR CARRIER THAT OPERATES MOTOR VEHICLES ONLY FOR THE**

1 PURPOSE OF TRANSPORTING PASSENGERS TO AND FROM FUNERALS.

2 (I) A MOTOR CARRIER THAT OPERATES A MOTOR VEHICLE THAT IS  
3 OWNED OR LEASED BY OR ON BEHALF OF AN EMPLOYER TO TRANSPORT ITS  
4 EMPLOYEES TO AND FROM THEIR PLACE OF EMPLOYMENT.

5 (J) A PUBLIC OR PRIVATE SCHOOL OR A UNIT OF GOVERNMENT THAT  
6 OWNS OR OPERATES A SCHOOL BUS, OR A PRIVATELY OWNED SCHOOL BUS THAT  
7 IS UNDER CONTRACT WITH A SCHOOL DISTRICT, AN INDEPENDENT SCHOOL  
8 DISTRICT, OR A PRIVATE OR CHARTER SCHOOL, WHEN THAT BUS IS USED  
9 SOLELY FOR THE TRANSPORTATION OF PUPILS TO OR FROM SCHOOL, SCHOOL-  
10 RELATED EVENTS, OR OTHER USES AS PROVIDED UNDER THE PUPIL  
11 TRANSPORTATION ACT, 1990 PA 187, MCL 257.1801 TO 257.1877.

12 (K) A VEHICLE OPERATED BY A CANOE OR OTHER WATERCRAFT,  
13 BICYCLE, OR HORSE LIVERY THAT IS USED ONLY TO TRANSPORT CLIENTS  
14 BETWEEN THEIR PRIMARY BUSINESS LOCATION AND THE LAUNCH OR  
15 DISEMBARKMENT LOCATION.

16 (l) AN INTERSTATE MOTOR CARRIER OF PASSENGERS OPERATING UNDER  
17 A UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL MOTOR CARRIER  
18 SAFETY ADMINISTRATION (USDOT-FMCSA) CERTIFICATE OF AUTHORITY,  
19 UNLESS REQUIRED BY THE DEPARTMENT AS A CONDITION OF FINANCIAL  
20 ASSISTANCE.

21 (2) A motor carrier ~~of passengers~~ **THAT IS** exempt under  
22 subsection (1) shall operate under the requirements of this act  
23 when operating outside of the ~~political subdivisions permitted by~~  
24 ~~the authorizing statute or the contract required by the authorizing~~  
25 ~~statute.~~ **EXEMPTIONS DESCRIBED IN SUBSECTION (1).**

26 Sec. 5. A motor carrier ~~of passengers~~ shall not operate a  
27 ~~motor bus~~ for the transportation of persons for hire on a public

1 highway in this state except in accordance with this act. A motor  
2 carrier ~~of passengers~~ shall not operate upon a public highway  
3 without first having obtained from the department a ~~certificate of~~  
4 **AN** authority. **A MOTOR CARRIER SHALL REGISTER ITS ROSTER WITH THE**  
5 **DEPARTMENT, AND ALL VEHICLES ON THE ROSTER SHALL COMPLY WITH THE**  
6 **PROVISIONS OF THIS ACT.**

7       Sec. 7. (1) The department shall issue without a hearing a  
8 ~~certificate of~~ **AN** authority to a motor carrier ~~of passengers~~  
9 authorizing that carrier to provide transportation services subject  
10 to the jurisdiction of the department under this act, if the  
11 department finds ~~pursuant to section 9(1)~~ that the **MOTOR** carrier is  
12 fit, willing, and able to provide the transportation service  
13 authorized by the ~~certificate of authority and to comply~~ **IN**  
14 **COMPLIANCE** with this act. ~~, and if the applicant presents evidence~~  
15 ~~of the acquisition of personal injury protection and property~~  
16 ~~damage liability insurance as required by section 9(2).~~ The  
17 department may attach **TERMS OR CONDITIONS** to the exercise of the  
18 privilege granted by a ~~certificate of~~ **AN** authority ~~terms or~~  
19 ~~conditions~~ as the department considers appropriate.

20       (2) **AN APPLICATION FOR AN AUTHORITY IS NOT COMPLETE UNLESS THE**  
21 **APPLICANT HAS COMPLIED WITH ALL APPLICABLE PROVISIONS OF THIS ACT**  
22 **AND WITH THE APPLICATION REQUIREMENTS OF THE DEPARTMENT. IF AN**  
23 **APPLICANT FAILS TO COMPLY WITH THE APPLICATION REQUIREMENTS OF THE**  
24 **DEPARTMENT AND FAILS TO CORRECT ITS NONCOMPLIANCE WITHIN 60 DAYS**  
25 **AFTER THE INITIAL APPLICATION DATE, THE APPLICATION SHALL BE**  
26 **CANCELED AND ANY APPLICATION FEES PAID BY THE APPLICANT ARE**  
27 **FORFEITED.**



1 (3) THE DEPARTMENT SHALL NOT ISSUE OR RENEW AN AUTHORITY TO A  
2 MOTOR CARRIER IF THE MOTOR CARRIER OWES OUTSTANDING FEES TO THE  
3 DEPARTMENT.

4 (4) AN AUTHORITY COVERS A MOTOR CARRIER AND THE AUTHORIZED  
5 VEHICLES LISTED ON THE ROSTER OF THE MOTOR CARRIER. A MOTOR CARRIER  
6 AND AT LEAST 1 VEHICLE ON ITS ROSTER SHALL REMAIN IN GOOD STANDING  
7 DURING THE TIME PERIOD COVERED BY THE AUTHORITY OR THE AUTHORITY IS  
8 AUTOMATICALLY REVOKED. TO REMAIN IN GOOD STANDING AS REQUIRED BY  
9 THIS SUBSECTION, A MOTOR CARRIER SHALL DO ALL OF THE FOLLOWING:

10 (A) SUBMIT AN ACCURATE ROSTER TO THE DEPARTMENT AND NOTIFY THE  
11 DEPARTMENT OF ANY CHANGES TO THE ROSTER.

12 (B) PAY ALL FEES BY THE DUE DATE.

13 (C) MAINTAIN INSURANCE FOR EACH AUTHORIZED VEHICLE ON THE  
14 ROSTER.

15 (D) ENSURE THAT EACH AUTHORIZED VEHICLE ON THE ROSTER COMPLIES  
16 WITH THE INSPECTION REQUIREMENTS OF THIS ACT.

17 (5) IF THE DEPARTMENT DENIES AN APPLICATION FOR AN AUTHORITY,  
18 THE DEPARTMENT SHALL NOTIFY THE APPLICANT OF THE DENIAL IN WRITING  
19 AND THE REASONS FOR THE DENIAL. AN APPLICANT WHOSE APPLICATION IS  
20 DENIED MAY, WITHIN 30 DAYS AFTER THE DATE OF THE DENIAL, CORRECT  
21 ANY DEFICIENCY IN THE APPLICATION AND REAPPLY FOR AN AUTHORITY  
22 WITHOUT PAYMENT OF AN ADDITIONAL APPLICATION FEE.

23 Sec. 9. (1) In determining the ~~fitness, willingness, and~~  
24 ~~ability~~ **ELIGIBILITY** of an applicant for a ~~certificate of~~ **AN**  
25 authority to provide transportation service, the department shall  
26 consider all of the following: ~~before issuing the original~~  
27 ~~certificate of authority:~~

1           (a) ~~The applicant's safety record.~~**WHETHER THE APPLICANT HAS**  
2 **PAID THE REQUIRED FEES UNDER SECTION 17.**

3           (b) ~~The~~**WHETHER THE** character and condition of each ~~motor bus~~  
4 ~~and whether~~**ON THE APPLICANT'S ROSTER IS SUCH THAT** it may be  
5 operated safely upon the public highways based on an inspection  
6 conducted ~~by the department under section 16.~~**IN ACCORDANCE WITH**  
7 **THIS ACT.**

8           (c) ~~The applicant's financial ability to provide continuous~~  
9 **WHETHER THE APPLICANT HAS PROOF OF** insurance coverage as required  
10 by subsection (2) or (3) and to have adequate financial resources  
11 ~~in order to pay for damage claims against the applicant.~~**SECTION 10.**

12           (D) **WHETHER THE APPLICANT HAS PROVIDED THE DEPARTMENT WITH**  
13 **DETAILS OF ANY FIXED ROUTE SERVICE THAT THE APPLICANT WILL PROVIDE**  
14 **IN THIS STATE, IF APPLICABLE.**

15           (E) **WHETHER THE APPLICANT HAS MET ALL OTHER REQUIREMENTS OF**  
16 **THIS ACT.**

17 ~~—— (2) An applicant shall acquire the following liability~~  
18 ~~insurance coverage for acts or omissions of the applicant as a~~  
19 ~~motor carrier of passengers:~~

20 ~~—— (a) Bodily injury and property damage liability insurance with~~  
21 ~~a minimum combined single limit of \$5,000,000.00 for all persons~~  
22 ~~injured or for property damage.~~

23 ~~—— (b) Personal protection insurance and property protection~~  
24 ~~insurance as required by chapter 31 of the insurance code of 1956,~~  
25 ~~1956 PA 218, MCL 500.3101 to 500.3119. A motor common carrier of~~  
26 ~~passengers shall maintain the insurance described in this~~  
27 ~~subsection as a condition of maintaining a certificate of authority~~

1 ~~issued under this act.~~

2 ~~—— (3) The insurance requirements of subsection (2) are waived if~~  
3 ~~the applicant qualifies for and obtains a certificate of self-~~  
4 ~~insurance from the commissioner of the office of financial and~~  
5 ~~insurance regulation under section 3101d of the insurance code of~~  
6 ~~1956, 1956 PA 218, MCL 500.3101d.~~

7 ~~—— (4) An applicant that does not satisfy subsection (1) and~~  
8 ~~either subsection (2) or subsection (3) shall not be issued a~~  
9 ~~certificate of authority to provide transportation service under~~  
10 ~~this act.~~

11 **(2) THE DEPARTMENT SHALL NOT ISSUE AN AUTHORITY TO AN**  
12 **APPLICANT THAT DOES NOT MEET THE ELIGIBILITY REQUIREMENTS DESCRIBED**  
13 **IN SUBSECTION (1) .**

14 **SEC. 10. (1) AN APPLICANT SHALL ACQUIRE THE FOLLOWING**  
15 **LIABILITY INSURANCE COVERAGE FOR ACTS OR OMISSIONS OF THE APPLICANT**  
16 **AS A MOTOR CARRIER:**

17 **(A) FOR BUSES WITH A SEATING CAPACITY OF BETWEEN 9 AND 15**  
18 **PASSENGERS, INCLUDING THE DRIVER, BODILY INJURY AND PROPERTY DAMAGE**  
19 **LIABILITY INSURANCE WITH A MINIMUM COMBINED SINGLE LIMIT OF**  
20 **\$1,500,000.00 FOR ALL PERSONS INJURED OR FOR PROPERTY DAMAGE.**

21 **(B) FOR BUSES WITH A SEATING OF 16 OR MORE PASSENGERS,**  
22 **INCLUDING THE DRIVER, BODILY INJURY AND PROPERTY DAMAGE LIABILITY**  
23 **INSURANCE WITH A MINIMUM COMBINED SINGLE LIMIT OF \$5,000,000.00 FOR**  
24 **ALL PERSONS INJURED OR FOR PROPERTY DAMAGE.**

25 **(C) PERSONAL PROTECTION INSURANCE AND PROPERTY PROTECTION**  
26 **INSURANCE AS REQUIRED BY CHAPTER 31 OF THE INSURANCE CODE OF 1956,**  
27 **1956 PA 218, MCL 500.3101 TO 500.3179.**

1           (2) A MOTOR CARRIER SHALL MAINTAIN THE INSURANCE COVERAGE  
2 DESCRIBED IN SUBSECTION (1) AS A CONDITION OF MAINTAINING AN  
3 AUTHORITY ISSUED UNDER THIS ACT. FOR EACH AUTHORIZED SEASONAL  
4 VEHICLE, A MOTOR CARRIER SHALL MAINTAIN THE INSURANCE COVERAGE  
5 DESCRIBED IN SUBSECTION (1) DURING THE APPROVED SEASONAL PERIOD.

6           (3) THE INSURANCE REQUIREMENTS OF SUBSECTION (1) ARE WAIVED IF  
7 THE APPLICANT QUALIFIES FOR AND OBTAINS A CERTIFICATE OF SELF-  
8 INSURANCE FROM THE COMMISSIONER OF THE OFFICE OF FINANCIAL AND  
9 INSURANCE SERVICES UNDER SECTION 3101D OF THE INSURANCE CODE OF  
10 1956, 1956 PA 218, MCL 500.3101D.

11           (4) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, IF A MOTOR  
12 CARRIER CANCELS THE INSURANCE COVERAGE REQUIRED UNDER THIS SECTION  
13 FOR ANY REASON OR IF THE COVERAGE LEVEL FALLS BELOW THE LEVELS  
14 PROVIDED IN SUBSECTION (1), THE AUTHORITY ISSUED TO THAT MOTOR  
15 CARRIER IS AUTOMATICALLY REVOKED.

16           (5) A MOTOR CARRIER SHALL GRANT NOTIFICATION RIGHTS TO THE  
17 DEPARTMENT FOR ALL INSURANCE POLICIES REQUIRED UNDER THIS ACT TO  
18 ENSURE THAT THE DEPARTMENT IS NOTIFIED OF ALL ACTIVITIES RELATED TO  
19 THE POLICY, INCLUDING CANCELLATION AND REPLACEMENT.

20           ~~Sec. 15. The department shall issue a certificate of authority~~  
21 ~~as provided in this act to a motor common carrier of passengers who~~  
22 ~~holds either a valid permit as a contract motor carrier of~~  
23 ~~passengers or a valid certificate of authority as a common motor~~  
24 ~~carrier of passengers under the motor carrier act, Act No. 254 of~~  
25 ~~the Public Acts of 1933, as amended, being sections 475.1 to 479.49~~  
26 ~~of the Michigan Compiled Laws, on the day immediately before the~~  
27 ~~effective date of this act, without making the determination~~

Senate Bill No. 392 as amended December 7, 2016

1 ~~required by section 9(1) if the department determines that the~~  
 2 ~~carrier has met the insurance requirements of section 9(2).~~ **[EXCEPT AS**  
 3 **OTHERWISE PROVIDED IN THIS SECTION, EACH] BUS**  
 4 **ON A MOTOR CARRIER'S ROSTER SHALL DISPLAY THE MOTOR CARRIER'S LEGAL**  
 5 **NAME OR ASSUMED NAME AS LISTED ON ITS APPLICATION FOR AUTHORITY OR**  
 6 **PRIMARY TELEPHONE NUMBER ON BOTH SIDES OF THE BUS IN A COLOR THAT**  
 7 **IS IN SHARP CONTRAST TO THE BACKGROUND COLOR AND IN A SIZE THAT IS**  
 8 **VISIBLE FROM A DISTANCE OF AT LEAST 50 FEET. THE DISPLAY REQUIRED**  
 9 **UNDER THIS SECTION SHALL MEET THE VEHICLE IDENTIFICATION**  
 10 **REQUIREMENTS OF 49 CFR PARTS 390 TO 399. [A SCHOOL BUS IS NOT REQUIRED TO**  
 11 **DISPLAY A PRIMARY TELEPHONE NUMBER.]**

11       Sec. 16. (1) ~~Each~~ **TO MAINTAIN AUTHORIZED STATUS FOR A BUS, A**  
 12 ~~motor carrier of passengers who holds a certificate of authority~~  
 13 ~~issued under this act shall permit the department to inspect each~~  
 14 ~~motor bus once annually, or more frequently if necessary to~~  
 15 ~~determine the current character and condition of the motor~~  
 16 ~~bus.~~ **SHALL ENSURE THAT THE BUS PASSES A VALID INSPECTION AS PROVIDED**  
 17 **IN THIS SECTION AND THAT THE CONDITION OF THE BUS IS MAINTAINED**  
 18 **BETWEEN INSPECTIONS.**

19 ~~— (2) Each motor bus operated by the motor carrier of passengers~~  
 20 ~~under its certificate of authority shall pass the safety inspection~~  
 21 ~~which meets the department's specifications for safe operating~~  
 22 ~~character and condition for the renewal of certificate.~~

23       **(2) BEGINNING ON JANUARY 1, 2017, FOR AN INSPECTION OF A BUS**  
 24 **TO BE A VALID INSPECTION, ALL OF THE FOLLOWING SHALL BE SATISFIED:**

25       **(A) AN INSPECTION HAS BEEN SCHEDULED AT THE DEPARTMENT'S**  
 26 **CONVENIENCE.**

27       **(B) THE INSPECTOR OF THE BUS INDICATES ON AN INSPECTION REPORT**

Senate Bill No. 392 as amended December 7, 2016

1 PREPARED BY THE DEPARTMENT THAT THE BUS HAS PASSED THE INSPECTION  
2 BEFORE THE EXPIRATION OF THE PREVIOUS INSPECTION.

3 (C) IF THE INSPECTION IS OF A SEASONAL BUS, THE INSPECTION  
4 OCCURRED NO EARLIER THAN 30 DAYS BEFORE THE BEGINNING OF THE  
5 APPROVED SEASONAL PERIOD FOR THAT BUS.

[ (D) THE DEPARTMENT SHALL ACCEPT AN INSPECTION CONDUCTED BY THE  
DEPARTMENT OF STATE POLICE IF THAT INSPECTION MEETS THE REQUIREMENTS OF  
THIS ACT. ]

6 (3) A ~~motor bus~~ that does not ~~pass a required departmental~~  
7 HAVE A VALID inspection under this section shall not be operated  
8 over the public highways of this state.

9 (4) A MOTOR CARRIER IS SUBJECT TO ALL OF THE FOLLOWING  
10 PENALTIES FOR EACH BUS THAT DOES NOT HAVE A VALID INSPECTION AS  
11 REQUIRED BY THIS SECTION:

12 (A) A MOTOR CARRIER SHALL BE ASSESSED A FEE OF \$250.00 FOR  
13 EACH INSPECTION THAT IS CONDUCTED BETWEEN 1 AND 30 DAYS LATE, AND A  
14 FEE OF \$500.00 FOR EACH INSPECTION THAT IS CONDUCTED 31 OR MORE  
15 DAYS LATE. THIS FEE SHALL BE IN ADDITION TO ANY FEE ASSESSED UNDER  
16 SUBDIVISION (B). THE DEPARTMENT MAY WAIVE THE FEE PROVIDED FOR IN  
17 THIS SUBDIVISION IF THE LATE INSPECTION WAS PRIMARILY CAUSED BY THE  
18 SCHEDULE OF THE SAFETY INSPECTOR. A VEHICLE THAT FAILS AN  
19 INSPECTION IS SUBJECT TO THE LATE INSPECTION FEES DESCRIBED IN THIS  
20 SUBDIVISION.

21 (B) THE MOTOR CARRIER SHALL BE ASSESSED A \$100.00 REINSPECTION  
22 FEE FOR EACH INSPECTION AFTER AN INITIAL FAILED INSPECTION UNTIL  
23 THE VEHICLE PASSES OR IS PERMANENTLY REMOVED FROM SERVICE.

24 (C) A MOTOR CARRIER THAT IS ASSESSED A REINSPECTION FEE UNDER  
25 SUBDIVISION (B) SHALL PAY THE REINSPECTION FEE BEFORE THE  
26 DEPARTMENT CONDUCTS THE REINSPECTION ON THE VEHICLE FOR WHICH THE  
27 REINSPECTION FEE WAS ASSESSED.

1           (5) ~~(4)~~ Instead of an inspection by the department under  
2 subsection ~~(1)~~, ~~an applicant for a certificate of authority or a~~  
3 ~~renewal of a certificate of authority~~ (2), **A MOTOR CARRIER** may, **NO**  
4 **LATER THAN THE END OF THE MONTH IN WHICH THE INSPECTION EXPIRES,**  
5 provide evidence of a current year ~~motor bus~~ inspection by a state,  
6 district, ~~or~~ province, **OR LOCAL MUNICIPALITY** that has standards  
7 comparable to the federal motor carrier safety periodic inspection  
8 standards **AND THAT HAS BEEN APPROVED BY THE DEPARTMENT.** The  
9 department ~~shall~~ **MAY** issue a list of the states, districts, ~~or~~  
10 provinces, **AND LOCAL MUNICIPALITIES** that have standards comparable  
11 to the federal standards promulgated under 49 C.F.R. ~~CFR~~ part 396.

12           (6) **A MOTOR CARRIER SHALL MAINTAIN A COPY OF A CURRENT VALID**  
13 **INSPECTION REPORT ON BOARD EACH BUS AT ALL TIMES, AND THE REPORT**  
14 **SHALL BE MADE AVAILABLE FOR REVIEW UPON DEMAND BY AN AUTHORIZED**  
15 **FEDERAL, STATE, OR LOCAL OFFICIAL.**

16           (7) **IF THE DEPARTMENT HAS REASONABLE CAUSE TO BELIEVE THAT A**  
17 **BUS IS UNSAFE FOR OPERATION OR HAS NOT BEEN INSPECTED AS REQUIRED**  
18 **BY THIS ACT OR RULES PROMULGATED UNDER THIS ACT, A DEPARTMENT**  
19 **SAFETY INSPECTOR MAY INSPECT THE BUS. IF THE BUS IS NOT IN**  
20 **COMPLIANCE WITH THIS ACT, THE DEPARTMENT MAY REQUIRE THE MOTOR**  
21 **CARRIER TO PLACE THE BUS OUT OF SERVICE UNTIL ALL VIOLATIONS HAVE**  
22 **BEEN CORRECTED OR ELIMINATED.**

23           (8) **UPON SATISFACTORY COMPLETION OF A VALID INSPECTION OF A**  
24 **BUS AS REQUIRED BY THIS ACT AND PAYMENT OF ALL REQUIRED FEES BY THE**  
25 **MOTOR CARRIER, THE DEPARTMENT SHALL ISSUE A DECAL INDICATING THE**  
26 **EXPIRATION DATE OF THE INSPECTION FOR THAT BUS. A DECAL ISSUED**  
27 **UNDER THIS SUBSECTION IS PROPERTY OF THIS STATE. A MOTOR CARRIER**

1 SHALL NOT USE A BUS DISPLAYING AN EXPIRED DECAL TO PROVIDE FOR-HIRE  
2 PASSENGER SERVICE.

3 (9) A MOTOR CARRIER SHALL NOT OPERATE A BUS OVER THE PUBLIC  
4 HIGHWAYS OF THIS STATE IF THAT BUS DOES NOT HAVE A PROPERLY  
5 DISPLAYED CURRENT DECAL ISSUED BY THE DEPARTMENT UNDER SUBSECTION  
6 (8).

7 (10) THE DEPARTMENT MAY REQUIRE A MOTOR CARRIER TO RETURN A  
8 DECAL ISSUED UNDER SUBSECTION (8) TO THE DEPARTMENT IF THE BUS UPON  
9 WHICH THAT DECAL WAS DISPLAYED IS REMOVED FROM THE MOTOR CARRIER'S  
10 ROSTER BY THE DEPARTMENT OR THE MOTOR CARRIER. A MOTOR CARRIER THAT  
11 FAILS TO RETURN A DECAL WITHIN 30 DAYS AFTER A REQUEST BY THE  
12 DEPARTMENT SHALL PAY A \$50.00 FEE.

13 (11) THE DEPARTMENT MAY WAIVE THE INSPECTION AND RENEWAL  
14 REQUIREMENTS OF THIS ACT FOR A BUS THAT IS NOT BEING USED IN THIS  
15 STATE FOR A MOTOR CARRIER THAT IS LOCATED OUTSIDE OF THIS STATE IF  
16 THE MOTOR CARRIER SUBMITS A ROSTER THAT INDICATES WHICH OF ITS  
17 VEHICLES WILL BE USED EXCLUSIVELY OUTSIDE OF THIS STATE FOR AT  
18 LEAST 1 YEAR. THE ROSTER MUST BE SUBMITTED BEFORE THE AFFECTED  
19 VEHICLE CEASES TO COMPLY WITH THIS ACT. THE MOTOR CARRIER MAY PUT  
20 THE BUS BACK INTO SERVICE IN THIS STATE AFTER AT LEAST 1 YEAR BY  
21 SUBMITTING A REVISED ROSTER AND COMPLYING WITH ALL OTHER PROVISIONS  
22 OF THIS ACT.

23 (12) UNTIL THE DEPARTMENT CONDUCTS AN INSPECTION AS PROVIDED  
24 IN THIS ACT, OR JANUARY 1, 2018, WHICHEVER IS LATER, AN INSPECTION  
25 THAT WAS CONDUCTED AND PASSED IN ACCORDANCE WITH THIS ACT OR THE  
26 LIMOUSINE TRANSPORTATION ACT, 1990 PA 271, MCL 257.1901 TO  
27 257.1939, BEFORE JANUARY 1, 2017 SHALL BE CONSIDERED A VALID



## 1 INSPECTION.

2 Sec. 17. (1) AN APPLICANT FOR AN ORIGINAL ANNUAL AUTHORITY  
 3 SHALL PAY TO THE DEPARTMENT A FILING FEE OF \$300.00 AND A FEE OF  
 4 \$100.00 TIMES THE NUMBER OF BUSES TO BE USED BY THE APPLICANT TO  
 5 PROVIDE TRANSPORTATION FOR HIRE UNDER THIS ACT. THE APPLICANT SHALL  
 6 SUBMIT ITS ROSTER TO THE DEPARTMENT AT THE TIME OF PAYMENT.

7 (2) ~~(1) Each~~ AN AUTHORITY ISSUED UNDER THIS ACT EXPIRES ON  
 8 MARCH 1 OF EACH YEAR. NO LATER THAN THE LAST DAY OF FEBRUARY EACH  
 9 YEAR, A motor carrier ~~of passengers who~~ THAT holds a ~~certificate of~~  
 10 AN authority issued under this act shall pay to the department an  
 11 annual renewal fee equal to ~~\$25.00~~ \$100.00 times the number of  
 12 motor buses used exclusively by the carrier to provide  
 13 transportation of passengers for hire and that meet the annual  
 14 renewal inspection requirements of section 16. An annual renewal  
 15 fee of \$500.00 shall be paid for any motor bus not meeting the  
 16 annual renewal inspection requirement of section 16. SUBJECT TO THIS  
 17 ACT. THE MOTOR CARRIER SHALL SUBMIT ITS ROSTER TO THE DEPARTMENT AT  
 18 THE TIME OF PAYMENT. THE DEPARTMENT MAY REQUIRE A CARRIER TO SUBMIT  
 19 ADDITIONAL DOCUMENTATION AS PART OF THE ANNUAL RENEWAL PROCESS TO  
 20 ENSURE COMPLIANCE WITH THIS ACT.

21 (3) ~~(2)~~ A motor carrier ~~of passengers who~~ THAT holds a  
 22 ~~certificate of~~ AN authority issued under this act ~~to provide~~  
 23 ~~transportation for hire~~ THAT WISHES TO HAVE ADDITIONAL BUSES  
 24 AUTHORIZED UNDER ITS AUTHORITY BETWEEN ANNUAL RENEWAL PERIODS shall  
 25 pay to the department a fee of ~~\$25.00 per motor bus for each~~  
 26 ~~additional motor bus acquired during the year for the purpose of~~  
 27 ~~the current year inspection required by section 16.~~ \$100.00 TIMES

1 THE NUMBER OF BUSES BEING ADDED TO ITS ROSTER. THE MOTOR CARRIER  
 2 SHALL SUBMIT ITS UPDATED ROSTER TO THE DEPARTMENT AT THE TIME OF  
 3 PAYMENT. A MOTOR CARRIER SHALL ENSURE THAT EACH BUS ADDED TO A  
 4 ROSTER UNDER THIS SUBSECTION COMPLIES WITH ALL REQUIREMENTS OF THIS  
 5 ACT.

6 ~~—— (3) All certificates granted by the department terminate on~~  
 7 ~~the last day of February of each year unless renewed on or before~~  
 8 ~~that date with payment of the fee prescribed by subsection (1). The~~  
 9 ~~certificate of any motor carrier of passengers who is delinquent in~~  
 10 ~~payment of fees required to be paid by this section is canceled and~~  
 11 ~~revoked on or after March 1 of the year for which renewal should~~  
 12 ~~have been made pursuant to the requirements of this section, and~~  
 13 ~~the motor carrier of passengers shall be prohibited from operating~~  
 14 ~~any of its vehicles upon or over the highways of this state. All~~  
 15 ~~privileges granted the motor carrier of passengers under the~~  
 16 ~~expiring certificate shall cease.~~

17 (4) THE AUTHORITY OF A MOTOR CARRIER THAT DOES NOT COMPLY WITH  
 18 THIS SECTION SHALL BE AUTOMATICALLY REVOKED ON MARCH 1, AND THE  
 19 MOTOR CARRIER MUST APPLY FOR AND BE ISSUED A NEW AUTHORITY BEFORE  
 20 RESUMING SERVICE.

21 Sec. 27. ~~(1) A motor carrier of passengers holding a~~  
 22 ~~certificate of AN authority for regular route service between~~  
 23 ~~points within this state may apply~~ **SHALL NOTIFY THE DEPARTMENT IN**  
 24 **WRITING NO LESS THAN 60 DAYS BEFORE IT PLANS** to discontinue all or  
 25 a portion of its service under ~~this certificate of ITS~~ authority.  
 26 ~~by filing written application with the department, payment of the~~  
 27 ~~fees described in section 25, and within~~ **WITHIN** 10 days after

1 ~~filing NOTIFYING the application publish DEPARTMENT, THE CARRIER~~  
2 ~~SHALL POST~~ notice of the application once a day for 2 different  
3 days in a newspaper of general circulation published in each county  
4 to which the service proposed to be discontinued extends. Within 20  
5 days after the last date of publication, any person opposing the  
6 application shall file written notice of protest with the  
7 department. If the application is not opposed, the motor carrier of  
8 passengers holding a certificate of authority may immediately  
9 discontinue the service. If the application is opposed, the  
10 department, within 20 days, may conduct a hearing on the  
11 application, with at least 10 days' notice to all interested  
12 parties. **DISCONTINUATION OF SERVICE ON ITS WEBSITE AND IN ALL**  
13 **TICKETING LOCATIONS.**

14 ~~—— (2) The department shall grant an application for authority to~~  
15 ~~discontinue if the applicant demonstrates that intrastate revenue~~  
16 ~~per mile derived from the route or routes proposed to be~~  
17 ~~discontinued is less than the fully allocated cost per mile~~  
18 ~~including depreciation. If the department's final determination on~~  
19 ~~the application is not issued within 90 days after the last date of~~  
20 ~~publication, the applicant may discontinue the service described in~~  
21 ~~the application.~~

22 ~~—— (3) A motor carrier of passengers holding a certificate of~~  
23 ~~authority for service within this state other than regular route~~  
24 ~~service may apply to discontinue all or a portion of its service~~  
25 ~~under this certificate of authority by filing written application~~  
26 ~~with the department and payment of the fees as described in section~~  
27 ~~25.~~

1           Sec. 29. ~~(1) A motor carrier of passengers authorized to~~  
2 provide ~~transportation~~ **REGULAR ROUTE** service under this act shall  
3 not abandon or discontinue a service established under this act  
4 without ~~the approval of~~ **NOTIFICATION TO** the department ~~, except, if~~  
5 ~~applicable, as provided in section 27(2).~~ **AS DESCRIBED IN SECTION**  
6 **27.** If a motor carrier ~~of passengers~~ discontinues service for more  
7 than 10 days without ~~the previous approval of~~ **NOTIFICATION TO** the  
8 department, ~~authorizing the discontinuance, the certificate of~~  
9 authority issued to that carrier shall be considered **AUTOMATICALLY**  
10 revoked without any further action ~~upon the part of~~ **BY** the  
11 department.

12 ~~—— (2) If the insurance coverage required under this act is~~  
13 ~~anceled for any reason, the certificate of authority issued to~~  
14 ~~that carrier shall be considered revoked without any further action~~  
15 ~~by the department.~~

16           Sec. 32. **(1) A POLICE OFFICER OR A PEACE OFFICER MAY SEIZE AND**  
17 **IMPOUND A VEHICLE THAT IS OPERATED BY A MOTOR CARRIER IN VIOLATION**  
18 **OF THIS ACT OR A RULE PROMULGATED BY THIS ACT OR IS IN SUCH A**  
19 **CONDITION THAT THE CONTINUED OPERATION OF THE VEHICLE UPON THE**  
20 **HIGHWAY WOULD CONSTITUTE AN IMMEDIATE HAZARD TO THE PUBLIC. UPON**  
21 **IMPOUNDMENT, THE VEHICLE IS SUBJECT TO A LIEN, SUBORDINATE TO A**  
22 **PRIOR LIEN OF RECORD, IN THE AMOUNT OF ANY FINE, COSTS, AND DAMAGES**  
23 **THAT THE DEFENDANT MAY BE ORDERED TO PAY UNDER THIS ACT. UPON**  
24 **IMPOUNDMENT, A NOTICE SHALL BE SENT TO THE OWNER AND**  
25 **ANY LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF STATE OF THE**  
26 **VEHICLE THAT THE VEHICLE IS AVAILABLE FOR PICKUP BY THE OWNER**  
27 **OR LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF STATE. THE**

1 NOTICE SHALL BE ACCOMPANIED BY AN INVOICE FOR ANY OUTSTANDING  
2 CHARGES IMPOSED UNDER THIS ACT. THE NOTICE SHALL INFORM THE OWNER  
3 AND ANY LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF STATE THAT  
4 THE OWNER AND LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF  
5 STATE HAVE 30 DAYS FROM THE DATE OF THE NOTICE AND UPON PAYMENT OF  
6 APPLICABLE CHARGES TO PICK UP THE IMPOUNDED VEHICLE. A NOTICE UNDER  
7 THIS SUBSECTION SHALL BE SENT BY THE AGENCY AUTHORIZING THE  
8 IMPOUNDMENT OF THE VEHICLE TO THE APPLICABLE ADDRESS ON RECORD WITH  
9 THE SECRETARY OF STATE BY CERTIFIED MAIL OR BY ANOTHER COMMERCIALY  
10 AVAILABLE DELIVERY SERVICE PROVIDING PROOF OF DELIVERY. THE  
11 DEFENDANT OR A PERSON WITH AN OWNERSHIP INTEREST IN THE VEHICLE MAY  
12 POST WITH THE COURT A CASH OR SURETY BOND IN THE AMOUNT OF \$750.00.  
13 IF A BOND IS POSTED, THE VEHICLE SHALL BE RELEASED FROM  
14 IMPOUNDMENT. THE VEHICLE SHALL ALSO BE RELEASED, AND THE LIEN SHALL  
15 BE DISCHARGED, UPON A JUDICIAL DETERMINATION THAT THE DEFENDANT IS  
16 NOT RESPONSIBLE FOR A VIOLATION OF THIS ACT OR UPON PAYMENT OF THE  
17 FINE, COSTS, AND DAMAGES. ADDITIONALLY, IF THE DEFENDANT IS  
18 DETERMINED TO BE NOT RESPONSIBLE FOR THE VIOLATION OF THIS ACT, THE  
19 COURT SHALL ASSESS AGAINST THE GOVERNMENTAL ENTITY BRINGING THE  
20 ACTION COSTS, PAYABLE TO THE DEFENDANT, FOR ANY DAMAGES THAT THE  
21 DEFENDANT HAS SUSTAINED DUE TO THE IMPOUNDMENT OF THE VEHICLE.

22 (2) IF THE COURT DETERMINES THAT THE DEFENDANT IS RESPONSIBLE  
23 FOR THE VIOLATION OF THIS ACT AND THE DEFENDANT DEFAULTS IN THE  
24 PAYMENT OF ANY FINE, COSTS, OR DAMAGES, OR ANY INSTALLMENT, AS  
25 ORDERED UNDER THIS SECTION, A BOND POSTED UNDER SUBSECTION (1)  
26 SHALL BE FORFEITED AND APPLIED TO THE FINE, COSTS, DAMAGES, OR  
27 INSTALLMENT. THE COURT SHALL CERTIFY ANY REMAINING UNPAID AMOUNT TO

1 THE ATTORNEY FOR THE GOVERNMENTAL ENTITY BRINGING THE ACTION. IF  
2 THE OWNER OR LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF STATE  
3 DOES NOT PICK UP THE VEHICLE WITHIN THE 30-DAY PERIOD DESCRIBED IN  
4 SUBSECTION (1), THE VEHICLE MAY BE SOLD BY FORECLOSURE SALE. THE  
5 FORECLOSURE SALE SHALL BE CONDUCTED IN THE MANNER PROVIDED AND  
6 SUBJECT TO THE SAME RIGHTS AS APPLY IN THE CASE OF EXECUTION SALES  
7 UNDER SECTIONS 6031, 6032, 6041, 6042, AND 6044 TO 6047 OF THE  
8 REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.6031,  
9 600.6032, 600.6041, 600.6042, AND 600.6044 TO 600.6047.

10 (3) NOT LESS THAN 21 DAYS BEFORE A FORECLOSURE SALE UNDER  
11 SUBSECTION (2), THE ATTORNEY FOR THE GOVERNMENTAL ENTITY BRINGING  
12 THE ACTION SHALL BY CERTIFIED MAIL SEND WRITTEN NOTICE OF THE TIME  
13 AND PLACE OF THE FORECLOSURE SALE TO THE OWNER AND ANY LIENHOLDER  
14 OF RECORD AS KEPT BY THE SECRETARY OF STATE. IN ADDITION, NOT LESS  
15 THAN 10 DAYS BEFORE THE FORECLOSURE SALE, THE ATTORNEY SHALL TWICE  
16 PUBLISH NOTICE OF THE TIME AND PLACE OF THE FORECLOSURE SALE IN A  
17 NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE VEHICLE  
18 WAS SEIZED. THE ATTORNEY FOR THE GOVERNMENTAL ENTITY BRINGING THE  
19 ACTION SHALL PROVIDE THE BUYER AND THE SECRETARY OF STATE WITH A  
20 COPY OF THE PROOF OF NOTICE UNDER THIS SUBSECTION TO THE OWNER AND  
21 LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF STATE, AND A BILL  
22 OF SALE. THE SECRETARY OF STATE SHALL USE THE DOCUMENTATION  
23 PROVIDED TO ISSUE THE APPROPRIATE CERTIFICATE OF TITLE. THE  
24 PROCEEDS OF THE FORECLOSURE SALE SHALL BE DISTRIBUTED IN THE  
25 FOLLOWING ORDER OF PRIORITY:

26 (A) TO DISCHARGE ANY LIEN ON THE VEHICLE THAT WAS RECORDED  
27 PRIOR TO THE CREATION OF THE LIEN UNDER SUBSECTION (1).

1           **(B) TO THE CLERK OF THE COURT FOR THE PAYMENT OF THE FINE,**  
2 **COSTS, AND DAMAGES, THAT THE DEFENDANT WAS ORDERED TO PAY.**

3           **(C) TO DISCHARGE ANY LIEN ON THE VEHICLE THAT WAS RECORDED**  
4 **AFTER THE CREATION OF THE LIEN UNDER SUBSECTION (1).**

5           **(D) TO THE OWNER OF THE VEHICLE.**

6           **(4)** The department may use any and all available legal and  
7 equitable remedies of a civil nature to enforce this act, an order  
8 issued, or a rule promulgated pursuant to this act. The department  
9 may employ ~~such~~ experts, assistants, inspectors, and other  
10 personnel as ~~may be~~ necessary subject to civil service rules, to  
11 enable it to administer and enforce this act. An employee of the  
12 department shall not ask **FOR** or receive any fee from a person for  
13 the taking of acknowledgments or any other service. State and local  
14 police officers shall enforce this act and the rules promulgated  
15 pursuant to this act. A **POLICE OFFICER OR A** peace officer may  
16 arrest, on sight or upon warrant, any person found violating or  
17 having violated a provision of this act or a rule promulgated  
18 pursuant to this act. The attorney general of ~~the~~ **THIS** state and  
19 the prosecuting attorneys of the counties of this state shall  
20 prosecute all violations of this act. ~~When~~ **A VIOLATION OF** this act  
21 ~~is violated, the offense~~ may be prosecuted in any jurisdiction in  
22 or through which a ~~motor~~ **THE** bus implicated was present at the time  
23 of the violation.

24           Sec. 33. ~~A~~ **NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A**  
25 person subject to this act who operates a passenger service without  
26 obtaining a ~~certificate of~~ **AN** authority required under this act or  
27 without meeting the insurance requirements provided in this act

1 shall be subject to a **CIVIL** fine of not more than \$500.00. Each  
2 violation constitutes a separate offense.

3       Sec. 34. A motor carrier, ~~of passengers,~~ or an officer or  
4 agent of a motor carrier, ~~of passengers, who~~ **THAT** requires or  
5 permits a driver or operator to drive or operate a ~~motor~~ bus in  
6 violation of this act, or a rule promulgated under this act, is  
7 ~~guilty of a misdemeanor, punishable by~~ **RESPONSIBLE FOR A STATE**  
8 **CIVIL INFRACTION AND MAY BE ORDERED TO PAY** a **CIVIL** fine of not more  
9 than \$500.00. ~~, or by imprisonment for not more than 90 days, or~~  
10 ~~both.~~

11       Sec. 35. The department may alter, suspend, or revoke a  
12 ~~certificate of~~ **AN** authority issued under this act if the department  
13 determines in a contested case hearing held ~~pursuant to~~ **UNDER**  
14 chapter 4 of the administrative procedures act of 1969, ~~Act No. 306~~  
15 ~~of the Public Acts of 1969, as amended, being sections~~ **1969 PA 306,**  
16 **MCL 24.271 to 24.287,** ~~of the Michigan Compiled Laws,~~ that a person  
17 **MOTOR CARRIER** to whom a certificate of **WHICH AN** authority has been  
18 issued has willfully violated or refused to comply with this act.  
19 **IF A MOTOR CARRIER IS FOUND OPERATING A BUS FOR THE TRANSPORTATION**  
20 **OF PERSONS AFTER ITS AUTHORITY HAS BEEN REVOKED UNDER THIS SECTION,**  
21 **THE DEPARTMENT MAY COMPEL COMPLIANCE WITH THIS ACT BY PROCEEDINGS**  
22 **IN MANDAMUS, INJUNCTION, OR OTHER APPROPRIATE CIVIL REMEDY. THE**  
23 **PROCEEDINGS DESCRIBED IN THIS SECTION MAY BE BROUGHT IN ANY COUNTY**  
24 **IN WHICH THE ALLEGED VIOLATOR MAY BE SUED OR IN INGHAM COUNTY**  
25 **CIRCUIT COURT.**

26       Sec. 39. The department may promulgate rules to implement this  
27 act ~~pursuant to~~ **UNDER** the administrative procedures act of 1969,



1 ~~Act No. 306 of the Public Acts of 1969, as amended, being sections~~  
2 ~~1969 PA 306, MCL 24.201 to 24.328. of the Michigan Compiled Laws.~~

3 Enacting section 1. Sections 6, 11, 13, 21, 25, 31, and 41 of  
4 the motor bus transportation act, 1982 PA 432, MCL 474.106,  
5 474.111, 474.113, 474.121, 474.125, 474.131, and 474.141, are  
6 repealed.

7 Enacting section 2. This amendatory act takes effect 90 days  
8 after the date it is enacted into law.

9 Enacting section 3. This amendatory act does not take effect  
10 unless all of the following bills of the 98th Legislature are  
11 enacted into law:

12 (a) House Bill No. 4637.

13 (b) House Bill No. 4639.

14 (c) House Bill No. 4640.

15 (d) House Bill No. 4641.