

**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

TITLE

2

An act to regulate persons who transport passengers by motor

3

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 ~~—— (e) "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 (2) A motor carrier ~~of passengers~~ THAT IS exempt under
17 subsection (1) shall operate under the requirements of this act
18 when operating outside of the ~~political subdivisions permitted by~~
19 ~~the authorizing statute or the contract required by the authorizing~~
20 ~~statute.~~ EXEMPTIONS DESCRIBED IN SUBSECTION (1).

21 Sec. 5. A motor carrier ~~of passengers~~ shall not operate a
22 ~~motor~~ bus for the transportation of persons for hire on a public
23 highway in this state except in accordance with this act. A motor
24 carrier ~~of passengers~~ shall not operate upon a public highway
25 without first having obtained from the department a ~~certificate of~~
26 AN authority. A MOTOR CARRIER SHALL REGISTER ITS ROSTER WITH THE
27 DEPARTMENT, AND ALL VEHICLES ON THE ROSTER SHALL COMPLY WITH THE

1 PROVISIONS OF THIS ACT.

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

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

23 (3) **THE DEPARTMENT SHALL NOT ISSUE OR RENEW AN AUTHORITY TO A**
24 **MOTOR CARRIER IF THE MOTOR CARRIER OWES OUTSTANDING FEES TO THE**
25 **DEPARTMENT.**

26 (4) **AN AUTHORITY COVERS A MOTOR CARRIER AND THE AUTHORIZED**
27 **VEHICLES LISTED ON THE ROSTER OF THE MOTOR CARRIER. A MOTOR CARRIER**

1 AND AT LEAST 1 VEHICLE ON ITS ROSTER SHALL REMAIN IN GOOD STANDING
2 DURING THE TIME PERIOD COVERED BY THE AUTHORITY OR THE AUTHORITY IS
3 AUTOMATICALLY REVOKED. TO REMAIN IN GOOD STANDING AS REQUIRED BY
4 THIS SUBSECTION, A MOTOR CARRIER SHALL DO ALL OF THE FOLLOWING:

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

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

8 (C) MAINTAIN INSURANCE FOR EACH AUTHORIZED VEHICLE ON THE
9 ROSTER.

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

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

18 Sec. 9. (1) In determining the ~~fitness, willingness, and~~
19 ~~ability~~ **ELIGIBILITY** of an applicant for a ~~certificate of AN~~
20 authority to provide transportation service, the department shall
21 consider all of the following: ~~before issuing the original~~
22 ~~certificate of authority:~~

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

25 (b) ~~The~~ **WHETHER THE** character and condition of each ~~meter~~ bus
26 ~~and whether~~ **ON THE APPLICANT'S ROSTER IS SUCH THAT** it may be
27 operated safely upon the public highways based on an inspection

1 conducted by the department under section 16. **IN ACCORDANCE WITH**
2 **THIS ACT.**

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

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

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

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

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

18 ~~— (b) Personal protection insurance and property protection~~
19 ~~insurance as required by chapter 31 of the insurance code of 1956,~~
20 ~~1956 PA 218, MCL 500.3101 to 500.3119. A motor common carrier of~~
21 ~~passengers shall maintain the insurance described in this~~
22 ~~subsection as a condition of maintaining a certificate of authority~~
23 ~~issued under this act.~~

24 ~~— (3) The insurance requirements of subsection (2) are waived if~~
25 ~~the applicant qualifies for and obtains a certificate of self-~~
26 ~~insurance from the commissioner of the office of financial and~~
27 ~~insurance regulation under section 3101d of the insurance code of~~

1 ~~1956, 1956 PA 218, MCL 500.3101d.~~

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

6 (2) THE DEPARTMENT SHALL NOT ISSUE AN AUTHORITY TO AN
7 APPLICANT THAT DOES NOT MEET THE ELIGIBILITY REQUIREMENTS DESCRIBED
8 IN SUBSECTION (1).

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

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

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

20 (C) PERSONAL PROTECTION INSURANCE AND PROPERTY PROTECTION
21 INSURANCE AS REQUIRED BY CHAPTER 31 OF THE INSURANCE CODE OF 1956,
22 1956 PA 218, MCL 500.3101 TO 500.3179.

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

1 (3) THE INSURANCE REQUIREMENTS OF SUBSECTION (1) ARE WAIVED IF
2 THE APPLICANT QUALIFIES FOR AND OBTAINS A CERTIFICATE OF SELF-
3 INSURANCE FROM THE COMMISSIONER OF THE OFFICE OF FINANCIAL AND
4 INSURANCE SERVICES UNDER SECTION 3101D OF THE INSURANCE CODE OF
5 1956, 1956 PA 218, MCL 500.3101D.

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

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

15 ~~Sec. 15. The department shall issue a certificate of authority~~
16 ~~as provided in this act to a motor common carrier of passengers who~~
17 ~~holds either a valid permit as a contract motor carrier of~~
18 ~~passengers or a valid certificate of authority as a common motor~~
19 ~~carrier of passengers under the motor carrier act, Act No. 254 of~~
20 ~~the Public Acts of 1933, as amended, being sections 475.1 to 479.49~~
21 ~~of the Michigan Compiled Laws, on the day immediately before the~~
22 ~~effective date of this act, without making the determination~~
23 ~~required by section 9(1) if the department determines that the~~
24 ~~carrier has met the insurance requirements of section 9(2).~~ EACH BUS
25 ON A MOTOR CARRIER'S ROSTER SHALL DISPLAY THE MOTOR CARRIER'S LEGAL
26 NAME OR ASSUMED NAME AS LISTED ON ITS APPLICATION FOR AUTHORITY OR
27 OFFICIAL REQUEST FOR NAME CHANGE AS SUBMITTED TO THE DEPARTMENT AND

1 PRIMARY TELEPHONE NUMBER ON BOTH SIDES OF THE BUS IN A COLOR THAT
2 IS IN SHARP CONTRAST TO THE BACKGROUND COLOR AND IN A SIZE THAT IS
3 VISIBLE FROM A DISTANCE OF AT LEAST 50 FEET. THE DISPLAY REQUIRED
4 UNDER THIS SECTION SHALL MEET THE VEHICLE IDENTIFICATION
5 REQUIREMENTS OF 49 CFR PARTS 390 TO 399.

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

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

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

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

22 (B) **THE INSPECTOR OF THE BUS INDICATES ON AN INSPECTION REPORT**
23 **PREPARED BY THE DEPARTMENT THAT THE BUS HAS PASSED THE INSPECTION**
24 **BEFORE THE EXPIRATION OF THE PREVIOUS INSPECTION.**

25 (C) **IF THE INSPECTION IS OF A SEASONAL BUS, THE INSPECTION**
26 **OCCURRED NO EARLIER THAN 30 DAYS BEFORE THE BEGINNING OF THE**
27 **APPROVED SEASONAL PERIOD FOR THAT BUS.**

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

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

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

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

19 (C) A MOTOR CARRIER THAT IS ASSESSED A REINSPECTION FEE UNDER
20 SUBDIVISION (B) SHALL PAY THE REINSPECTION FEE BEFORE THE
21 DEPARTMENT CONDUCTS THE REINSPECTION ON THE VEHICLE FOR WHICH THE
22 REINSPECTION FEE WAS ASSESSED.

23 (5) ~~(4)~~ Instead of an inspection by the department under
24 subsection ~~(1)~~, ~~an applicant for a certificate of authority or a~~
25 ~~renewal of a certificate of authority~~ (2), A MOTOR CARRIER may, NO
26 LATER THAN THE END OF THE MONTH IN WHICH THE INSPECTION EXPIRES,
27 provide evidence of a current year ~~motor bus~~ inspection by a state,

1 district, ~~or~~ province, OR LOCAL MUNICIPALITY that has standards
2 comparable to the federal motor carrier safety periodic inspection
3 standards AND THAT HAS BEEN APPROVED BY THE DEPARTMENT. The
4 department ~~shall~~ MAY issue a list of the states, districts, ~~or~~
5 provinces, AND LOCAL MUNICIPALITIES that have standards comparable
6 to the federal standards promulgated under 49 C.F.R.—CFR part 396.

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

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

18 (8) UPON SATISFACTORY COMPLETION OF A VALID INSPECTION OF A
19 BUS AS REQUIRED BY THIS ACT AND PAYMENT OF ALL REQUIRED FEES BY THE
20 MOTOR CARRIER, THE DEPARTMENT SHALL ISSUE A DECAL INDICATING THE
21 EXPIRATION DATE OF THE INSPECTION FOR THAT BUS. A DECAL ISSUED
22 UNDER THIS SUBSECTION IS PROPERTY OF THIS STATE. A MOTOR CARRIER
23 SHALL NOT USE A BUS DISPLAYING AN EXPIRED DECAL TO PROVIDE FOR-HIRE
24 PASSENGER SERVICE.

25 (9) A MOTOR CARRIER SHALL NOT OPERATE A BUS OVER THE PUBLIC
26 HIGHWAYS OF THIS STATE IF THAT BUS DOES NOT HAVE A PROPERLY
27 DISPLAYED CURRENT DECAL ISSUED BY THE DEPARTMENT UNDER SUBSECTION

1 (8).

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

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

18 (12) UNTIL THE DEPARTMENT CONDUCTS AN INSPECTION AS PROVIDED
19 IN THIS ACT, OR JANUARY 1, 2018, WHICHEVER IS LATER, AN INSPECTION
20 THAT WAS CONDUCTED AND PASSED IN ACCORDANCE WITH THIS ACT OR THE
21 LIMOUSINE TRANSPORTATION ACT, 1990 PA 271, MCL 257.1901 TO
22 257.1939, BEFORE JANUARY 1, 2017 SHALL BE CONSIDERED A VALID
23 INSPECTION.

24 Sec. 17. (1) AN APPLICANT FOR AN ORIGINAL ANNUAL AUTHORITY
25 SHALL PAY TO THE DEPARTMENT A FILING FEE OF \$300.00 AND A FEE OF
26 \$100.00 TIMES THE NUMBER OF BUSES TO BE USED BY THE APPLICANT TO
27 PROVIDE TRANSPORTATION FOR HIRE UNDER THIS ACT. THE APPLICANT SHALL

1 SUBMIT ITS ROSTER TO THE DEPARTMENT AT THE TIME OF PAYMENT.

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

16 (3) ~~(2) A~~ motor carrier ~~of passengers who~~ THAT holds a
17 ~~certificate of~~ AN authority issued under this act ~~to provide~~
18 ~~transportation for hire~~ THAT WISHES TO HAVE ADDITIONAL BUSES
19 AUTHORIZED UNDER ITS AUTHORITY BETWEEN ANNUAL RENEWAL PERIODS shall
20 pay to the department a fee of ~~\$25.00 per motor bus for each~~
21 ~~additional motor bus acquired during the year for the purpose of~~
22 ~~the current year inspection required by section 16.~~ \$100.00 TIMES
23 THE NUMBER OF BUSES BEING ADDED TO ITS ROSTER. THE MOTOR CARRIER
24 SHALL SUBMIT ITS UPDATED ROSTER TO THE DEPARTMENT AT THE TIME OF
25 PAYMENT. A MOTOR CARRIER SHALL ENSURE THAT EACH BUS ADDED TO A
26 ROSTER UNDER THIS SUBSECTION COMPLIES WITH ALL REQUIREMENTS OF THIS
27 ACT.

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

12 **(4) THE AUTHORITY OF A MOTOR CARRIER THAT DOES NOT COMPLY WITH**
13 **THIS SECTION SHALL BE AUTOMATICALLY REVOKED ON MARCH 1, AND THE**
14 **MOTOR CARRIER MUST APPLY FOR AND BE ISSUED A NEW AUTHORITY BEFORE**
15 **RESUMING SERVICE.**

16 Sec. 27. ~~(1) A motor carrier of passengers holding a~~
17 ~~certificate of AN authority for regular route service between~~
18 ~~points within this state may apply~~ **SHALL NOTIFY THE DEPARTMENT IN**
19 **WRITING NO LESS THAN 60 DAYS BEFORE IT PLANS** to discontinue all or
20 a portion of its service under ~~this certificate of ITS authority.~~
21 ~~by filing written application with the department, payment of the~~
22 ~~fees described in section 25, and within~~ **WITHIN** 10 days after
23 ~~filing~~ **NOTIFYING** the application ~~publish~~ **DEPARTMENT, THE CARRIER**
24 **SHALL POST** notice of the application ~~once a day for 2 different~~
25 ~~days in a newspaper of general circulation published in each county~~
26 ~~to which the service proposed to be discontinued extends. Within 20~~
27 ~~days after the last date of publication, any person opposing the~~

1 ~~application shall file written notice of protest with the~~
 2 ~~department. If the application is not opposed, the motor carrier of~~
 3 ~~passengers holding a certificate of authority may immediately~~
 4 ~~discontinue the service. If the application is opposed, the~~
 5 ~~department, within 20 days, may conduct a hearing on the~~
 6 ~~application, with at least 10 days' notice to all interested~~
 7 ~~parties.~~ **DISCONTINUATION OF SERVICE ON ITS WEBSITE AND IN ALL**

8 **TICKETING LOCATIONS.**

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

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

23 ~~Sec. 29. (1) A motor carrier of passengers authorized to~~
 24 ~~provide transportation~~ **REGULAR ROUTE** ~~service under this act shall~~
 25 ~~not abandon or discontinue a service established under this act~~
 26 ~~without the approval of~~ **NOTIFICATION TO** ~~the department, except, if~~
 27 ~~applicable, as provided in section 27(2).~~ **AS DESCRIBED IN SECTION**

1 27. If a motor carrier ~~of passengers~~ discontinues service for more
2 than 10 days without ~~the previous approval of~~ **NOTIFICATION TO** the
3 department, ~~authorizing the discontinuance,~~ the certificate of
4 authority issued to that carrier shall be ~~considered~~ **AUTOMATICALLY**
5 revoked without any further action ~~upon the part of~~ **BY** the
6 department.

7 ~~—— (2) If the insurance coverage required under this act is~~
8 ~~canceled for any reason, the certificate of authority issued to~~
9 ~~that carrier shall be considered revoked without any further action~~
10 ~~by the department.~~

11 Sec. 32. (1) **A POLICE OFFICER OR A PEACE OFFICER MAY SEIZE AND**
12 **IMPOUND A VEHICLE THAT IS OPERATED BY A MOTOR CARRIER IN VIOLATION**
13 **OF THIS ACT OR A RULE PROMULGATED BY THIS ACT OR IS IN SUCH A**
14 **CONDITION THAT THE CONTINUED OPERATION OF THE VEHICLE UPON THE**
15 **HIGHWAY WOULD CONSTITUTE AN IMMEDIATE HAZARD TO THE PUBLIC. UPON**
16 **IMPOUNDMENT, THE VEHICLE IS SUBJECT TO A LIEN, SUBORDINATE TO A**
17 **PRIOR LIEN OF RECORD, IN THE AMOUNT OF ANY FINE, COSTS, AND DAMAGES**
18 **THAT THE DEFENDANT MAY BE ORDERED TO PAY UNDER THIS ACT. UPON**
19 **IMPOUNDMENT, A NOTICE SHALL BE SENT TO THE OWNER AND**
20 **ANY LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF STATE OF THE**
21 **VEHICLE THAT THE VEHICLE IS AVAILABLE FOR PICKUP BY THE OWNER**
22 **OR LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF STATE. THE**
23 **NOTICE SHALL BE ACCOMPANIED BY AN INVOICE FOR ANY OUTSTANDING**
24 **CHARGES IMPOSED UNDER THIS ACT. THE NOTICE SHALL INFORM THE OWNER**
25 **AND ANY LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF STATE THAT**
26 **THE OWNER AND LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF**
27 **STATE HAVE 30 DAYS FROM THE DATE OF THE NOTICE AND UPON PAYMENT OF**

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

17 (2) IF THE COURT DETERMINES THAT THE DEFENDANT IS RESPONSIBLE
18 FOR THE VIOLATION OF THIS ACT AND THE DEFENDANT DEFAULTS IN THE
19 PAYMENT OF ANY FINE, COSTS, OR DAMAGES, OR ANY INSTALLMENT, AS
20 ORDERED UNDER THIS SECTION, A BOND POSTED UNDER SUBSECTION (1)
21 SHALL BE FORFEITED AND APPLIED TO THE FINE, COSTS, DAMAGES, OR
22 INSTALLMENT. THE COURT SHALL CERTIFY ANY REMAINING UNPAID AMOUNT TO
23 THE ATTORNEY FOR THE GOVERNMENTAL ENTITY BRINGING THE ACTION. IF
24 THE OWNER OR LIENHOLDER OF RECORD AS KEPT BY THE SECRETARY OF STATE
25 DOES NOT PICK UP THE VEHICLE WITHIN THE 30-DAY PERIOD DESCRIBED IN
26 SUBSECTION (1), THE VEHICLE MAY BE SOLD BY FORECLOSURE SALE. THE
27 FORECLOSURE SALE SHALL BE CONDUCTED IN THE MANNER PROVIDED AND

1 SUBJECT TO THE SAME RIGHTS AS APPLY IN THE CASE OF EXECUTION SALES
2 UNDER SECTIONS 6031, 6032, 6041, 6042, AND 6044 TO 6047 OF THE
3 REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.6031,
4 600.6032, 600.6041, 600.6042, AND 600.6044 TO 600.6047.

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

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

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

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

27 (D) TO THE OWNER OF THE VEHICLE.

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

19 Sec. 33. ~~A~~ **NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A**
20 person subject to this act who operates a passenger service without
21 obtaining a ~~certificate of~~ **AN** authority required under this act or
22 without meeting the insurance requirements provided in this act
23 shall be subject to a **CIVIL** fine of not more than \$500.00. Each
24 violation constitutes a separate offense.

25 Sec. 34. A motor carrier, ~~of passengers,~~ or an officer or
26 agent of a motor carrier, ~~of passengers, who~~ **THAT** requires or
27 permits a driver or operator to drive or operate a ~~motor~~ bus in

1 violation of this act, or a rule promulgated under this act, is
2 ~~guilty of a misdemeanor, punishable by~~ **RESPONSIBLE FOR A STATE**
3 **CIVIL INFRACTION AND MAY BE ORDERED TO PAY** a **CIVIL** fine of not more
4 than \$500.00. ~~, or by imprisonment for not more than 90 days, or~~
5 ~~both.~~

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

21 Sec. 39. The department may promulgate rules to implement this
22 act ~~pursuant to~~ **UNDER** the administrative procedures act of 1969,
23 ~~Act No. 306 of the Public Acts of 1969, as amended, being sections~~
24 **1969 PA 306, MCL 24.201 to 24.328.** ~~of the Michigan Compiled Laws.~~

25 Enacting section 1. Sections 6, 11, 13, 21, 25, 31, and 41 of
26 the motor bus transportation act, 1982 PA 432, MCL 474.106,
27 474.111, 474.113, 474.121, 474.125, 474.131, and 474.141, are

1 repealed.

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

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

7 (a) House Bill No. 4637.

8 (b) House Bill No. 4638.

9 (c) House Bill No. 4639.

10 (d) House Bill No. 4640.

11 (e) House Bill No. 4641.