

SENATE BILL No. 392

June 11, 2015, Introduced by Senator JONES and referred to the Committee on Transportation.

A bill to amend 1982 PA 432, entitled "Motor bus transportation act," by amending the title and sections 1, 3, 4, 5, 7, 9, 15, 16, 17, 23, 27, 29, 32, 33, 34, 35, and 39 (MCL 474.101, 474.103, 474.104, 474.105, 474.107, 474.109, 474.115, 474.116, 474.117, 474.123, 474.127, 474.129, 474.132, 474.133, 474.134, 474.135, and 474.139), sections 3, 4, 5, 7, 17, 23, 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 sections 10 and 38; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to regulate persons who transport passengers by ~~motor~~ LIMOUSINE OR bus; to prescribe powers and duties for the state transportation department; to impose certain fees; and to impose

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1 penalties; AND TO REPEAL ACTS AND PARTS OF ACTS.

2 Sec. 1. This act shall be known and may be cited as the ~~"motor~~
3 ~~bus transportation act"~~. "COMMERCIAL PASSENGER TRANSPORTATION ACT".

4 Sec. 3. As used in this act:

5 (A) "APPLICANT" MEANS A PERSON WHO APPLIES FOR A CERTIFICATE
6 UNDER THIS ACT.

7 (B) "AUTHORIZED SEASONAL VEHICLE" MEANS AN AUTHORIZED VEHICLE
8 THAT SATISFIES BOTH OF THE FOLLOWING:

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

12 (ii) THE VEHICLE SATISFIES THE INSPECTION AND INSURANCE
13 REQUIREMENTS OF THIS ACT DURING THE PERIOD THE VEHICLE HAS BEEN
14 APPROVED FOR USE.

15 (C) "AUTHORIZED VEHICLE" MEANS A VEHICLE OPERATED BY A MOTOR
16 CARRIER THAT COMPLIES WITH ALL REQUIREMENTS OF THIS ACT.

17 (D) "BUS" MEANS A MOTOR VEHICLE WITH A SEATING CAPACITY OF 16
18 OR MORE PASSENGERS, INCLUDING THE DRIVER, THAT IS USED IN THE
19 TRANSPORTATION OF PASSENGERS AND THEIR BAGGAGE FOR HIRE UPON ANY
20 PUBLIC HIGHWAY OF THIS STATE. EXCEPT AS OTHERWISE PROVIDED IN
21 SECTION 4(1)(J), BUS INCLUDES A SCHOOL BUS.

22 (E) ~~(a) "Certificate" of authority~~ means a certificate of
23 ~~authority issued under the terms of this act. unless the context~~
24 ~~indicates otherwise.~~ CERTIFICATE INCLUDES AN ORIGINAL ANNUAL
25 CERTIFICATE, A REINSTATEMENT CERTIFICATE, AND A RENEWAL
26 CERTIFICATE.

27 (F) "CERTIFIED MECHANIC" MEANS A PERSON CERTIFIED BY THE

1 **SECRETARY OF STATE UNDER THE MOTOR VEHICLE SERVICE AND REPAIR ACT.**

2 (G) ~~(b)~~ "Department" means the state transportation
3 department.

4 (H) ~~(e)~~ "For hire" means for remuneration or reward of any
5 kind, paid or promised, either directly or indirectly.

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

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

18 (I) "LIMOUSINE" MEANS A MOTOR VEHICLE WITH A SEATING CAPACITY
19 OF 9 TO 15 PASSENGERS, INCLUDING THE DRIVER, THAT IS USED IN THE
20 TRANSPORTATION OF PASSENGERS FOR HIRE.

21 (J) ~~(f) "Motor carrier of passengers" "MOTOR CARRIER" means a
22 person who, either directly or through any device or arrangement,
23 holds himself or herself out to the public as willing to undertake
24 for hire to transport PASSENGERS FOR HIRE by motor LIMOUSINE OR bus
25 from place to place over the public highways of this state. persons
26 who may choose to employ him or her for that purpose or for the
27 purpose of transporting package express, baggage of passengers,~~

1 newspapers, or United States mail in the same vehicle used to
2 transport passengers.

3 (K) "MOTOR VEHICLE REPAIR FACILITY" MEANS A VEHICLE REPAIR
4 FACILITY THAT IS REGISTERED WITH THE SECRETARY OF STATE UNDER THE
5 MOTOR VEHICLE SERVICE AND REPAIR ACT, EMPLOYS CERTIFIED MECHANICS,
6 AND HAS NOT BEEN EXCLUDED FROM PROVIDING INSPECTIONS UNDER THIS
7 ACT.

8 (L) "MOTOR VEHICLE SERVICE AND REPAIR ACT" MEANS THE MOTOR
9 VEHICLE SERVICE AND REPAIR ACT, 1974 PA 300, MCL 257.1301 TO
10 257.1340.

11 (M) "ORIGINAL ANNUAL CERTIFICATE" MEANS THE FIRST CERTIFICATE
12 APPLIED FOR AND RECEIVED BY A MOTOR CARRIER UNDER THIS ACT.

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

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

22 (P) "REINSTATEMENT CERTIFICATE" MEANS A CERTIFICATE ISSUED TO
23 A MOTOR CARRIER WHOSE ORIGINAL ANNUAL CERTIFICATE OR ORIGINAL
24 SEASONAL CERTIFICATE WAS PREVIOUSLY REVOKED UNDER THIS ACT.

25 (Q) "RENEWAL CERTIFICATE" MEANS A CERTIFICATE FOR THE
26 CONTINUATION OF A PRIOR ORIGINAL ANNUAL CERTIFICATE OR AN ORIGINAL
27 SEASONAL CERTIFICATE THAT REMAINED IN GOOD STANDING, OR THE

1 CONTINUATION OF A REINSTATEMENT CERTIFICATE.

2 (R) "ROSTER" MEANS A LIST OF LIMOUSINES OR BUSES TO BE
 3 OPERATED FOR HIRE BY A MOTOR CARRIER THAT IS CERTIFIED OR SEEKING
 4 CERTIFICATION UNDER THIS ACT AND THAT INDICATES ALL OF THE
 5 FOLLOWING INFORMATION:

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

8 (ii) THE BEGINNING AND ENDING DATES OF SERVICE FOR EACH
 9 SEASONAL VEHICLE.

10 (S) "SAFETY INSPECTOR" MEANS AN INDIVIDUAL DESIGNATED BY THE
 11 DEPARTMENT TO CONDUCT SAFETY INSPECTIONS UNDER THIS ACT.

12 (T) "SERVICE" MEANS THE MOVEMENT OF PASSENGERS BY LIMOUSINE OR
 13 BUS.

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

17 (V) ~~(j)~~—"Through any device or arrangement" means any and all
 18 methods, means, agreements, circumstances, operations, or
 19 subterfuges under which a person undertakes for hire to conduct,
 20 direct, control, or otherwise perform the transportation of
 21 passengers by ~~motor~~ **LIMOUSINE OR** bus service upon the public
 22 highways of this state.

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

25 (a) A county, city, township, or village as provided by law,
 26 or other authority incorporated under ~~Act No. 55 of the Public Acts~~
 27 ~~of 1963, as amended, being sections 124.351 to 124.359 of the~~

1 ~~Michigan Compiled Laws. Each authority and governmental agency~~
2 ~~incorporated under Act No. 55 of the Public Acts of 1963 shall have~~
3 ~~the exclusive jurisdiction to determine its own contemplated~~
4 ~~routes, hours of service, estimated transit vehicle miles, costs of~~
5 ~~public transportation services, and projected capital improvements~~
6 ~~or projects within its service area.~~ **1963 PA 55, MCL 124.351 TO**
7 **124.359.**

8 (b) An authority incorporated under the metropolitan
9 transportation authorities act of 1967, ~~Act No. 204 of the Public~~
10 ~~Acts of 1967, as amended, being sections 124.401 to 124.426 of the~~
11 ~~Michigan Compiled Laws, 1967 PA 204, MCL 124.401 TO 124.426, or~~
12 that operates a transportation service pursuant to an interlocal
13 agreement under the urban cooperation act of 1967, ~~Act No. 7 of the~~
14 ~~Public Acts of the Extra Session of 1967, as amended, being~~
15 ~~sections 124.501 to 124.512 of the Michigan Compiled Laws.~~ **1967 (EX**
16 **SESS) PA 7, MCL 124.501 TO 124.512.**

17 (c) Operating under a contract entered into ~~pursuant to Act~~
18 ~~No. 8 of the Public Acts of the Extra Session of 1967, being~~
19 ~~sections 124.531 to 124.536 of the Michigan Compiled Laws, UNDER~~
20 **1967 (EX SESS) PA 8, MCL 124.531 TO 124.536, or Act No. 35 of the**
21 ~~Public Acts of 1951, being sections 124.1 to 124.13 of the Michigan~~
22 ~~Compiled Laws.~~ **1951 PA 35, MCL 124.1 TO 124.13.**

23 (d) An authority incorporated under the public transportation
24 authority act, ~~Act No. 196 of the Public Acts of 1986, being~~
25 ~~sections 124.451 to 124.479 of the Michigan Compiled Laws, or a~~
26 **1986 PA 196, MCL 124.451 TO 124.479.**

27 **(E) A REGIONAL TRANSIT AUTHORITY CREATED UNDER THE REGIONAL**

1 TRANSIT AUTHORITY ACT, 2012 PA 387, MCL 124.541 TO 124.558.

2 (F) A nonprofit corporation organized under the nonprofit
3 corporation act, ~~Act No. 162 of the Public Acts of 1982, being~~
4 ~~sections 450.2101 to 450.3192 of the Michigan Compiled Laws, 1982~~
5 PA 162, MCL 450.2101 TO 450.3192, AND AS DEFINED BY SECTIONS
6 501(C) (3), (4), (19), OR (23) OF THE INTERNAL REVENUE CODE OF 1986,
7 that provides 1 OR BOTH OF THE FOLLOWING transportation services: -

8 (i) SERVICES THAT ARE RESTRICTED ONLY TO REGISTERED MEMBERS OF
9 THE NONPROFIT CORPORATION.

10 (ii) SERVICES THAT ARE FUNDED UNDER 1951 PA 51, MCL 247.651 TO
11 247.675, THROUGH PROGRAMS ADMINISTERED BY THE DEPARTMENT.

12 (G) ~~(e)~~An authority financing public improvements to
13 transportation systems under the revenue bond act of 1933, ~~Act No.~~
14 ~~94 of the Public Acts of 1933, being sections 141.101 to 141.140 of~~
15 ~~the Michigan Compiled Laws. 1933 PA 94, MCL 141.101 TO 141.140.~~

16 (H) A MOTOR CARRIER THAT OPERATES LIMOUSINES ONLY FOR THE
17 PURPOSE OF TRANSPORTING PASSENGERS TO AND FROM FUNERALS.

18 (I) A MOTOR CARRIER THAT OPERATES A MOTOR VEHICLE WITH A
19 SEATING CAPACITY OF 15 PASSENGERS OR LESS, INCLUDING THE DRIVER,
20 THAT IS OWNED OR LEASED BY OR ON BEHALF OF AN EMPLOYER TO TRANSPORT
21 ITS EMPLOYEES TO AND FROM THEIR PLACE OF EMPLOYMENT.

22 (J) A PUBLIC OR PRIVATE SCHOOL OR A UNIT OF GOVERNMENT THAT
23 OWNS OR OPERATES A SCHOOL BUS, OR A PRIVATELY OWNED SCHOOL BUS THAT
24 IS UNDER CONTRACT WITH A SCHOOL DISTRICT, AN INDEPENDENT SCHOOL
25 DISTRICT, OR A PRIVATE OR CHARTER SCHOOL, WHEN THAT BUS IS USED
26 SOLELY FOR THE TRANSPORTATION OF PUPILS TO OR FROM SCHOOL, SCHOOL-
27 RELATED EVENTS, OR OTHER USES AS PROVIDED UNDER THE PUPIL

1 **TRANSPORTATION ACT, 1990 PA 187, MCL 257.1801 TO 257.1877.**

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

7 Sec. 5. A motor carrier ~~of passengers~~ shall not operate a
8 ~~motor~~ **LIMOUSINE OR** bus for the transportation of persons for hire
9 on a public highway in this state except in accordance with this
10 act. A motor carrier ~~of passengers~~ shall not operate upon a public
11 highway without first having obtained from the department a
12 certificate. ~~of authority.~~ **A MOTOR CARRIER SHALL REGISTER ITS ROSTER**
13 **WITH THE DEPARTMENT, AND ALL VEHICLES ON THE ROSTER SHALL COMPLY**
14 **WITH THE PROVISIONS OF THIS ACT.**

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

1 (2) AN APPLICATION FOR A CERTIFICATE IS NOT COMPLETE UNLESS
2 THE APPLICANT HAS COMPLIED WITH ALL APPLICABLE PROVISIONS OF THIS
3 ACT AND WITH THE APPLICATION REQUIREMENTS OF THE DEPARTMENT. IF AN
4 APPLICANT FAILS TO COMPLY WITH THE APPLICATION REQUIREMENTS OF THE
5 DEPARTMENT AND FAILS TO CORRECT ITS NONCOMPLIANCE WITHIN 60 DAYS
6 AFTER THE INITIAL APPLICATION DATE, THE APPLICATION SHALL BE
7 CANCELED AND ANY APPLICATION FEES PAID BY THE APPLICANT ARE
8 FORFEITED.

9 (3) THE DEPARTMENT SHALL NOT ISSUE OR RENEW A CERTIFICATE TO A
10 MOTOR CARRIER IF THE MOTOR CARRIER OWES OUTSTANDING FEES TO THE
11 DEPARTMENT.

12 (4) A CERTIFICATE COVERS A MOTOR CARRIER AND THE AUTHORIZED
13 VEHICLES LISTED ON THE ROSTER OF THE MOTOR CARRIER. A MOTOR CARRIER
14 AND AT LEAST 1 VEHICLE ON ITS ROSTER SHALL REMAIN IN GOOD STANDING
15 DURING THE TIME PERIOD COVERED BY THE CERTIFICATE OR THE
16 CERTIFICATE IS AUTOMATICALLY REVOKED. TO REMAIN IN GOOD STANDING AS
17 REQUIRED BY THIS SUBSECTION, A MOTOR CARRIER SHALL DO ALL OF THE
18 FOLLOWING:

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

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

22 (C) MAINTAIN INSURANCE FOR EACH AUTHORIZED VEHICLE ON THE
23 ROSTER.

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

26 (5) IF THE DEPARTMENT DENIES AN APPLICATION FOR A CERTIFICATE,
27 THE DEPARTMENT SHALL NOTIFY THE APPLICANT OF THE DENIAL IN WRITING

1 AND THE REASONS FOR THE DENIAL. AN APPLICANT WHOSE APPLICATION IS
 2 DENIED MAY, WITHIN 30 DAYS AFTER THE DATE OF THE DENIAL, CORRECT
 3 ANY DEFICIENCY IN THE APPLICATION AND REAPPLY FOR A CERTIFICATE
 4 WITHOUT PAYMENT OF AN ADDITIONAL APPLICATION FEE.

5 Sec. 9. (1) In determining the ~~fitness, willingness, and~~
 6 ~~ability~~ **ELIGIBILITY** of an applicant for a certificate of authority
 7 to provide transportation service, the department shall consider
 8 all of the following: ~~before issuing the original certificate of~~
 9 ~~authority.~~

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

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

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

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

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

26 ~~—— (2) An applicant shall acquire the following liability~~
 27 ~~insurance coverage for acts or omissions of the applicant as a~~

1 ~~motor carrier of passengers:~~

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

5 ~~—— (b) Personal protection insurance and property protection~~
6 ~~insurance as required by chapter 31 of the insurance code of 1956,~~
7 ~~1956 PA 218, MCL 500.3101 to 500.3119. A motor common carrier of~~
8 ~~passengers shall maintain the insurance described in this~~
9 ~~subsection as a condition of maintaining a certificate of authority~~
10 ~~issued under this act.~~

11 ~~—— (3) The insurance requirements of subsection (2) are waived if~~
12 ~~the applicant qualifies for and obtains a certificate of self-~~
13 ~~insurance from the commissioner of the office of financial and~~
14 ~~insurance regulation under section 3101d of the insurance code of~~
15 ~~1956, 1956 PA 218, MCL 500.3101d.~~

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

20 **(2) THE DEPARTMENT SHALL NOT ISSUE A CERTIFICATE TO AN**
21 **APPLICANT THAT DOES NOT MEET THE ELIGIBILITY REQUIREMENTS DESCRIBED**
22 **IN SUBSECTION (1).**

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

26 **(A) FOR LIMOUSINES, BODILY INJURY AND PROPERTY DAMAGE**
27 **LIABILITY INSURANCE WITH A MINIMUM COMBINED SINGLE LIMIT OF**

1 \$1,500,000.00 FOR ALL PERSONS INJURED OR FOR PROPERTY DAMAGE.

2 (B) FOR BUSES, BODILY INJURY AND PROPERTY DAMAGE LIABILITY
3 INSURANCE WITH A MINIMUM COMBINED SINGLE LIMIT OF \$5,000,000.00 FOR
4 ALL PERSONS INJURED OR FOR PROPERTY DAMAGE.

5 (C) PERSONAL PROTECTION INSURANCE AND PROPERTY PROTECTION
6 INSURANCE AS REQUIRED BY CHAPTER 31 OF THE INSURANCE CODE OF 1956,
7 1956 PA 218, MCL 500.3101 TO 500.3179.

8 (2) A MOTOR CARRIER SHALL MAINTAIN THE INSURANCE COVERAGE
9 DESCRIBED IN SUBSECTION (1) AS A CONDITION OF MAINTAINING A
10 CERTIFICATE ISSUED UNDER THIS ACT. FOR EACH AUTHORIZED SEASONAL
11 VEHICLE, A MOTOR CARRIER SHALL MAINTAIN THE INSURANCE COVERAGE
12 DESCRIBED IN SUBSECTION (1) DURING THE APPROVED SEASONAL PERIOD.

13 (3) THE INSURANCE REQUIREMENTS OF SUBSECTION (1) ARE WAIVED IF
14 THE APPLICANT QUALIFIES FOR AND OBTAINS A CERTIFICATE OF SELF-
15 INSURANCE FROM THE COMMISSIONER OF THE OFFICE OF FINANCIAL AND
16 INSURANCE SERVICES UNDER SECTION 3101D OF THE INSURANCE CODE OF
17 1956, 1956 PA 218, MCL 500.3101D.

18 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, IF A MOTOR
19 CARRIER CANCELS THE INSURANCE COVERAGE REQUIRED UNDER THIS SECTION
20 FOR ANY REASON OR IF THE COVERAGE LEVEL FALLS BELOW THE LEVELS
21 PROVIDED IN SUBSECTION (1), THE CERTIFICATE ISSUED TO THAT MOTOR
22 CARRIER IS AUTOMATICALLY REVOKED.

23 (5) A MOTOR CARRIER SHALL LIST THE DEPARTMENT AS AN ADDITIONAL
24 INSURED PARTY ON ALL INSURANCE POLICIES REQUIRED UNDER THIS ACT TO
25 ENSURE THAT THE DEPARTMENT IS NOTIFIED OF ALL ACTIVITIES RELATED TO
26 THE POLICY, INCLUDING CANCELLATION AND REPLACEMENT.

27 ~~Sec. 15. The department shall issue a certificate of authority~~

1 ~~as provided in this act to a motor common carrier of passengers who~~
2 ~~holds either a valid permit as a contract motor carrier of~~
3 ~~passengers or a valid certificate of authority as a common motor~~
4 ~~carrier of passengers under the motor carrier act, Act No. 254 of~~
5 ~~the Public Acts of 1933, as amended, being sections 475.1 to 479.49~~
6 ~~of the Michigan Compiled Laws, on the day immediately before the~~
7 ~~effective date of this act, without making the determination~~
8 ~~required by section 9(1) if the department determines that the~~
9 ~~carrier has met the insurance requirements of section 9(2).~~ EACH
10 LIMOUSINE AND BUS ON A MOTOR CARRIER'S ROSTER SHALL DISPLAY THE
11 MOTOR CARRIER'S LEGAL NAME OR ASSUMED NAME AS LISTED ON ITS
12 APPLICATION FOR AUTHORITY OR OFFICIAL REQUEST FOR NAME CHANGE AS
13 SUBMITTED TO THE DEPARTMENT AND PRIMARY TELEPHONE NUMBER ON BOTH
14 SIDES OF THE LIMOUSINE OR BUS IN A COLOR THAT IS IN SHARP CONTRAST
15 TO THE BACKGROUND COLOR AND IN A SIZE THAT IS VISIBLE FROM A
16 DISTANCE OF AT LEAST 50 FEET. THE DISPLAY REQUIRED UNDER THIS
17 SECTION SHALL MEET THE VEHICLE IDENTIFICATION REQUIREMENTS OF 49
18 CFR PARTS 390 TO 399.

19 Sec. 16. (1) ~~Each~~ TO MAINTAIN AUTHORIZED STATUS FOR A
20 LIMOUSINE OR BUS, A motor carrier of passengers who holds a
21 certificate of authority issued under this act shall permit the
22 department to inspect each motor bus once annually, or more
23 frequently if necessary to determine the current character and
24 condition of the motor bus. SHALL ENSURE THAT THE LIMOUSINE OR BUS
25 PASSES A VALID INSPECTION AS PROVIDED IN THIS SECTION AND THAT THE
26 CONDITION OF THE LIMOUSINE OR BUS IS MAINTAINED BETWEEN
27 INSPECTIONS.

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

5 (2) FOR AN INSPECTION OF A LIMOUSINE TO BE A VALID INSPECTION,
6 ALL OF THE FOLLOWING SHALL BE SATISFIED:

7 (A) THE INSPECTION IS CONDUCTED NO LATER THAN THE END OF THE
8 MONTH IN WHICH THE INSPECTION FOR THAT LIMOUSINE EXPIRES.

9 (B) THE INSPECTION MEETS DEPARTMENT SPECIFICATIONS AND
10 STANDARDS.

11 (C) THE INSPECTION WAS CONDUCTED AT A DEPARTMENT-APPROVED
12 MOTOR VEHICLE REPAIR FACILITY BY A PROPERLY CERTIFIED MECHANIC WHO
13 CERTIFIES THAT THE LIMOUSINE PASSED THE INSPECTION BY SIGNING A
14 DEPARTMENT INSPECTION REPORT, OR THE INSPECTION WAS CONDUCTED BY A
15 DEPARTMENT SAFETY INSPECTOR. A MOTOR CARRIER THAT USES A DEPARTMENT
16 SAFETY INSPECTOR FOR ITS INSPECTION IS SUBJECT TO THE REQUIREMENTS
17 OF SUBSECTION (3).

18 (D) THE MOTOR CARRIER FILES THE DEPARTMENT INSPECTION REPORT
19 WITH THE DEPARTMENT NO LATER THAN THE END OF THE MONTH IN WHICH THE
20 INSPECTION FOR THAT LIMOUSINE EXPIRES.

21 (3) BEGINNING ON JANUARY 1, 2016, FOR AN INSPECTION OF A BUS
22 TO BE A VALID INSPECTION, ALL OF THE FOLLOWING SHALL BE SATISFIED:

23 (A) AN INSPECTION HAS BEEN SCHEDULED AT THE DEPARTMENT'S
24 CONVENIENCE.

25 (B) THE INSPECTOR OF THE BUS INDICATES ON AN INSPECTION REPORT
26 PREPARED BY THE DEPARTMENT THAT THE BUS HAS PASSED THE INSPECTION
27 BEFORE THE EXPIRATION OF THE PREVIOUS INSPECTION.

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

4 (4) ~~(3) A motor~~ LIMOUSINE OR bus that does not ~~pass a required~~
5 ~~departmental~~ HAVE A VALID inspection under this section shall not
6 be operated over the public highways of this state, AND THE MOTOR
7 CARRIER SHALL REMOVE THE LIMOUSINE OR BUS FROM ITS ROSTER.

8 (5) A MOTOR CARRIER IS SUBJECT TO THE FOLLOWING PENALTIES FOR
9 EACH LIMOUSINE THAT DOES NOT HAVE A VALID INSPECTION AS REQUIRED BY
10 THIS SECTION:

11 (A) IF A MOTOR CARRIER FILES THE INSPECTION REPORT REQUIRED
12 UNDER SUBSECTION (2) (D) LATER THAN THE END OF THE MONTH IN WHICH
13 THE INSPECTION FOR THAT LIMOUSINE EXPIRES, BUT THE DEPARTMENT
14 VERIFIES THAT THE INSPECTION WAS CONDUCTED PRIOR TO THE EXPIRATION
15 OF THE LAST VALID INSPECTION, THE MOTOR CARRIER SHALL PAY A FEE OF
16 \$100.00 FOR EACH LATE INSPECTION REPORT. THE DEPARTMENT SHALL
17 REVOKE THE CERTIFICATE OF A MOTOR CARRIER THAT DOES NOT PAY A FEE
18 ASSESSED UNDER THIS SUBDIVISION WITHIN 30 DAYS AFTER ASSESSMENT OF
19 THE FEE. FOR PURPOSES OF THIS SUBDIVISION, THE FILING DATE OF AN
20 INSPECTION REPORT IS THE POSTMARK IF THE REPORT IS SENT BY MAIL, OR
21 THE TRANSMITTAL DATE IF THE REPORT IS SENT BY ELECTRONIC MEANS.

22 (B) IF A MOTOR CARRIER FAILS TO OBTAIN A VALID INSPECTION
23 BEFORE EXPIRATION OF THE LAST VALID INSPECTION, THE FOLLOWING
24 PENALTIES SHALL BE ASSESSED BY THE DEPARTMENT:

25 (i) IF THE INSPECTION IS CONDUCTED BETWEEN 1 AND 30 DAYS LATE,
26 \$250.00.

27 (ii) IF THE INSPECTION IS CONDUCTED 31 OR MORE DAYS LATE,

1 \$500.00.

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

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

14 (B) THE MOTOR CARRIER SHALL BE ASSESSED A REINSPECTION FEE
15 ACCORDING TO THE FOLLOWING SCHEDULE UNTIL THE VEHICLE PASSES AN
16 INSPECTION OR IS PERMANENTLY REMOVED FROM SERVICE:

17 (i) FOR A FIRST REINSPECTION, \$100.00.

18 (ii) FOR A SECOND REINSPECTION, \$200.00.

19 (iii) FOR A THIRD REINSPECTION, \$300.00.

20 (iv) FOR A FOURTH REINSPECTION, \$400.00 AND REVOCATION OF
21 AUTHORITY.

22 (v) FOR A FIFTH AND SUBSEQUENT REINSPECTION, \$500.00.

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

27 (7) ~~(4)~~—Instead of an inspection by the department under

1 subsection ~~(1)~~, **(2) OR (3)**, an applicant for a certificate of
2 authority or a renewal of a certificate of authority may provide
3 evidence of a current year ~~motor~~ **LIMOUSINE OR** bus inspection by a
4 state, district, ~~or~~ province, **OR LOCAL MUNICIPALITY** that has
5 standards comparable to the federal motor carrier safety periodic
6 inspection standards **AND THAT HAS BEEN APPROVED BY THE DEPARTMENT.**
7 The department ~~shall~~ **MAY** issue a list of the states, districts, ~~or~~
8 provinces, **AND LOCAL MUNICIPALITIES** that have standards comparable
9 to the federal standards promulgated under 49 ~~C.F.R.~~ **CFR** part 396.

10 **(8) THE DEPARTMENT MAY CONDUCT A REVIEW OF A MOTOR VEHICLE**
11 **REPAIR FACILITY TO DETERMINE IF THE FACILITY IS CAPABLE OF**
12 **CONDUCTING OR IS CURRENTLY CONDUCTING LIMOUSINE INSPECTIONS**
13 **ACCORDING TO DEPARTMENT SPECIFICATIONS AND STANDARDS. IF THE**
14 **DEPARTMENT FINDS THAT A MOTOR VEHICLE REPAIR FACILITY IS NOT**
15 **CONDUCTING LIMOUSINE INSPECTIONS ACCORDING TO DEPARTMENT**
16 **SPECIFICATIONS AND STANDARDS, THE DEPARTMENT MAY DECLINE TO ACCEPT**
17 **INSPECTIONS FROM THAT FACILITY AS VALID INSPECTIONS.**

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

22 **(10) IF THE DEPARTMENT HAS REASONABLE CAUSE TO BELIEVE THAT A**
23 **LIMOUSINE OR BUS IS UNSAFE FOR OPERATION OR HAS NOT BEEN INSPECTED**
24 **AS REQUIRED BY THIS ACT OR RULES PROMULGATED UNDER THIS ACT, A**
25 **DEPARTMENT SAFETY INSPECTOR MAY INSPECT THE LIMOUSINE OR BUS. IF**
26 **THE LIMOUSINE OR BUS IS NOT IN COMPLIANCE WITH THIS ACT, THE**
27 **DEPARTMENT MAY REQUIRE THE MOTOR CARRIER TO PLACE THE LIMOUSINE OR**

1 BUS OUT OF SERVICE UNTIL ALL VIOLATIONS HAVE BEEN CORRECTED OR
2 ELIMINATED.

3 (11) UPON SATISFACTORY COMPLETION OF A VALID INSPECTION OF A
4 LIMOUSINE OR BUS AS REQUIRED BY THIS ACT AND PAYMENT OF ALL
5 REQUIRED FEES BY THE MOTOR CARRIER, THE DEPARTMENT SHALL ISSUE A
6 DECAL INDICATING THE EXPIRATION DATE OF THE INSPECTION FOR THAT
7 LIMOUSINE OR BUS. A DECAL ISSUED UNDER THIS SUBSECTION IS PROPERTY
8 OF THIS STATE. A MOTOR CARRIER SHALL NOT USE A LIMOUSINE OR BUS
9 DISPLAYING AN EXPIRED DECAL TO PROVIDE FOR-HIRE PASSENGER SERVICE.

10 (12) A MOTOR CARRIER SHALL NOT OPERATE A LIMOUSINE OR BUS OVER
11 THE PUBLIC HIGHWAYS OF THIS STATE IF THAT LIMOUSINE OR BUS DOES NOT
12 HAVE A PROPERLY DISPLAYED CURRENT DECAL ISSUED BY THE DEPARTMENT
13 UNDER SUBSECTION (11).

14 (13) THE DEPARTMENT MAY REQUIRE A MOTOR CARRIER TO RETURN A
15 DECAL ISSUED UNDER SUBSECTION (11) TO THE DEPARTMENT IF THE
16 LIMOUSINE OR BUS UPON WHICH THAT DECAL WAS DISPLAYED IS REMOVED
17 FROM THE MOTOR CARRIER'S ROSTER BY THE DEPARTMENT OR THE MOTOR
18 CARRIER. A MOTOR CARRIER THAT FAILS TO RETURN A DECAL WITHIN 30
19 DAYS AFTER A REQUEST BY THE DEPARTMENT SHALL PAY A \$50.00 FEE.

20 (14) THE DEPARTMENT MAY WAIVE THE INSPECTION AND RENEWAL
21 REQUIREMENTS OF THIS ACT FOR A LIMOUSINE OR A BUS THAT IS NOT BEING
22 USED IN THIS STATE FOR A MOTOR CARRIER THAT IS LOCATED OUTSIDE OF
23 THIS STATE IF THE MOTOR CARRIER SUBMITS A ROSTER THAT INDICATES
24 WHICH OF ITS VEHICLES WILL BE USED EXCLUSIVELY OUTSIDE OF THIS
25 STATE FOR AT LEAST 1 YEAR. THE ROSTER MUST BE SUBMITTED BEFORE THE
26 AFFECTED VEHICLE CEASES TO COMPLY WITH THIS ACT. THE MOTOR CARRIER
27 MAY PUT THE LIMOUSINE OR BUS BACK INTO SERVICE IN THIS STATE AFTER

1 AT LEAST 1 YEAR BY SUBMITTING A REVISED ROSTER AND COMPLYING WITH
2 ALL OTHER PROVISIONS OF THIS ACT.

3 (15) UNTIL JANUARY 1, 2016, AN INSPECTION THAT WAS CONDUCTED
4 IN ACCORDANCE WITH THIS ACT OR THE LIMOUSINE TRANSPORTATION ACT,
5 1990 PA 271, MCL 257.1901 TO 257.1939, BEFORE JANUARY 1, 2016 SHALL
6 BE CONSIDERED A VALID INSPECTION.

7 Sec. 17. (1) AN APPLICANT FOR AN ORIGINAL ANNUAL CERTIFICATE
8 SHALL PAY TO THE DEPARTMENT A FILING FEE OF \$300.00 AND A FEE OF
9 \$50.00 TIMES THE NUMBER OF LIMOUSINES OR BUSES TO BE USED BY THE
10 APPLICANT TO PROVIDE TRANSPORTATION FOR HIRE UNDER THIS ACT. THE
11 APPLICANT SHALL SUBMIT ITS ROSTER TO THE DEPARTMENT AT THE TIME OF
12 PAYMENT.

13 (2) ~~(1) Each~~ A CERTIFICATE ISSUED UNDER THIS ACT EXPIRES ON
14 MARCH 1 OF EACH YEAR. NO LATER THAN THE LAST DAY OF FEBRUARY EACH
15 YEAR, A motor carrier ~~of passengers who~~ THAT holds a certificate ~~of~~
16 ~~authority~~ issued under this act shall pay to the department an
17 annual renewal fee equal to ~~\$25.00~~ \$50.00 times the number of ~~motor~~
18 LIMOUSINES AND buses used exclusively by the carrier to provide
19 ~~transportation of passengers for hire and that meet the annual~~
20 ~~renewal inspection requirements of section 16. An annual renewal~~
21 ~~fee of \$500.00 shall be paid for any motor bus not meeting the~~
22 ~~annual renewal inspection requirement of section 16.~~ SUBJECT TO THIS
23 ACT. THE MOTOR CARRIER SHALL SUBMIT ITS ROSTER TO THE DEPARTMENT AT
24 THE TIME OF PAYMENT. THE DEPARTMENT MAY REQUIRE A CARRIER TO SUBMIT
25 ADDITIONAL DOCUMENTATION AS PART OF THE ANNUAL RENEWAL PROCESS TO
26 ENSURE COMPLIANCE WITH THIS ACT.

27 (3) ~~(2)~~ A motor carrier ~~of passengers who~~ THAT holds a

1 ~~certificate of authority issued under this act to provide~~
2 ~~transportation for hire~~ THAT WISHES TO HAVE ADDITIONAL LIMOUSINES
3 OR BUSES AUTHORIZED UNDER ITS CERTIFICATE BETWEEN ANNUAL RENEWAL
4 PERIODS shall pay to the department a fee of ~~\$25.00 per motor bus~~
5 ~~for each additional motor bus acquired during the year for the~~
6 ~~purpose of the current year inspection required by section~~
7 ~~16.~~ \$50.00 TIMES THE NUMBER OF LIMOUSINES OR BUSES BEING ADDED TO
8 ITS ROSTER. THE MOTOR CARRIER SHALL SUBMIT ITS UPDATED ROSTER TO
9 THE DEPARTMENT AT THE TIME OF PAYMENT. A MOTOR CARRIER SHALL ENSURE
10 THAT EACH LIMOUSINE OR BUS ADDED TO A ROSTER UNDER THIS SUBSECTION
11 COMPLIES WITH ALL REQUIREMENTS OF THIS ACT.

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

23 (4) A MOTOR CARRIER THAT REQUESTS TO REINSTATE ON ITS ROSTER A
24 LIMOUSINE OR BUS THAT WAS PREVIOUSLY REMOVED FROM ITS ROSTER UPON
25 REQUEST OF THE MOTOR CARRIER OR BY ACTION OF THE DEPARTMENT SHALL
26 PAY A REINSTATEMENT FEE OF \$100.00 IN ADDITION TO ALL OTHER FEES
27 REQUIRED UNDER THIS ACT.

1 (5) THE CERTIFICATE OF A MOTOR CARRIER THAT DOES NOT COMPLY
2 WITH THIS SECTION SHALL BE AUTOMATICALLY REVOKED ON MARCH 1, AND
3 THE MOTOR CARRIER MUST APPLY FOR AND BE ISSUED A NEW CERTIFICATE
4 BEFORE RESUMING SERVICE.

5 Sec. 23. ~~If there~~ THE DEPARTMENT MAY GRANT AN EMERGENCY
6 CERTIFICATE TO A MOTOR CARRIER IF THERE is an immediate and urgent
7 need for the transportation of passengers to a point or between
8 points within this state. ~~, the department may grant upon a proper~~
9 ~~application temporary authority for that service by a person having~~
10 ~~a certificate of authority or by an applicant for a certificate of~~
11 ~~authority. A temporary authority~~ AN EMERGENCY CERTIFICATE granted
12 by the department under this section, unless suspended or revoked
13 for good cause, shall be IS valid for the time which SPECIFIED BY
14 the department. ~~specifies, but not to exceed 90 days.~~ THE DEPARTMENT
15 MAY WAIVE ANY OR ALL FEES OR OTHER REQUIREMENTS OF THIS ACT FOR A
16 CERTIFICATE GRANTED UNDER THIS SECTION. THE DEPARTMENT MAY ALSO
17 EXEMPT A SPECIAL EVENT OF STATEWIDE SIGNIFICANCE FROM THIS ACT WITH
18 PRIOR APPROVAL.

19 Sec. 27. ~~(1) A motor carrier of passengers holding a~~
20 ~~certificate of authority for regular route service between points~~
21 ~~within this state may apply~~ SHALL NOTIFY THE DEPARTMENT IN WRITING
22 NO LESS THAN 60 DAYS BEFORE IT PLANS to discontinue all or a
23 portion of its service under this ITS certificate. ~~of authority by~~
24 ~~filing written application with the department, payment of the fees~~
25 ~~described in section 25, and within~~ WITHIN 10 days after filing
26 NOTIFYING the application ~~publish~~ DEPARTMENT, THE CARRIER SHALL
27 POST notice of the application ~~once a day for 2 different days in a~~

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

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

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

26 Sec. 29. ~~(1) A motor carrier of passengers authorized to~~
27 ~~provide transportation~~ **REGULAR ROUTE** service under this act shall

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

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

14 Sec. 32. The department may use any and all available legal
15 and equitable remedies of a civil nature to enforce this act, an
16 order issued, or a rule promulgated pursuant to this act. The
17 department may employ ~~such~~ experts, assistants, inspectors, and
18 other personnel as ~~may be~~ necessary subject to civil service rules,
19 to enable it to administer and enforce this act. An employee of the
20 department shall not ask **FOR** or receive any fee from a person for
21 the taking of acknowledgments or any other service. State and local
22 police officers shall enforce this act and the rules promulgated
23 pursuant to this act. A **POLICE OFFICER OR A** peace officer may
24 arrest, on sight or upon warrant, any person found violating or
25 having violated a provision of this act or a rule promulgated
26 pursuant to this act. The attorney general of ~~the~~ **THIS** state and
27 the prosecuting attorneys of the counties of this state shall

1 prosecute all violations of this act. ~~When~~ **A VIOLATION OF** this act
2 ~~is violated, the offense~~ may be prosecuted in any jurisdiction in
3 or through which a ~~motor~~ **THE LIMOUSINE OR** bus implicated was
4 present at the time of the violation.

5 Sec. 33. A person subject to this act who operates a passenger
6 service without obtaining a certificate ~~of authority~~ required under
7 this act or without meeting the insurance requirements provided in
8 this act shall be subject to a fine of not more than \$500.00. Each
9 violation constitutes a separate offense.

10 Sec. 34. A motor carrier, ~~of passengers,~~ or an officer or
11 agent of a motor carrier, ~~of passengers, who~~ **THAT** requires or
12 permits a driver or operator to drive or operate a ~~motor~~ **LIMOUSINE**
13 **OR** bus in violation of this act, or a rule promulgated under this
14 act, is guilty of a misdemeanor ~~,~~ punishable by a fine of not more
15 than \$500.00 ~~,~~ or by imprisonment for not more than 90 days, or
16 both.

17 Sec. 35. The department may alter, suspend, or revoke a
18 certificate ~~of authority~~ issued under this act if the department
19 determines in a contested case hearing held ~~pursuant to~~ **UNDER**
20 chapter 4 of the administrative procedures act of 1969, ~~Act No. 306~~
21 ~~of the Public Acts of 1969, as amended, being sections 1969 PA 306,~~
22 **MCL 24.271 to 24.287, of the Michigan Compiled Laws,** that a person
23 **MOTOR CARRIER** to ~~whom~~ **WHICH** a certificate ~~of authority~~ has been
24 issued has willfully violated or refused to comply with this act.

25 **SEC. 38. THIS ACT DOES NOT PROHIBIT A COUNTY, CITY, TOWNSHIP,**
26 **AUTHORITY, OR VILLAGE FROM ADOPTING RULES OR AN ORDINANCE OR**
27 **RESOLUTION THAT IS MORE RESTRICTIVE THAN THE PROVISIONS OF THIS**

1 ACT. IF AN ORDINANCE OR RESOLUTION REQUIRES A VEHICLE SAFETY
2 INSPECTION, THE COUNTY, CITY, TOWNSHIP, AUTHORITY, OR VILLAGE THAT
3 ADOPTED THE ORDINANCE OR RESOLUTION SHALL USE THE VEHICLE SAFETY
4 INSPECTION FORM PROVIDED BY THE DEPARTMENT.

5 Sec. 39. The department may promulgate rules to implement this
6 act ~~pursuant to~~ UNDER the administrative procedures act of 1969,
7 ~~Act No. 306 of the Public Acts of 1969, as amended, being sections~~
8 ~~1969 PA 306, MCL 24.201 to 24.328. of the Michigan Compiled Laws.~~

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