

Act No. 143
Public Acts of 1991
Approved by the Governor
November 22, 1991
Filed with the Secretary of State
November 25, 1991

**STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1991**

Introduced by Rep. Bouchard

ENROLLED HOUSE BILL No. 4926

AN ACT to amend section 3 of Act No. 68 of the Public Acts of 1913, entitled "An act relating to drunkenness on railway trains or interurban cars, and prohibiting the drinking of intoxicating liquor thereon as a beverage, and providing for the arrest of offenders, and penalties for violation of this act," being section 436.203 of the Michigan Compiled Laws; and section 10 of article IV and section 10 of article V of Act No. 198 of the Public Acts of 1873, entitled as amended "An act to revise the laws providing for the incorporation of the railroad bridge and tunnel companies and to regulate the running and management and to fix the duties and liabilities of all railroad, bridge, tunnel and other corporation owning or operating any railroad, bridge, or tunnel within this state, and to authorize the use of certain provisions of this act having to do with the exercise of the power of eminent domain by the state highway commissioner in certain cases, and to provide certain changes in such procedure when used by the state highway commissioner, and to confer certain rights and powers upon everyone coming under the provisions of this act," being sections 466.10 and 467.10 of the Michigan Compiled Laws, to harmonize provisions of law relating to the abolished office of justice of the peace in regard to conduct on trains.

The People of the State of Michigan enact:

Section 1. Section 3 of Act No. 68 of the Public Acts of 1913, being section 436.203 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 3. The conductor of any railway train or interurban car, may summarily arrest, with or without warrant, any person violating any of the foregoing provisions, and for such purpose shall have the same power and authority as any peace officer, including the power to summon assistance; and such conductor shall further have power to deliver any person to any policeman, constable, or other public officer at the next station stop where such public officer can be found, and it shall be the duty of such officer to bring the person charged with such offense before the district court or municipal court of the judicial district or municipality where the offense was committed, and to make a complaint against such person, and such complaint made upon information and belief of said officer, shall be sufficient.

Section 2. Section 10 of article IV and section 10 of article V of Act No. 198 of the Public Acts of 1873, being sections 466.10 and 467.10 of the Michigan Compiled Laws, are amended to read as follows:

ARTICLE IV

Sec. 10. Any person who shall, while riding in the car either of a freight or passenger or other train, on any railroad in this state, use or utter indecent, obscene, or profane language in the hearing of other passengers, or riotously or boisterously conduct himself or herself to the annoyance of other passengers, or who shall obtain any money or property from any passenger or person in such car by means of any game or device, or attempt so

to do, shall, on conviction, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding \$100.00, or imprisonment for a period not exceeding 90 days, or both, in the discretion of the court. Railroad conductors are hereby invested with the powers of sheriffs and constable in regard to offenses under this section occurring upon trains or cars in their charge, and are empowered to arrest and detain any person violating any of its provisions until the car or train shall arrive at some usual stopping place, where a sheriff, deputy, or undersheriff of any county, or constable, or marshal, or police officer of any city or village in this state may be, to whose custody he or she may deliver such offender, with a written statement specifying generally in what respect such person has misbehaved; or if there be no such officer present to receive the offender, the conductor may deliver him or her to the ticket or freight agent at such stopping place, with such statement, who shall detain the offender in his or her custody, and may exercise the powers of sheriffs and constables in regard to persons charged with crimes in doing so, until such officer may be obtained to take charge of the offender, to whom he or she shall be delivered, with such statement made by the conductor, and such officer shall take the person so offending into custody, and it shall be his or her duty to institute a complaint against such person for such offense before the district or municipal court of the judicial district or municipality in which the offense was committed, and such court shall have jurisdiction to try such offender, and to impose the judgment authorized by this section.

ARTICLE V

Sec. 10. All penalties incurred under this act, when not otherwise provided for, may be sued for in the name of the people of the state of Michigan.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.