

HOUSE BILL No. 5899

June 4, 1992, Introduced by Reps. Hertel and Niederstadt and referred to the Committee on Transportation.

A bill to establish a passenger transportation services vehicle self-inspection program for certain public transit agencies; to prescribe the powers and duties of the state transportation department; to provide immunity from certain tort liability; and to prescribe certain remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Bus" means a self-propelled motor vehicle with a seat-
3 ing capacity of 16 persons or more, including the driver, used in
4 the transportation of passengers by a public transit agency.

5 (b) "Department" means the state transportation department.

6 (c) "Public transit agency" means:

7 (i) A county, city, township, or village as provided by law,
8 or other authority incorporated under Act No. 55 of the Public

1 Acts of 1963, being sections 124.351 to 124.359 of the Michigan
2 Compiled Laws.

3 (ii) An authority incorporated under the metropolitan trans-
4 portation authorities act of 1967, Act No. 204 of the Public Acts
5 of 1967, being sections 124.401 to 124.426 of the Michigan
6 Compiled Laws, or that operates a transportation service pursuant
7 to an interlocal agreement under the urban cooperation act of
8 1967, Act No. 7 of the Public Acts of the Extra Session of 1967,
9 being sections 124.501 to 124.512 of the Michigan Compiled Laws.

10 (iii) Two or more political subdivisions or other local gov-
11 ernmental agencies or authorities operating under a contract
12 entered into pursuant to Act No. 8 of the Public Acts of the
13 Extra Session of 1967, being sections 124.531 to 124.536 of the
14 Michigan Compiled Laws, or Act No. 35 of the Public Acts of 1951,
15 being sections 124.1 to 124.13 of the Michigan Compiled Laws.

16 (iv) An authority incorporated under the public transporta-
17 tion authority act, Act No. 196 of the Public Acts of 1986, being
18 sections 124.451 to 124.479 of the Michigan Compiled Laws, that
19 provides transportation services.

20 (v) An authority financing public improvements to transpor-
21 tation systems under the revenue bond act of 1933, Act No. 94 of
22 the Public Acts of 1933, being sections 141.101 to 141.140 of the
23 Michigan Compiled Laws.

24 Sec. 3. (1) This act shall apply to a nonprofit corporation
25 organized under the nonprofit corporation act, Act No. 162 of the
26 Public Acts of 1982, being sections 450.2101 to 450.3192 of the
27 Michigan Compiled Laws, that provides transportation services

1 under contract to a public transit agency or receives funds from
2 the department.

3 (2) This act shall not apply to a nonprofit corporation
4 organized under Act No. 162 of the Public Acts of 1982 that pro-
5 vides passenger transportation services not under contract to a
6 public transit agency or that does not receive funds from the
7 department.

8 Sec. 5. (1) A public transit agency shall maintain an ongo-
9 ing program of inspection for all buses that provide passenger
10 transportation services.

11 (2) The inspection program shall be designed so as to assure
12 that buses used to provide passenger transportation are safe and
13 reliable.

14 (3) At a minimum the inspection program shall encompass the
15 following parts of each bus:

16 (a) Steering system.

17 (b) Lights and windshield.

18 (c) Brakes.

19 (d) Wheels and tires.

20 (e) Coupling devices, if used.

21 (f) Frame and body.

22 (g) Suspension system.

23 (h) Fuel system.

24 (i) Exhaust system.

25 (j) Other components or features which are necessary to rea-
26 sonably assure the safety of the bus.

1 Sec. 7. (1) The agency shall maintain records which
2 document the details of each inspection performed in the
3 preceding 3 years.

4 (2) A bus shall not be used to provide passenger transporta-
5 tion services unless it has been inspected within the preceding
6 12 months and found to be free of any safety-related defect.

7 Sec. 9. The department shall produce a self-inspection
8 informational pamphlet which provides explanatory information on
9 the performance of bus inspections in accordance with section 5.
10 Insofar as practical, the pamphlet shall incorporate inspection
11 procedures which are nationally accepted for commercial or public
12 transit vehicles.

13 Sec. 11. The responsibility for inspecting its buses and
14 for the adequacy of the inspection is solely that of the public
15 transit agency. An inspection carried out in accordance with the
16 self-inspection informational pamphlet satisfies the requirements
17 of this act but an agency may elect to use other inspection pro-
18 cedures so long as they fully meet the requirements of
19 section 5. Each public transit agency shall annually certify to
20 the department on a form provided by the department that the
21 required inspection program has been conducted on its vehicles in
22 accordance with this act.

23 Sec. 13. (1) The department shall periodically review the
24 records maintained by each public transit agency pursuant to
25 section 5 and shall perform random bus inspections to verify the
26 adequacy of the procedures used and the accuracy of those
27 records. If deficiencies are found in an inspection program or

1 in specific buses, the department shall direct the agency to
2 immediately correct them. The department may withhold any fur-
3 ther distribution of funds to the public transit agency under Act
4 No. 51 of the Public Acts of 1951, being sections 247.651 to
5 247.675 of the Michigan Compiled Laws, until a public transit
6 agency corrects deficiencies, after having been given a 30-day
7 notice of those deficiencies.

8 (2) A transit agency aggrieved by a final decision of the
9 department under this section may seek judicial review of the
10 matter in the manner provided for in chapter 6 of the administra-
11 tive procedures act of 1969, Act No. 306 of the Public Acts of
12 1969, being sections 24.301 to 24.306 of the Michigan Compiled
13 Laws.

14 Sec. 15. The department, as a governmental agency, is
15 immune from tort liability for its acts or omissions in the
16 implementation and administration of this act in the manner pro-
17 vided for governmental agencies in Act No. 170 of the Public Acts
18 of 1964, being sections 691.1401 to 691.1414 of the Michigan
19 Compiled Laws.