

SENATE BILL No. 1240

March 27, 2008, Introduced by Senators THOMAS, CLARK-COLEMAN, SCOTT, CLARKE, GLEASON, PRUSI, CHERRY, OLSHOVE, SWITALSKI and BARCIA and referred to the Committee on Economic Development and Regulatory Reform.

A bill to regulate certain parking lots and provide for the posting of certain notices; to provide certain powers and duties for state agencies; to provide for rule-making authority; and to provide for remedies and penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "parking lot regulation act".

3 Sec. 3. As used in this act:

4 (a) "Consumer" means an individual utilizing the services of a
5 parking lot.

6 (b) "Department" means the department of labor and economic
7 growth.

8 (c) "Motor vehicle" means that term as defined in section 33

1 of the Michigan vehicle code, 1949 PA 300, MCL 257.33.

2 (d) "Parking lot" means an area, including areas underground
3 or in a multitiered structure, in which a person sells or offers to
4 sell the services of the parking of a motor vehicle for any period
5 of time. Parking lot does not include any of the following:

6 (i) An area under the jurisdiction of or owned by a county,
7 city, village, or township that provides for the payment of parking
8 by means of a parking meter or similar mechanism.

9 (ii) An area, public or private, that allows any amount of free
10 parking to the general public.

11 (iii) An area owned by a person that allows parking only for the
12 employees, agents, members, and guests of that person and is not
13 open to the general public for the parking of motor vehicles of
14 individuals who are not an employee, agent, member, or guest of
15 that person.

16 (e) "Person" means an individual or other legal entity.

17 Sec. 5. (1) Beginning 180 days after the effective date of
18 this act, a person shall not operate a parking lot unless licensed
19 by the department under this act.

20 (2) A license under this act is specific to a location. A
21 person owning more than 1 parking lot must obtain a license for
22 each parking lot.

23 Sec. 7. (1) A person seeking licensure of a parking lot under
24 this act shall apply to the department on a form provided by the
25 department. The application shall be accompanied by a nonrefundable
26 application fee of \$25.00. The applicant shall also accompany the
27 application with a license fee of \$100.00. The license fee is

1 refundable if the application is denied.

2 (2) The department shall, upon approval of a completed
3 application accompanied by the appropriate fees, issue a license to
4 an applicant. A license shall be issued for a period of 4 years.

5 (3) A copy of the license shall be displayed at any entrance
6 to the parking lot.

7 Sec. 9. The department shall promulgate rules under the
8 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
9 24.328, to do both of the following:

10 (a) Establish a code of conduct for operators of parking lots
11 designed to protect consumers. The code of conduct shall include,
12 but not be limited to, signage requirements of periodic charges to
13 consumers and charges for special events.

14 (b) Administer and enforce this act.

15 Sec. 11. (1) A licensed parking lot, after notice and
16 opportunity for a hearing under the administrative procedures act
17 of 1969, 1969 PA 306, MCL 24.201 to 24.328, that is determined to
18 have violated this act or rules promulgated under this act is
19 subject to an administrative fine of not more than \$250.00 for a
20 first violation during any 1 calendar year, not more than \$500.00
21 for a second violation during any 1 calendar year, and not more
22 than \$1,000.00 for a third or subsequent violation during any 1
23 calendar year. If the licensee is determined to have charged more
24 than the amount prescribed by any posted signs or notices, the
25 department shall require the licensee to reimburse and compensate
26 the consumer in an amount of 5 times the actual charge collected by
27 the licensee.

1 (2) In cases of an egregious violation, the department may
2 suspend the license for not more than 30 days.

3 (3) A person operating a parking lot without a license is
4 guilty of a misdemeanor punishable by imprisonment for not more
5 than 90 days or a fine of not more than \$500.00, or both, as well
6 as the cost of prosecution.

7 Sec. 13. This act does not prevent a county, city, township,
8 or village from regulating aspects of a parking lot not duplicative
9 of licensure under this act.