

HOUSE BILL No. 4549

March 23, 2005, Introduced by Reps. Lemmons, Jr., Lemmons, III, Tobocman,
Cushingberry, Miller and Cheeks and referred to the Committee on Judiciary.

A bill to amend 2004 PA 161, entitled
"Michigan immigration clerical assistant act,"
by amending section 15 (MCL 338.3465).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 15. (1) An immigration clerical assistant shall file and
2 maintain in force a corporate surety or cash bond conditioned upon
3 the faithful and competent provision of services. The bond shall be
4 in a form used by the issuer and acceptable to the department. The
5 bond shall be in the sum of not less than \$50,000.00.

6 (2) The bond shall be for the benefit of a person damaged by
7 fraud, misstatement, misrepresentation, unlawful act or omission,
8 or failure of the immigration clerical assistant or its agent,
9 representative, or employee to provide services as promised. A

1 person may bring an action upon the bond for damages as described
2 in this subsection. The aggregate liability to all injured persons
3 shall not exceed the sum of the bond.

4 (3) The surety on the bond shall have the right to cancel or
5 terminate the bond upon giving 30 days' written notice to the
6 person to whom it was issued, **TO THE PROSECUTING ATTORNEY OF THE**
7 **COUNTY IN WHICH THE IMMIGRATION CLERICAL ASSISTANT RESIDES,** and to
8 the department. ~~and after~~ **AFTER** that ~~date~~ **30-DAY TIME PERIOD,**
9 **THE SURETY** shall be relieved of liability for a breach of condition
10 occurring after the effective date of the cancellation or
11 termination. The failure to give a new bond within 30 days after
12 the notice to the department under this subsection operates as an
13 automatic removal of the immigration clerical assistant's placement
14 on the list. An action on the bond shall not be commenced after the
15 expiration of 1 year after the effective date of the cancellation
16 or termination of the bond.

17 (4) An immigration clerical assistant shall prominently
18 display in his or her place of business the name of the bond
19 company and the number or other identifying information regarding
20 the bond.