

# HOUSE BILL No. 4735

May 1, 1989, Introduced by Rep. Griffin and referred to the Committee on Transportation.

A bill to amend the title and sections 1, 2, 3, and 4 of article I, sections 1, 2, 3, 4, 5, 8, 9, 10, and 14 of article II, sections 1, 1a, 2, and 6 of article IV, and sections 2, 4, 6, 6b, 10, 10a, 11, 14, and 18 of article V of Act No. 254 of the Public Acts of 1933, entitled as amended

"The motor carrier act,"

sections 1, 2, and 3 of article I, sections 1, 2, 3, 4, 5, 8, 9, 10, and 14 of article II, section 1 of article IV, and sections 6, 10, 10a, 11, and 14 of article V as amended and section 4 of article I, section 1a of article IV, and section 6b of article V as added by Act No. 399 of the Public Acts of 1982, section 2 of article IV as amended by Act No. 347 of the Public Acts of 1988, section 2 of article V as amended by Act No. 153 of the Public Acts of 1986, and section 18 of article V as amended by Act No. 355 of the Public Acts of 1988, being sections 475.1, 475.2,

475.3, 475.4, 476.1, 476.2, 476.3, 476.4, 476.5, 476.8, 476.9, 476.10, 476.14, 478.1, 478.1a, 478.2, 478.6, 479.2, 479.4, 479.6, 479.6b, 479.10, 479.10a, 479.11, 479.14, and 479.18 of the Michigan Compiled Laws; to add section 10b to article V; and to repeal certain parts of the act.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Section 1. The title and sections 1, 2, 3, and 4 of article  
2 I, sections 1, 2, 3, 4, 5, 8, 9, 10, and 14 of article II, sec-  
3 tions 1, 1a, 2, and 6 of article IV, and sections 2, 4, 6, 6b,  
4 10, 10a, 11, 14, and 18 of article V of Act No. 254 of the Public  
5 Acts of 1933, sections 1, 2, and 3 of article I, sections 1, 2,  
6 3, 4, 5, 8, 9, 10, and 14 of article II, section 1 of article IV,  
7 and sections 6, 10, 10a, 11, and 14 of article V as amended and  
8 section 4 of article I, section 1a of article IV, and section 6b  
9 of article V as added by Act No. 399 of the Public Acts of 1982,  
10 section 2 of article IV as amended by Act No. 347 of the Public  
11 Acts of 1988, section 2 of article V as amended by Act No. 153 of  
12 the Public Acts of 1986, and section 18 of article V as amended  
13 by Act No. 355 of the Public Acts of 1988, being sections 475.1,  
14 475.2, 475.3, 475.4, 476.1, 476.2, 476.3, 476.4, 476.5, 476.8,  
15 476.9, 476.10, 476.14, 478.1, 478.1a, 478.2, 478.6, 479.2, 479.4,  
16 479.6, 479.6b, 479.10, 479.10a, 479.11, 479.14, and 479.18 of the  
17 Michigan Compiled Laws, are amended and section 10b is added to  
18 article V to read as follows:

## TITLE

1  
2 An act to promote safety upon and conserve the use of public  
3 highways of the state; to provide for the supervision, regula-  
4 tion, and control of the use of such highways by all motor vehi-  
5 cles operated by carriers of property for hire upon or over such  
6 highways; to preserve, foster, and regulate transportation and  
7 permit the coordination of motor vehicle transportation facili-  
8 ties; to provide for the LIMITED supervision, regulation, and  
9 control of the use of such highways by all motor vehicles for  
10 hire for such purposes; to classify and regulate carriers of  
11 property by motor vehicles for hire upon such public highways for  
12 such purposes; to give the Michigan ~~Public Service Commission~~  
13 PUBLIC SERVICE COMMISSION jurisdiction and authority to prevent  
14 evasion of this act through any device or arrangement; to insure  
15 adequate transportation service; ~~to give the commission juris-~~  
16 ~~isdiction and authority to fix, alter, regulate, and determine~~  
17 ~~rates, fares, charges, classifications, and practices of common~~  
18 ~~motor carriers for such purposes, to require filing with the com-~~  
19 ~~mission of rates, fares, and charges of contract carriers and to~~  
20 authorize the commission to ~~prescribe minimum~~ SUPERVISE CERTAIN  
21 JOINT rates, fares, and charges, and to require the observance  
22 thereof; to prevent unjust discrimination; to prescribe the  
23 powers and duties of ~~said~~ THE commission with reference there-  
24 to; to provide for appeals from the orders of ~~such~~ THE commis-  
25 sion; to confer jurisdiction upon the ~~circuit court for the~~  
26 ~~county of Ingham~~ COURT OF APPEALS for such appeals; to provide  
27 for the levy and collection of certain privilege fees and taxes

1 for such carriers for such purposes and the disposition of such  
2 fees and taxes; ~~and~~ to provide for the enforcement of this act;  
3 and to prescribe penalties for its violations.

4 ARTICLE I

5 Sec. 1. The words and phrases used in this act shall be  
6 construed as follows, unless the context shall otherwise  
7 require:

8 (a) "Motor vehicle" means ~~any~~ AN automobile, truck, trail-  
9 er, semitrailer, truck tractor, road tractor, or any  
10 self-propelled or motor or mechanically driven vehicle, or any  
11 vehicle ~~in anywise~~ attached to, connected with, or drawn by  
12 ~~any~~ A self-propelled or motor or mechanically driven vehicle,  
13 used upon ~~any~~ A public highway of this state for the purpose of  
14 transporting property.

15 (b) "Public highway" means any public highway, road, street,  
16 avenue, alley, or thoroughfare of any kind, or any bridge,  
17 tunnel, or subway used by the public.

18 (c) "Commission" means the Michigan public service  
19 commission.

20 (d) "Person" means ~~any~~ AN individual, partnership, associ-  
21 ation, or corporation, and their lessees, trustees, or receivers  
22 appointed by any court.

23 (e) "For hire" means for remuneration or reward of any kind,  
24 paid or promised, either directly or indirectly.

25 ~~(f) "Motor common carrier of property" means any person who~~  
26 ~~holds himself or herself out to the public as being engaged in~~  
27 ~~the business of a for hire common carrier as at the common law,~~

1 ~~either directly or through any device or arrangement, including~~  
2 ~~but not limited to those who operate over fixed routes or within~~  
3 ~~1 mile of a fixed route or between fixed termini, in the trans-~~  
4 ~~portation by motor vehicle from place to place upon or over the~~  
5 ~~highways of this state, the property, or any property, or any~~  
6 ~~class of property of others who may choose to employ the person.~~

7 (F) ~~(g)~~ "The public" means that part or portion of the  
8 general public which the motor carrier is ready, able, willing,  
9 and equipped to serve.

10 ~~(h) "Motor contract carrier of property" means any person~~  
11 ~~engaged in the transportation by motor vehicle of property for~~  
12 ~~hire upon the public highways of this state other than as a motor~~  
13 ~~common carrier of property, either directly or through any device~~  
14 ~~or arrangement.~~

15 (G) ~~(i)~~ "Motor carrier" means ~~both motor common carriers~~  
16 ~~of property and motor contract carriers of property~~ A PERSON  
17 ENGAGED IN THE TRANSPORTATION BY MOTOR VEHICLE OF PROPERTY FOR  
18 HIRE UPON THE PUBLIC HIGHWAYS OF THIS STATE, EITHER DIRECTLY OR  
19 THROUGH ANY DEVICE OR ARRANGEMENT. Motor carrier does not  
20 include a private carrier.

21 (H) ~~(j)~~ "Certificate of ~~authority~~ REGISTRATION" means a  
22 certificate issued to a motor ~~common~~ carrier PURSUANT TO THIS  
23 ACT authorizing THAT MOTOR CARRIER TO OPERATE a transportation  
24 service ~~that serves a useful public purpose responsive to a~~  
25 ~~public demand or need, which certificate is issued under the~~  
26 ~~terms of this act~~ UPON THE PUBLIC HIGHWAYS OF THIS STATE.

1 ~~(k) "Permit" means the permit issued to motor contract~~  
 2 ~~carriers under the terms of this act.~~

3 (I) ~~(l)~~ "Through any device or arrangement" means any and  
 4 all methods, means, agreements, circumstances, operations, or  
 5 subterfuges under which any person undertakes for hire to con-  
 6 duct, direct, control, or otherwise perform the transportation by  
 7 motor vehicle of property upon the public highways of this  
 8 state.

9 (J) ~~(m)~~ "Modified procedure" means that administrative  
 10 procedure by which the commission may consider evidence and tes-  
 11 timony submitted in the form of verified statements in motor car-  
 12 rier matters without the necessity for an oral hearing.

13 (K) ~~(n)~~ "Occasional accommodative service" means service  
 14 limited to operations conducted by persons not regularly engaged  
 15 in the transportation business of a motor ~~common~~ carrier. ~~or~~  
 16 ~~a motor contract carrier.~~

17 ~~(o) "Useful public purpose" means a purpose for which an~~  
 18 ~~applicant can provide adequate, economic, safe, effective, com-~~  
 19 ~~petitive, and equitable motor carrier service to satisfy a demon-~~  
 20 ~~strated public need, without creating excess service.~~

21 (l) ~~(p)~~ "Fit", as applied to ~~a proposed~~ motor carrier  
 22 service, means safe ~~, suitable, and~~ financially responsible as  
 23 determined by the commission, AND THE ABSENCE OF A MAJOR PATTERN  
 24 OF RECURRING VIOLATIONS OF OTHER ACTS REGULATING TRUCK SAFETY AND  
 25 OF THIS ACT AFTER THE 1989 AMENDMENTS TO THIS ACT.

26 (M) ~~(q)~~ "Private carrier" means any person engaged in the  
 27 transportation of property by motor vehicle upon public highways

1 where the transportation is incidental to, or in furtherance of,  
2 any commercial enterprise of the person, other than  
3 transportation.

4 (N) ~~(r)~~ "General rate" means a rate applicable to 2 or  
5 more motor carriers which rate is filed pursuant to section 6b of  
6 article V.

7 Sec. 2. (1) It is hereby declared to be the purpose and  
8 policy of the legislature in enacting this law to confer upon the  
9 commission the power and authority and to make it its duty to  
10 supervise and regulate the transportation of property by motor  
11 vehicle for hire upon and over the public highways of this state  
12 in ~~all matters whether specifically mentioned herein or not~~ THE  
13 MANNER PRESCRIBED IN THIS ACT, so as to: (a) Relieve all future  
14 undue burdens and congestion on the highways arising by reason of  
15 the use of the highways by motor vehicles operated by motor car-  
16 riers; (b) protect and conserve the highways and protect the  
17 safety and welfare of the traveling and shipping public in their  
18 use of the highways; (c) ~~promote competitive and efficient~~  
19 ~~transportation~~ FOSTER PRODUCTIVE, FAIR, AND INNOVATIVE COMPETI-  
20 TION IN FURTHERANCE OF THE PUBLIC INTEREST AND FOR THE BENEFIT OF  
21 THE USERS OF TRANSPORTATION SERVICES AND NOT FOR THE PROTECTION  
22 FROM COMPETITION OF INDIVIDUAL PROVIDERS OF SUCH services; (d)  
23 meet the needs of motor carriers, shippers, receivers, and con-  
24 sumers; (e) allow a variety of quality, price, and service  
25 options to meet changing market demands and the diverse require-  
26 ments of the shipping public; (f) allow the most productive use  
27 of equipment and energy resources; (g) provide the opportunity

1 for efficient and well-managed motor carriers to earn adequate  
2 profits and attract capital; (h) promote intermodal transporta-  
3 tion; (i) prevent unjust discrimination; (j) promote greater par-  
4 ticipation by minorities in the motor carrier system; (k) provide  
5 and maintain service to small communities and small shippers; and  
6 (l) prevent evasion of this act through any device or  
7 arrangement.

8 (2) EXCEPT AS PROVIDED IN SECTION 6B OF ARTICLE V,  
9 SUBSECTION (1) SHALL NOT BE CONSTRUED TO ALLOW THE COMMISSION TO  
10 REGULATE THE RATES, FARES, AND CHARGES OF MOTOR CARRIERS SUBJECT  
11 TO THIS ACT. HOWEVER, THE COMMISSION SHALL REGULATE PERSONS WHO  
12 TRANSPORT HOUSEHOLD GOODS AS DESCRIBED IN SECTION 10B OF  
13 ARTICLE V.

14 Sec. 3. (1) To enable the provisions of service for which  
15 there is an immediate and urgent need to a point or points or  
16 within a territory having no motor carrier service capable of  
17 meeting that need, the commission may, upon a proper application,  
18 in its discretion and without hearings or other proceedings,  
19 grant A temporary ~~authority~~ CERTIFICATE OF REGISTRATION for  
20 that service by a motor ~~common~~ carrier ~~or a motor contract~~  
21 ~~carrier~~ by motor vehicle. The temporary ~~authority~~  
22 CERTIFICATE, unless suspended or revoked for good cause, shall be  
23 valid for the time as the commission shall specify. ~~, but in no~~  
24 ~~event for a period exceeding 30 days, except that if after hear-~~  
25 ~~ing, permanent authority be granted, then corresponding temporary~~  
26 ~~authority may be continued until the permanent authority becomes~~



1 effective, and shall create no presumption that corresponding  
2 permanent authority will be granted thereafter.

3 ~~(2) Pending the determination of an application filed with~~  
4 ~~the commission for approval of a consolidation or merger of the~~  
5 ~~properties of 2 or more motor carriers, the commission may, in~~  
6 ~~its discretion and without hearing or other proceedings, grant~~  
7 ~~temporary approval, for a period not exceeding 60 days, of the~~  
8 ~~operation of the motor carrier properties sought to be acquired~~  
9 ~~by the person proposing in the pending application to acquire the~~  
10 ~~properties, if it appears that failure to grant the temporary~~  
11 ~~approval may result in destruction of or injury to the motor car-~~  
12 ~~rier properties sought to be acquired, or to interfere substan-~~  
13 ~~tially with their future usefulness in the performance of ade-~~  
14 ~~quate and continuous service to the public.~~

15 (2) ~~(3)~~ Transportation service rendered under A temporary  
16 ~~authority~~ CERTIFICATE OF REGISTRATION shall be subject to all  
17 applicable provisions of this act and to the rules of the  
18 commission.

19 Sec. 4. (1) This section applies to all matters before the  
20 commission for which the commission has jurisdiction under arti-  
21 cle II. ~~or III.~~

22 (2) The commission or an employee to whom has been delegated  
23 the authority to make an initial decision in a matter related to  
24 a motor carrier:

25 (a) Shall, in any case in which an oral hearing is held,  
26 complete all evidentiary proceedings related to the matter not  
27 later than ~~+80~~ 120 days following ~~institution~~ INITIATION of

1 the ~~proceeding~~ HEARING, and shall issue in writing the proposal  
2 for decision not later than ~~270~~ 170 days following  
3 ~~institution~~ INITIATION of the ~~proceeding~~ HEARING.

4 (b) Shall, in the case of all other proceedings subject to  
5 this section, issue in writing the proposal for decision not  
6 later than ~~180~~ 60 days following institution of the  
7 proceeding.

8 (3) ~~In extraordinary circumstances the commission may~~  
9 ~~extend a time period established by this section. However, the~~  
10 ~~total of all extensions with respect to any matter subject to~~  
11 ~~this section shall not exceed 90 days.~~ THE COMMISSION SHALL MAKE  
12 ITS INITIAL DECISION WITHIN 60 DAYS AFTER A PROPOSAL FOR DECISION  
13 IS ISSUED PURSUANT TO SUBSECTION (2)(A) OR (B).

14 ARTICLE II

15 Sec. 1. ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, A  
16 motor ~~common~~ carrier ~~of property~~ shall not operate any motor  
17 vehicle for the transportation of property for hire on any public  
18 highway in this state ~~except in accordance with the provisions~~  
19 ~~of~~ BEFORE OBTAINING A CERTIFICATE OF REGISTRATION PURSUANT TO  
20 this act. ~~A motor common carrier of property shall not operate~~  
21 ~~upon any public highway without first having obtained from the~~  
22 ~~commission a certificate of authority.~~

23 Sec. 2. ~~The~~ SUBJECT TO SECTION 5 OF THIS ARTICLE, THE  
24 commission, upon the filing of an application for a certificate  
25 of ~~authority~~ REGISTRATION, shall ascertain and determine, under  
26 reasonable rules as it promulgates, whether to issue the  
27 certificate of ~~authority~~ REGISTRATION.

1       Sec. 3. An application for a certificate of ~~authority~~  
2 REGISTRATION shall be in writing stating the experience of the  
3 applicant as a motor carrier, if any, the ownership and condition  
4 of the equipment and physical property of the applicant proposed  
5 to be used, and shall contain other information as the commission  
6 requires. Each application shall be accompanied by the required  
7 fees, proof of insurance before operations are commenced, and all  
8 other things required by law and the rules of the commission.

9       Sec. 4. Upon the filing of an application for a certificate  
10 of ~~authority~~ REGISTRATION to operate as a motor ~~common~~ carri-  
11 er, the commission shall cause notice of the filing of the appli-  
12 cation to be published in a biweekly information bulletin. ~~The~~  
13 ~~commission may schedule a hearing on the application or proceed~~  
14 ~~under modified procedure. If a hearing is scheduled, notice~~  
15 ~~shall be given in the same manner as the notice of filing of an~~  
16 ~~application.~~

17       Sec. 5. (1) ~~Except as provided in this section, the~~ THE  
18 commission shall issue a certificate of ~~authority~~ REGISTRATION  
19 to an applicant authorizing that it provide transportation  
20 subject to the jurisdiction of the commission under this article  
21 as a motor ~~common~~ carrier ~~of property~~ if the commission finds  
22 all of the following:

23       (a) The character and condition of the DRIVERS AND OF THE  
24 vehicles proposed to be operated by the applicant is such that  
25 they may be operated safely upon the public highways.

26       (b) That the applicant is fit ~~, willing, and able to~~  
27 ~~provide the transportation to be authorized by the certificate~~

1 ~~and to comply with this act and rules and regulations of the~~  
2 ~~commission~~ TO OPERATE AS A MOTOR CARRIER.

3 ~~(c) On the basis of evidence presented, that the service~~  
4 ~~proposed will serve a useful public purpose, unless the commis-~~  
5 ~~sion finds, on the basis of the evidence presented by a protes-~~  
6 ~~tant objecting to the issuance of a certificate that the trans-~~  
7 ~~portation to be authorized by the certificate would create excess~~  
8 ~~service by endangering the ability of the present carriers to~~  
9 ~~provide adequate, economical, safe, and efficient service.~~

10 (2) In making a finding under subsection (1), the commission  
11 shall ~~consider and, to the extent applicable, make findings on~~  
12 ~~at least all of the following~~ REQUIRE:

13 (a) ~~The transportation policy set forth in section 2 of~~  
14 ~~article I.~~ PROOF OF FINANCIAL RESPONSIBILITY BY PLEDGING ASSETS,  
15 OBTAINING A SURETY BOND, OR OTHER MEANS AS DETERMINED APPROPRIATE  
16 BY THE COMMISSION TO INSURE THE PROTECTION OF THE PUBLIC.

17 (b) ~~The existing available and adequate service in relation~~  
18 ~~to the character and volume of available traffic; and whether the~~  
19 ~~service proposed will create excess service inconsistent with the~~  
20 ~~public interest. The commission shall not find diversion of rev-~~  
21 ~~enue or traffic from an existing motor carrier to be in and of~~  
22 ~~itself inconsistent with the public interest.~~ PROOF OF LIABILITY  
23 AND CARGO INSURANCE PROTECTION AS DETERMINED NECESSARY BY THE  
24 COMMISSION.

25 (c) ~~The character of the bond or insurance proposed to be~~  
26 ~~given to insure the protection of the public.~~ FOR COMPLIANCE  
27 WITH SUBSECTION (1)(A), EVIDENCE THAT THE VEHICLES THE APPLICANT

1 PROPOSES TO OPERATE HAVE BEEN INSPECTED WITHIN THE LAST YEAR BY A  
2 LICENSED MECHANIC AND WERE DETERMINED TO BE IN COMPLIANCE WITH  
3 THE REQUIREMENTS OF THE MOTOR CARRIER SAFETY ACT OF 1963, ACT  
4 NO. 181 OF THE PUBLIC ACTS OF 1963, BEING SECTIONS 480.11 TO  
5 480.21 OF THE MICHIGAN COMPILED LAWS, AND IF NECESSARY, THE  
6 MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949,  
7 BEING SECTIONS 257.1 TO 257.923 OF THE MICHIGAN COMPILED LAWS.  
8 IF VEHICLES PROPOSED TO BE USED ARE NOT YET IDENTIFIED, THEY  
9 SHALL BE INSPECTED BY A LICENSED MECHANIC AND PROOF OF INSPECTION  
10 SUBMITTED TO THE COMMISSION BEFORE BEING PLACED INTO SERVICE.

11 ~~(d) Whether the applicant is fit, willing, and able to pro-~~  
12 ~~vide service commensurate with the extent of the certificate~~  
13 ~~sought.~~

14 (3) ~~A motor carrier may not protest an application to pro-~~  
15 ~~vide transportation filed under this section unless all of the~~  
16 ~~following requirements are met:~~ A CERTIFICATE ISSUED BY THE COM-  
17 MISSION SHALL ALLOW THE MOTOR CARRIER TO PROVIDE STATEWIDE SERV-  
18 ICE IN ALL TERRITORIES AND OVER ALL ROUTES FOR THE GOODS THE  
19 MOTOR CARRIER DESIRES TO TRANSPORT WITHOUT RESTRICTION BY THE  
20 COMMISSION.

21 (4) THE COMMISSION MAY DENY ISSUANCE OF A CERTIFICATE TO AN  
22 APPLICANT IF THE COMMISSION FINDS THAT THE MOTOR CARRIER WILL NOT  
23 OPERATE IN A MANNER CONSISTENT WITH THE REQUIREMENTS OF  
24 SUBSECTION (1).

25 ~~(a) The protest is filed with the commission not later than~~  
26 ~~20 days following publication of the notice of the filing of the~~  
27 ~~application in the biweekly bulletin.~~

1       ~~(b) The motor carrier possesses a certificate of authority~~  
2 ~~or permit authorizing it to handle, in whole or in part, the~~  
3 ~~traffic for which an application is made or has pending before~~  
4 ~~the commission an application for a certificate of authority or~~  
5 ~~permit for substantially the same traffic filed before the appli-~~  
6 ~~cation being considered.~~

7       ~~(c) The motor carrier is willing and able to provide service~~  
8 ~~that meets the reasonable needs of the shippers involved.~~

9       ~~(d) The motor carrier has performed service within the scope~~  
10 ~~of the application during the previous 12 month period or has,~~  
11 ~~actively and in good faith, solicited service within the scope of~~  
12 ~~the application during that period.~~

13       ~~(4) The commission may grant leave to intervene to a person~~  
14 ~~other than a motor carrier or an applicant for a certificate of~~  
15 ~~authority or permit upon a showing of other interests that are~~  
16 ~~consistent with the transportation policy set forth in section 2~~  
17 ~~of article I. A petition to intervene shall not be granted~~  
18 ~~unless filed with the commission not later than 20 days following~~  
19 ~~publication of the notice of the filing of the application in the~~  
20 ~~biweekly bulletin except for good cause shown.~~

21       ~~(5) Any motor carrier having timely filed a protest or any~~  
22 ~~intervenor having timely filed a petition to intervene may par-~~  
23 ~~ticipate in person or by counsel, cross examine witnesses, and~~  
24 ~~offer testimony in support of, or in opposition to, the grant of~~  
25 ~~a certificate of authority.~~

26       ~~(6) Certificates of authority issued to motor common~~  
27 ~~carriers of property under this act shall be of 3 classes:~~

1       ~~(a) Certificates issued to motor carriers as may be~~  
2 ~~operating over fixed routes or within 1 mile of a fixed route or~~  
3 ~~between fixed termini.~~

4       ~~(b) Certificates issued to motor carriers providing a trans-~~  
5 ~~portation service within an 8 mile radius of a city having a pop-~~  
6 ~~ulation of 500,000 or more and including each city or village, a~~  
7 ~~part of which is located within the 8 mile radius.~~

8       ~~(c) Certificates issued to all other motor common carriers~~  
9 ~~of property.~~

10       Sec. 8. A person, whether motor carrier, shipper, or con-  
11 signee, or any officer, employee, agent, or representative of a  
12 motor carrier, shipper, or consignee, who knowingly ~~offers,~~  
13 ~~grants, or gives, or solicits, accepts, or receives any rebate,~~  
14 ~~concession, or discrimination in violation of this act, or who,~~  
15 ~~by means of any false statement or representation, or by the use~~  
16 ~~of any false or fictitious bill, bill of lading, receipt, vouch-~~  
17 ~~er, roll, account, claim, certificate, affidavit, deposition,~~  
18 ~~lease, or bill of sale, or by any other means or device, know-~~  
19 ~~ingly and wilfully assists, suffers, or permits a person to~~  
20 ~~obtain transportation of property subject to this article for~~  
21 ~~less than the applicable rate, fare, or charge, or who knowingly~~  
22 ~~and wilfully~~ AND WILLFULLY, by any means, fraudulently seeks to  
23 evade or defeat rules as promulgated under this act for motor  
24 ~~common~~ carriers, is guilty of a misdemeanor, punishable by a  
25 fine of not more than \$500.00, or imprisonment for not more than  
26 6 months, or both.

1       Sec. 9. If a motor ~~common~~ carrier does or causes or  
2 permits to be done any act ~~or thing in this act~~ prohibited ~~or~~  
3 ~~declared to be unlawful~~ BY THIS ACT, or omits to do any act ~~or~~  
4 ~~thing~~ required to be done by the motor ~~common~~ carrier under  
5 this act or under any lawful order made by the commission, the  
6 motor ~~common~~ carrier is liable to the person, firm, or corpora-  
7 tion injured to the extent of the actual amount of damages sus-  
8 tained in consequence of the violation. A recovery as provided  
9 in this section shall not affect a recovery by the state of the  
10 penalty prescribed for the violation.

11       Sec. 10. The commission shall supervise and regulate ~~all~~  
12 ~~motor common carriers of property and regulate and determine rea-~~  
13 ~~sonable and sufficient rates, fares, charges, and classifica-~~  
14 ~~tions, regulate the facilities, accounts, service, and~~ THE  
15 safety of operations of each motor ~~common~~ carrier. To insure  
16 adequate transportation service to the ~~territory traversed by~~  
17 ~~the motor common carriers~~ PEOPLE OF THIS STATE, the commission  
18 may require the ~~coordination of the service and schedules of~~  
19 ~~competing motor common carriers, require the~~ filing of annual  
20 and other reports, ~~tariffs, schedules,~~ and other data by the  
21 motor ~~common~~ carriers; ~~supervise and regulate motor common~~  
22 ~~carriers in all matters affecting the relation between the motor~~  
23 ~~carriers, and the public and between motor carriers,~~ and promul-  
24 gate rules for the purpose of promoting safety upon the highways  
25 and the conservation of their use to the end that the provisions  
26 of this act may be fully and completely carried out. The  
27 commission ~~, by general order or otherwise,~~ shall promulgate



1 rules ~~in conformity with~~ AS NECESSARY TO IMPLEMENT THE  
2 REQUIREMENTS OF this act applicable to all motor ~~common~~ carri-  
3 ers, and ~~to~~ do all things necessary to carry out and enforce  
4 this act. RULES PROMULGATED PURSUANT TO THIS SECTION SHALL BE  
5 PROMULGATED PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF  
6 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS  
7 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS.

8       Sec. 14. In case of emergency or unusual temporary demands  
9 for transportation, the fees for additional motor propelled or  
10 drawn vehicles for limited periods and the circumstances and reg-  
11 ulations under which they may be permitted to be operated, used,  
12 or employed by any motor ~~common~~ carrier shall be prescribed and  
13 fixed by general rule or temporary order of the commission, ~~any~~  
14 ~~provisions of this act to the contrary notwithstanding~~ SUBJECT  
15 TO THE REQUIREMENTS OF THIS ACT.

#### 16                                   ARTICLE IV

17       Sec. 1. Each application filed with the commission for a  
18 certificate of ~~authority or for a permit~~ REGISTRATION, as  
19 required by this act, shall be accompanied by a fee of \$100.00.  
20 Each application filed with the commission for the renewal of a  
21 certificate ~~or permit~~ shall be accompanied by a fee of \$50.00  
22 for the administration of this act, which fee shall be in addi-  
23 tion to all other fees, and shall be retained by the commission  
24 and deposited with the state treasurer, whether or not the cer-  
25 tificate ~~or permit~~ or the renewal of the certificate ~~or~~  
26 ~~permit~~ is granted.

1       Sec. 1a. A motor carrier OR OTHER PERSON filing a ~~protest~~  
2 ~~to~~ COMPLAINT AGAINST an application for a certificate of  
3 ~~authority or for a permit~~ REGISTRATION PURSUANT TO SECTION 14  
4 OF ARTICLE V shall submit a fee of \$50.00 for the administration  
5 of this act. This fee shall be retained by the commission and  
6 deposited with the state treasurer.

7       Sec. 2. (1) In addition to the license fees or taxes other-  
8 wise imposed upon motor carriers, there shall be assessed against  
9 and collected from each motor carrier for the administration of  
10 this act, an annual fee of \$100.00 for each self-propelled motor  
11 vehicle operated by or on behalf of the motor carrier, except as  
12 otherwise provided in this subsection. A motor carrier shall pay  
13 a fee of only \$50.00 for each self-propelled motor vehicle oper-  
14 ated by or on behalf of the motor carrier, if the motor carrier  
15 begins operation of the vehicle after June 30 and has not previ-  
16 ously paid a fee under this subsection for that vehicle. After  
17 payment of the \$100.00 annual fee for a motor vehicle, or the  
18 \$50.00 fee paid for a vehicle operated after June 30, or the  
19 \$50.00 fee paid for a vehicle used for the transportation of  
20 household goods if a motor carrier seeks to begin operating a  
21 self-propelled motor vehicle in place of another motor vehicle  
22 not leased to the motor carrier by an owner operator for which a  
23 fee was paid and surrenders the identification allocated to the  
24 motor vehicle by the commission, accompanied by a fee of \$10.00,  
25 a replacement identification shall be issued. Except that where  
26 the owner operator replaces a vehicle while it is still leased to  
27 the same motor carrier to whom it was leased when the

1 identification was issued, the replacement identification fee  
2 shall be \$10.00. For all other replacement vehicles, the fee  
3 shall be \$25.00 for each complete or partial calendar year quar-  
4 ter remaining in the year as of the date the replacement vehicle  
5 is to begin operating upon surrender of the identification allo-  
6 cated to the motor carrier by the commission. For each truck or  
7 tractor used exclusively for the transportation of household  
8 goods as defined by the commission, the annual fee shall be  
9 \$50.00. A motor carrier licensed in this state shall pay an  
10 annual fee of \$100.00 for each vehicle operated by the motor car-  
11 rier which is registered in this state and operating entirely in  
12 interstate commerce.

13 (2) The commission may issue a temporary 72-hour permit for  
14 the operation of a vehicle subject to rules and conditions of the  
15 commission at a fee of \$10.00, which is in place of any other fee  
16 otherwise required under this section. The commission shall  
17 reserve the authority to deny or curtail the use of temporary  
18 permits authorized by this section FOR THE SAME REASONS FOR WHICH  
19 A CERTIFICATE OF REGISTRATION MAY BE DENIED UNDER ARTICLE V.

20 (3) A motor carrier shall not operate any motor vehicle upon  
21 or over the highways of this state, except as otherwise provided  
22 in this act, while any of the fees imposed by this act shall  
23 remain unpaid. The commission is prohibited from extending the  
24 time of payment or permitting the operation while the delinquency  
25 continues.

1 (4) Motor carriers subject to the act shall not be required  
2 to pay the fee on operations of vehicles within the area  
3 described in section 2(1)(a) of article V.

4 (5) The commission shall collect an annual fee of \$50.00 for  
5 each motor vehicle operated by an interstate or foreign motor  
6 carrier licensed in another state or province of Canada that  
7 levies a regulatory fee or tax on a Michigan licensed motor car-  
8 rier in excess of the \$10.00 fee provided under the interstate  
9 commerce act, 49 U.S.C. 11506, Public Law 89-170, and which state  
10 or province of Canada does not have a reciprocal agreement with  
11 this state relating to motor carrier regulatory fees or taxes.

12 Sec. 6. ~~All moneys~~ EXCEPT AS PROVIDED IN SECTION 7 OF  
13 THIS ARTICLE AND SECTION 18 OF ARTICLE V, ALL MONEY received  
14 under the provisions of this act shall be placed to the credit of  
15 the commission. The legislature shall appropriate such ~~moneys~~  
16 MONEY to the commission and the ~~motor vehicle highway~~ MICHIGAN  
17 TRANSPORTATION fund in such proportions as the legislature may  
18 determine.

19 ARTICLE V

20 Sec. 2. (1) This act shall not apply to the following:

21 (a) A vehicle operated entirely within a city or village of  
22 this state; nor to a motor carrier of property whose operations  
23 may extend a distance of not more than 8 miles beyond the bound-  
24 ary of a city or village having a population of less than  
25 500,000, if the origin and destination of the property being  
26 transported is within an 8-mile radius of the city or village.  
27 The territory within the external corporate limits of a city,

1 even though it includes and embraces the area of 1 or more  
2 separately organized and existing cities, shall be considered a  
3 single city. Notwithstanding any other provision of this subdi-  
4 vision, a certificate or permit issued under this act is required  
5 for the operation of a vehicle of a motor carrier, other than a  
6 vehicle exempted under subdivisions (b) to (o), in the transpor-  
7 tation of property between a city having a population of 500,000  
8 or more and a city or village located within the commercial zone  
9 of a city having a population of 500,000 or more, or between  
10 cities or villages within that commercial zone. As used in this  
11 subdivision, "commercial zone" means the area within an 8-mile  
12 radius of a city having a population of 500,000 or more and  
13 includes all cities and villages, any part of which are located  
14 within that 8-mile radius.

15 (b) A vehicle owned or operated by the state or the United  
16 States, or by a state or federal corporation, agency, or  
17 instrumentality.

18 (c) A vehicle owned or operated by an incorporated city,  
19 village, or school district, or by a county or township in the  
20 state or by a corporation, agency, or instrumentality of the  
21 state, for governmental purposes.

22 (d) A vehicle used exclusively for carrying United States  
23 mail.

24 (e) A vehicle used for the transportation of farm products,  
25 including livestock, when transported by other than the owner,  
26 from the farm to the market in the raw state, or used for the  
27 transportation of milk from the farm to milk stations, or trucks

1 owned by a farmer bearing a farm truck license issued under  
2 section 801(1)(c) of the Michigan vehicle code, Act No. 300 of  
3 the Public Acts of 1949, as amended, being section 257.801 of the  
4 Michigan Compiled Laws, when being used by the farmer in hauling  
5 farm produce, livestock, or farm equipment, and supplies for  
6 other farmers for remuneration in kind or in labor, but not for  
7 money.

8 (f) A vehicle used for the transportation of fruits, eggs,  
9 poultry, fish and seafood, grain, vegetables, seeds, nursery  
10 stock, horticultural products, and sugar beets. This subdivision  
11 shall not exempt a vehicle transporting the commodities described  
12 in this subdivision in other than the raw state.

13 (g) A vehicle used for occasional accommodative service  
14 including seasonal transportation of perishable commodities even  
15 though the cost of the accommodative service and seasonal trans-  
16 portation of perishable commodities may be paid by the person  
17 accommodated.

18 (h) A dump truck having not more than 4 axles or any dump  
19 vehicle moving directly to and from a public highway, airport, or  
20 railroad or bridge construction site, when used for the transpor-  
21 tation of sand, gravel, slag, stone, limestone, crushed stone,  
22 marl, pebbles, cinders, bituminous aggregates, asphalt, blacktop,  
23 dirt, or fill material, or any dump vehicle transporting commodi-  
24 ties generally transported in the dump vehicle operating within  
25 an 8-mile radius of a city having a population of 500,000 or more  
26 and including all other cities or villages, any part of which is  
27 located within the 8-mile radius.

1 (i) A vehicle used to transport a vehicle which is  
2 temporarily disabled from a point within an 8-mile radius of a  
3 city having a population of 500,000 or more and including all  
4 other cities or villages, any part of which is located within the  
5 8-mile radius to another point within that radius.

6 (j) A vehicle used for the transportation of pulpwood, logs,  
7 wood chips, bark, and sawdust when the vehicle is being used to  
8 move the commodities from a forest, woodlot, cutting site, saw-  
9 mill, or chipping site to a market or railroad siding of not more  
10 than a 140-mile radius from the place where the vehicle is  
11 loaded.

12 (k) A vehicle having a manufacturer's rating of not more  
13 than 1-1/2 tons capacity or the equivalent gross vehicle weight  
14 rating used for the transportation of newspapers.

15 (l) A vehicle towing a disabled motor vehicle from the loca-  
16 tion at which it was disabled to another location or a vehicle  
17 towing a motor vehicle involved in an accident from the location  
18 of the accident to another location.

19 (m) A vehicle used in the transportation of livestock, poul-  
20 try feed, chemicals, pesticides, and fertilizers on movements  
21 directly to a farm for use in agricultural production.

22 (n) A vehicle used for the transportation of property for  
23 compensation provided by a person who is a member of a corporate  
24 family for other members of the corporate family, if all of the  
25 following conditions are met:

1       (i) The parent corporation notifies the commission annually  
2 of its intent or the intent of 1 of its subsidiaries to provide  
3 the transportation.

4       (ii) The notice described in subparagraph (i) contains a  
5 list of participating subsidiaries and an affidavit that the  
6 parent corporation owns directly or indirectly a 100% interest in  
7 each of the subsidiaries.

8       (iii) The notice described in subparagraph (i) is accom-  
9 panied by a fee of \$100.00.

10       (iv) The commission publishes the notice described in sub-  
11 paragraph (i) in the biweekly bulletin.

12       (v) A copy of the notice described in subparagraph (i) is  
13 carried in the cab of all vehicles conducting the  
14 transportation.

15       (o) A vehicle transporting animal and poultry feed or feed  
16 ingredients to sites of agricultural production or to a business  
17 enterprise engaged in the sale to agricultural producers of goods  
18 used in agricultural production.

19       (2) SUBSECTION (1)(N) SHALL NOT PROHIBIT A PRIVATE CARRIER  
20 OR A COMPANY PROVIDING TRANSPORTATION SERVICES FOR ANOTHER MEMBER  
21 OF THE CORPORATE FAMILY FROM APPLYING FOR A CERTIFICATE OF REGIS-  
22 TRATION TO PROVIDE TRANSPORTATION SERVICES AS A REGULATED MOTOR  
23 CARRIER. As used in subsection (1)(n) AND THIS SUBSECTION,  
24 "corporate family" means a group of corporations consisting of a  
25 parent corporation and all subsidiaries in which the parent cor-  
26 poration owns directly or indirectly a 100% interest.



1 (3) None of the exemptions in this section, where  
2 applicable, apply to a vehicle entering this state from another  
3 state, foreign country, or subdivision of a state or foreign  
4 country which does not extend similar exemptions to vehicles from  
5 this state entering the state, foreign country, or subdivision.

6 Sec. 4. ~~Duty of highway commissioners. It shall be the~~  
7 ~~duty of the state highway commissioner and of the several county~~  
8 ~~road commissioners, upon~~ UPON request of the commission, ~~to~~  
9 THE STATE TRANSPORTATION DEPARTMENT AND THE COUNTY EXECUTIVE OR  
10 BOARD OF COUNTY ROAD COMMISSIONERS, AS APPLICABLE, SHALL obtain  
11 and furnish information relating to ~~the highways and~~ congestion  
12 ~~thereon and~~ ON the HIGHWAYS, bridges, tunnels, and subways OF  
13 THIS STATE. ~~located in any territory designated in any applica-~~  
14 ~~tion for a certificate or a permit, as well as such other infor-~~  
15 ~~mation as the commission may deem pertinent upon the hearing of~~  
16 ~~such application.~~

17 Sec. 6. (1) The commission shall prescribe the forms of  
18 applications for certificates ~~and permits,~~ and promulgate rules  
19 pertaining to the contents and filing of applicants, ~~and is~~  
20 ~~empowered to~~ SHALL administer and enforce all provisions of this  
21 act, ~~and to~~ SHALL establish and enforce rules affecting the  
22 operations of all motor carriers subjected to the provisions of  
23 this act affecting their use of the highways, ~~and affecting~~ the  
24 conduct of investigations and hearings authorized in this act,  
25 and also in respect of all matters pertaining to the proper  
26 enforcement of all provisions and purposes of this act. The  
27 rules shall be promulgated ~~and become effective~~ only pursuant

1 to and in compliance with Act No. 306 of the Public Acts of  
2 1969, as amended, being sections 24.201 to ~~24.315~~ 24.328 of the  
3 Michigan Compiled Laws. The rules may be rescinded, suspended,  
4 modified, and amended at any time in the discretion of the com-  
5 mission and in accordance with Act No. 306 of the Public Acts of  
6 1969, as amended, to effectuate the purposes of this act. All  
7 rules promulgated by the commission shall be given and shall have  
8 the force and effect of law.

9 (2) The commission shall provide for the issuance of a bul-  
10 letin of notices of hearings, applications, ~~and notices of the~~  
11 ~~transfer of permits or certificates, the filing with it of rates,~~  
12 ~~fares, and charges~~ and any other matters relating to its powers  
13 and duties regulating transportation UNDER THIS ACT. The bulle-  
14 tin shall be issued biweekly and mailed to each holder of an  
15 intrastate motor carrier ~~authority~~ CERTIFICATE OF REGISTRATION  
16 from the commission. The mailing of the bulletin to the motor  
17 carrier at its registered place of business is to constitute  
18 official notice to the motor carrier of the applications, hear-  
19 ings, ~~transfer of certificates or permits,~~ and other official  
20 business of the commission as appears in the bulletin, and no  
21 other notice ~~thereof~~ need be given the motor carriers except as  
22 is otherwise in this act expressly required. The bulletin shall  
23 be furnished and mailed to the public upon payment by anyone sub-  
24 scribing for the bulletin of an annual fee to be fixed by the  
25 commission with due regard to cost and the interest of the public  
26 in its activities.

1       Sec. 6b. (1) If two or more motor carriers desire to  
2 jointly consider and initiate rates, fares, classifications,  
3 divisions, allowances, charges, or rules of the motor carriers,  
4 those joint considerations and initiations shall only be con-  
5 ducted pursuant to an agreement which is submitted to, and  
6 approved by, the commission under rules promulgated by the  
7 commission. Except as provided in ~~subsections (8) and (9)~~  
8 SUBSECTION (8), the commission shall by order approve the agree-  
9 ment if it finds that it is in furtherance of the transportation  
10 policy set forth in section 2 of article I. The approval of the  
11 commission shall be granted only upon those terms and conditions  
12 the commission determines are necessary to enable it to grant its  
13 approval in accordance with the transportation policy set forth  
14 in section 2 of article I. BEFORE APPROVING SUCH RATES, THE COM-  
15 MISSION SHALL INVESTIGATE THE RATE LEVELS TO ASSURE THAT THEY ARE  
16 NOT UNREASONABLY HIGH AND MAY ORDER REDUCTION OF THE RATES TO A  
17 LEVEL IT CONSIDERS APPROPRIATE.

18       (2) The motor carriers who are parties to an agreement  
19 approved by the commission under this section shall submit pro-  
20 posed rates, fares, classifications, divisions, allowances,  
21 charges, or rules of the motor carriers to the commission. The  
22 proposed rates, fares, classifications, divisions, allowances,  
23 charges, or rules of the motor carriers shall not be effective  
24 unless they are submitted to the commission and are permitted  
25 under the provisions of this act and the rules promulgated under  
26 this act.

1       (3) Each conference, bureau, committee, or other  
2 organization established pursuant to an agreement approved by the  
3 commission under this section shall maintain those accounts,  
4 records, files, and memoranda and shall submit to the commission  
5 information and the reports as prescribed by the commission. All  
6 the accounts, records, files, and memoranda shall be subject to  
7 inspection by the commission or its authorized representative.

8       (4) Each motor carrier which is a party to an agreement  
9 described in this section shall file with the commission a veri-  
10 fied statement that specifies its name, its mailing address, and  
11 the telephone number of its main office; the names and addresses  
12 of each of its affiliates; the names, addresses, and affiliates  
13 of each of its officers and directors; the names, addresses, and  
14 affiliates of each person, who together with an affiliate owning  
15 or controlling any debt, equity, or security interest in it has a  
16 value of at least \$100.00. As used in this subsection:

17       (a) "Affiliate" means a person controlling, controlled by,  
18 or under common control or ownership with another person.

19       (b) "Ownership" means equity holdings in a business entity  
20 of at least 5%.

21       (5) A meeting of a conference, bureau, committee, or other  
22 organization established pursuant to an agreement approved by the  
23 commission under this section which includes motor carrier tar-  
24 iffs, rates, fares, or charges as matters of discussion or deci-  
25 sion shall be open and all persons shall be allowed to attend  
26 meetings. A VIOLATION OF THIS SUBSECTION SHALL BE CONSIDERED  
27 PRIMA FACIE EVIDENCE OF THE EXISTENCE OF AN UNLAWFUL CONTRACT,

1 COMBINATION, OR CONSPIRACY IN VIOLATION OF SECTION 2 OF THE  
2 MICHIGAN ANTITRUST REFORM ACT, ACT NO. 274 OF THE PUBLIC ACTS OF  
3 1984, BEING SECTION 445.772 OF THE MICHIGAN COMPILED LAWS.

4 (6) Notice of the meeting described in subsection (5) must  
5 be posted at the principal place of business of the organization  
6 and at the commission at least 8 working days before the date of  
7 the meeting. The notice must contain the name of the organi-  
8 zation, its address, its telephone number, a meeting docket or  
9 agenda, and the place, date, and time of the meeting.

10 (7) Minutes of a meeting described in subsection (5) shall  
11 be kept by the organization and shall become available to the  
12 general public and shall be submitted to the commission on or  
13 before the eighth working day after a meeting. Minutes of other  
14 meetings shall be maintained by the organization for 1 year after  
15 the meeting. Minutes for a meeting described in subsection (5)  
16 shall contain the date, time, and place of meeting; members  
17 present; members absent; and decisions taken. Votes on rates,  
18 fares, charges, or tariff items shall be recorded. Notice of  
19 other meetings described in subsection (5) shall be sent to the  
20 commission on or before the eighth working day after the meeting  
21 and shall contain the date, time, and place; members present;  
22 members absent; and purpose of meeting.

23 ~~(8) The commission shall not approve under this section any~~  
24 ~~agreement between or among carriers of different modes unless the~~  
25 ~~agreement is limited to matters relating to transportation under~~  
26 ~~joint rates or over through routes.~~

1       (8) ~~-(9)-~~ The commission shall not approve under this  
2 section any agreement which establishes a procedure for the  
3 determination of any matter through joint consideration unless it  
4 finds that under the agreement there is accorded to each party  
5 the free and unrestrained right to take independent action after  
6 any determination is arrived at through the procedure INCLUDING  
7 THE SPECIFIC RIGHT TO OFFER DISCOUNTS FROM THE JOINTLY PUBLISHED  
8 RATES.

9       (9) ~~-(10)-~~ The commission is authorized, upon complaint or  
10 upon its own initiative, to investigate and determine whether any  
11 agreement previously approved by it under this section, or terms  
12 and conditions upon which the approval was granted, is not or are  
13 not, in furtherance of the transportation policy set forth in  
14 section 2 of article I, WITH SPECIAL CONSIDERATION AS TO WHETHER  
15 THE RATES MAY BE UNREASONABLY HIGH, or whether the terms and con-  
16 ditions are unnecessary for the purposes of conformity with that  
17 policy. After investigation, the commission shall, by order,  
18 terminate or modify its approval of the agreement, or the terms  
19 and conditions of approval, if it finds the action necessary to  
20 assure conformity with the policy. The effective date of any  
21 order terminating or modifying approval, or modifying terms and  
22 conditions, shall be postponed for a period which the commission  
23 determines to be reasonably necessary to avoid undue hardships.

24       (10) ~~-(11)-~~ An order shall not be entered under this section  
25 unless interested parties have been afforded reasonable notice  
26 and opportunity for hearing.

1       Sec. 10. (1) ~~All certificates or permits granted hereunder~~  
2 ~~shall be made to~~ EACH CERTIFICATE GRANTED UNDER THIS ACT SHALL  
3 terminate as of December 31 of the calendar year during which the  
4 certificate ~~or permit~~ is issued. All motor carriers shall make  
5 application for the renewal of their certificates ~~or permits~~  
6 not before October 1 and not later than December 1 of the year in  
7 which their current certificate ~~or permit~~ expires. Certificate  
8 ~~and permit~~ holders not making application by December 1 shall  
9 be advised by the commission and given the opportunity to file  
10 their applications on or before December 31 on payment of a pen-  
11 alty of \$50.00. The renewal application shall be accompanied  
12 with the required fees, proof of insurance, and all other things  
13 required to be filed with the commission ~~by law or by the rules~~  
14 ~~and orders of the commission~~ PURSUANT TO THIS ACT.

15       (2) The certificate ~~or permit~~ of any motor carrier who is  
16 delinquent in the payment of the earned fees required by this act  
17 to be paid at the time of ~~any~~ renewal ~~thereof~~ shall be deemed  
18 canceled and terminated, on and after January 1 of the year for  
19 which application should have been made under the requirements of  
20 this section, and the motor carrier shall be prohibited from  
21 operating any of its vehicles upon or over the highways of this  
22 state and all privileges granted it under its expiring certifi-  
23 cate ~~or permit~~ shall cease.

24       (3) ~~In case any~~ IF AN applicant for renewal of a certifi-  
25 cate ~~or a permit~~ fails, otherwise than in the payment of fees,  
26 to comply in all respects with the law and the rules of the  
27 commission in connection with the filing of the application for

1 renewal, the commission immediately shall give specific written  
 2 notice of that failure to the applicant and shall require in the  
 3 notice that the applicant correct the matter specified within 10  
 4 days after the notice. Upon the failure of the applicant to make  
 5 the correction within the time, or in case of the failure to  
 6 accompany the application with the required filing fee, the cer-  
 7 tificate ~~or permit~~ of the applicant shall be revoked without  
 8 any FURTHER action ~~whatever~~ upon the part of the commission.

9 (4) Except as in this section otherwise provided, the provi-  
 10 sions in this act voiding a certificate ~~or a permit~~ for cause  
 11 shall be self-executing and shall not require any affirmative act  
 12 on the part of the commission. ~~, and the commission is~~  
 13 ~~expressly prohibited from extending and shall not have any power~~  
 14 ~~to extend the privilege or permit nor to allow the~~ THE COMMIS-  
 15 SION SHALL NOT EXTEND A CERTIFICATE AFTER IT HAS BEEN VOIDED PUR-  
 16 SUANT TO THIS ACT OR ALLOW THAT carrier to engage in any opera-  
 17 tion over the public highway. ~~In no case shall the~~ THE revoca-  
 18 tion of ~~any~~ A certificate ~~or a permit~~ SHALL NOT release ~~any~~  
 19 A motor carrier from liability for accrued fees.

20 (5) Upon full compliance with the requirements with respect  
 21 to the filing of the application, the certificate ~~or permit~~  
 22 shall issue for the succeeding calendar year, subject to all the  
 23 provisions of this act.

24 (6) The holder of a certificate ~~or permit~~ under this act  
 25 may add equipment at any time, but when adding equipment subject  
 26 to a privilege fee prescribed by this act, the holder of a  
 27 certificate ~~or permit~~ shall file an ex parte application in the



1 form as the commission requires and pay for each unit of  
2 equipment added, the fee prescribed in section 2 of article IV.  
3 A notice of hearing ~~on the application~~ shall not be required  
4 and a public hearing shall not be held ON THE APPLICATION.  
5 ~~thereon. When the holder of any certificate or permit, except~~  
6 ~~ing a certificate or permit that authorizes the transportation of~~  
7 ~~household goods while such household goods are being transported,~~  
8 ~~by lease, contract, or any arrangement other than outright pur~~  
9 ~~chase, augments his or her equipment, the lease, contract, or~~  
10 ~~arrangement shall be in writing and of such a character so as to~~  
11 ~~vest in the holder exclusive possession and control of the vehi~~  
12 ~~cle under the lease or arrangement for the entire term of the~~  
13 ~~lease or arrangement. Any operation of the vehicle shall be con~~  
14 ~~ducted under the exclusive supervision, direction, and control of~~  
15 ~~the holder.~~

16 (7) A certificated ~~or permitted~~ unit of equipment may be  
17 withdrawn from service at any time by surrendering to the commis-  
18 sion the identification allocated to the unit at the time it was  
19 certificated. ~~or permitted.~~

20 Sec. 10a. (1) ~~The lease, contract, or arrangement under~~  
21 ~~which a holder augments his or her equipment must specify the~~  
22 ~~period for which the equipment is to be operated, which shall not~~  
23 ~~be less than 30 days.~~ THE LEASE, CONTRACT, OR ARRANGEMENT UNDER  
24 WHICH A CERTIFICATE HOLDER AUGMENTS HIS OR HER EQUIPMENT SHALL BE  
25 IN WRITING AND SHALL SPECIFY THE BEGINNING AND ENDING DATES OF  
26 THE LEASE AND INCLUDE A PROVISION THAT THE VEHICLE HAS BEEN  
27 INSPECTED BY A LICENSED MECHANIC IN THE PREVIOUS YEAR. A COPY OF

1 THE LEASE SHALL BE KEPT IN THE VEHICLE AND PRESENTED UPON DEMAND  
2 BY AN AUTHORIZED POLICE OFFICER.

3       ~~(2) The lease, contract, or arrangement shall specify the~~  
4 ~~compensation to be paid by the lessee or party to the contract or~~  
5 ~~arrangement for the rental or use of the equipment.~~ NOTHING IN  
6 THIS ACT SHALL PROHIBIT THE PRACTICE OF TRIP LEASES OR SINGLE  
7 SOURCE LEASES IN INTRASTATE COMMERCE.

8       ~~(3) The lease, contract, or arrangement shall specify the~~  
9 ~~time and date or the circumstance on which the contract, lease,~~  
10 ~~or other arrangement begins, and the time or circumstance on~~  
11 ~~which it ends.~~ A LESSOR WHO HOLDS HIS OR HER OWN AUTHORITY MAY  
12 LEASE HIS OR HER VEHICLE AND DRIVER WITHOUT RESTRICTION TO A  
13 LESSEE WHO ALSO HOLDS HIS OR HER OWN AUTHORITY.

14       ~~(4) The lease, contract, or arrangement shall vest in the~~  
15 ~~holder of the vehicle exclusive possession and control of the~~  
16 ~~vehicle for the entire term of the lease, contract, or~~  
17 ~~arrangement.~~

18       ~~(5) The lease, contract, or arrangement shall provide that~~  
19 ~~any operation of the vehicle must be conducted under the exclu-~~  
20 ~~sive supervision, direction, and control of the holder.~~

21       ~~(6) The lease, contract, or arrangement shall provide that~~  
22 ~~the vehicle, at all times, while being operated under the lease,~~  
23 ~~contract, or arrangement, shall be operated only by persons who~~  
24 ~~are employees of the holder who stand in relation to the holder~~  
25 ~~as employee to employer.~~

1       ~~(7) The lease, contract, or arrangement shall be in the~~  
2 ~~manner, form, and further content as the commission by rule~~  
3 ~~provides.~~

4       ~~(8) The lease, contract, or arrangement shall be executed in~~  
5 ~~quadruplicate, the original shall be filed with the commission.~~  
6 ~~One copy shall be retained by the authorized motor carrier in~~  
7 ~~whose service the equipment is to be operated, + copy shall be~~  
8 ~~retained by the owner of the equipment, and + copy shall be car-~~  
9 ~~ried on the equipment specified in the lease, contract, or~~  
10 ~~arrangement during the entire period of the contract, lease, or~~  
11 ~~other arrangement.~~

12       ~~(9) Nothing in this section shall apply to the interchange~~  
13 ~~with other certificated motor common carriers or the multiple~~  
14 ~~certification of motor carrier equipment when specific approval~~  
15 ~~and authority to interchange the equipment has been or is granted~~  
16 ~~by the commission.~~

17       ~~(+0) The provisions of subsection (+) shall not apply to or~~  
18 ~~be required of or between movers of household goods, when the~~  
19 ~~equipment is used to transport household goods as defined by the~~  
20 ~~commission.~~

21       SEC. 10B. (1) THE COMMISSION SHALL SUPERVISE AND REGULATE  
22 THE RATES, FARES, CHARGES, FACILITIES, ACCOUNT SERVICES, AND  
23 SAFETY OF OPERATIONS OF PERSONS THAT TRANSPORT HOUSEHOLD GOODS.

24       (2) THE COMMISSION MAY PROMULGATE RULES PURSUANT TO THE  
25 ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC  
26 ACTS OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN  
27 COMPILED LAWS, AS NECESSARY TO ENFORCE THIS SECTION.

1       (3) THE COMMISSION MAY PERMIT PRICE DISCOUNTS BY PERSONS  
2 THAT TRANSPORT HOUSEHOLD GOODS IF THOSE DISCOUNTS ARE FILED WITH  
3 AND APPROVED BY THE COMMISSION AS A NEW TARIFF.

4       (4) AS USED IN THIS SECTION, "HOUSEHOLD GOODS" MEANS PER-  
5 SONAL EFFECTS AND PROPERTY USED OR TO BE USED IN A RESIDENTIAL  
6 DWELLING.

7       Sec. 11. The commission may examine all records, books,  
8 accounts, and files of each motor carrier to whom a certificate  
9 ~~or permit~~ has been issued under this act, having to do with the  
10 business of transportation conducted by the carrier. The  
11 records, books, accounts, and files or other data or information,  
12 by order of the commission, shall be produced at any hearing or  
13 proceeding before the commission for use at the hearing or  
14 proceeding. The records, books, accounts, and files shall be  
15 preserved at least 3 years. The commission may compel the  
16 attendance and testimony of witnesses and do all things necessary  
17 to carry out and enforce all the provisions of this act. A  
18 member of the commission, clerk, officer, or employee of the  
19 state shall not divulge or make known, in any manner whatsoever  
20 not provided by law, to any person the operations, style of work,  
21 or any other information regarding the operations of carriers  
22 visited or inspected by him or her in the discharge of his or her  
23 official duties, or ~~to~~ permit any report, books, documents,  
24 accounts, files, or other data examined or inspected by him or  
25 her to be seen or examined by any person, except as provided by  
26 law. The information as may be obtained under this section shall  
27 be and remain inviolate, except for the purposes of carrying out

1 the provisions of this act, it being the express legislative  
2 intent to permit the use of the information by the commission,  
3 but to prevent its publication in any manner, except when law-  
4 fully presented in open hearings either before the commission or  
5 some member of the commission, or before a court of law. Nothing  
6 in this section shall be construed to apply to the public files  
7 of the commission pertaining to the application for and the cer-  
8 tificate ~~or permit~~ of any motor carrier, nor to quarterly or  
9 other reports, which files and reports shall during office hours  
10 be open to inspection by any motor carrier, shipper, or  
11 consignee. A person violating this section is guilty of a  
12 misdemeanor.

13       Sec. 14. (1) Upon complaint in writing ~~by any person,~~  
14 ~~firm, corporation, association, mercantile, agricultural or manu-~~  
15 ~~facturing society, or by any body politic, municipal organi-~~  
16 ~~zation, common carrier, or motor carrier, that any of the rates,~~  
17 ~~fares, charges, or classifications, or~~ THAT A MOTOR CARRIER IS  
18 NOT OPERATING ITS VEHICLES IN A MANNER CONSISTENT WITH THE  
19 REQUIREMENTS OF SECTION 5(1) OF ARTICLE II, THAT any joint rate  
20 or rates of any motor ~~common~~ carrier PERMITTED BY SECTION 6B OF  
21 THIS ARTICLE are ~~—~~ in any respect unreasonable or unjustly dis-  
22 criminatory or otherwise in violation of this act, ~~or that any~~  
23 ~~practice whatsoever affecting the transportation of property by~~  
24 ~~any such motor common carrier or any service in connection there-~~  
25 ~~with is in any respect unreasonable or unjustly discriminatory,~~  
26 ~~or that any service of such motor common carrier is inadequate,~~  
27 or that this act or any order, rule, or practice established by

1 the commission applicable to the motor ~~common~~ carrier, ~~or~~  
2 ~~charges filed with the commission by the motor common carrier,~~  
3 in any respect has been violated or deviated from, or is being  
4 violated or deviated from by such motor carrier; or upon such  
5 complaint against any motor ~~contract~~ carrier that this act or  
6 any order, rule, or practice established by the commission appli-  
7 cable to the motor ~~contract~~ carrier ~~or charges filed with the~~  
8 ~~commission by the motor contract carrier,~~ in any respect ~~—~~ has  
9 been violated or deviated from, or is being violated or deviated  
10 from, the commission shall notify the parties complained of that  
11 complaint has been made, and shall furnish a copy of the com-  
12 plaint with the notice, and 20 days after the notice has been  
13 given, the commission may proceed to investigate the ~~same~~  
14 COMPLAINT as provided in this section. Before proceeding to make  
15 the investigation, the commission shall give the motor carrier  
16 and the complainants at least 10 days' notice of the time and  
17 place when and where the matters will be considered and  
18 determined. ~~—, and the parties shall be entitled to be heard and~~  
19 ~~shall have process to enforce the attendance of witnesses.~~ If  
20 upon investigation ~~—~~ any matters complained of are found to be  
21 in violation of this act, the commission shall determine and by  
22 order fix and order substituted ~~therefor~~ the practice ~~—, serv-~~  
23 ~~ice, or charges as shall~~ TO conform to this act and the rules of  
24 the commission applicable to the motor carrier. The order shall  
25 further provide that the parties complained of shall cease and  
26 desist from the violation and conform to the terms of the order.  
27 The commission shall cause a certified copy of each order to be

1 delivered to the parties affected, ~~thereby,~~ which order shall  
2 of its own force take effect and become operative 20 days after  
3 the service of the order. All motor carriers to which the order  
4 applies shall on or before the date when the order becomes effec-  
5 tive, make changes in ~~schedules on file~~ ITS PRACTICES as shall  
6 be necessary to make ~~the same~~ THEM conform to the order.  
7 Certified copies of all other orders of the commission shall be  
8 delivered to the parties affected in like manner, and, unless  
9 otherwise prescribed in this act, shall take effect within the  
10 time thereafter as the commission prescribes.

11 (2) When the commission believes that any provision in this  
12 act or any rule or order of the commission made in pursuance of  
13 this act ~~—~~ has been or is being violated, or that ~~any charges~~  
14 ~~have been made or collected or service performed in violation~~  
15 ~~thereof~~ A CARRIER IS NOT OPERATING A VEHICLE IN A MANNER CONSIS-  
16 TENT WITH THE REQUIREMENTS OF SECTION 5(1) OF ARTICLE II, and  
17 that an investigation ~~relating thereto~~ should be made, the com-  
18 mission may on its own motion or on the application of anyone  
19 investigate the suspected violation. Before making the investi-  
20 gation, the commission shall present to the parties alleged to be  
21 guilty of the violations a statement in writing setting forth the  
22 matters to be investigated. Thereafter, on 10 days' notice to  
23 the parties of the time and place of the investigation, the com-  
24 mission may proceed to investigate the matters complained of in  
25 the same manner, and make like orders in respect thereto, as if  
26 the investigation had been made upon complaint. An  
27 investigation, inquiry, or hearing which the commission has power

1 to undertake or to hold may be undertaken or held by or before  
2 any commissioner or any employee of the commission when so  
3 directed by the commission or its chairperson. The commissioner  
4 or employee shall submit findings of fact and conclusions of law  
5 to the commission. If the findings of fact and conclusions of  
6 law are approved and confirmed by the commission and ordered  
7 filed in its office, they shall be the decision and the order of  
8 the commission. All investigations, inquiries, or hearings of a  
9 commissioner or an employee are considered as the investigation,  
10 inquiry, and hearing of the commission.

11 (3) UPON A COMPLAINT IN WRITING AGAINST AN APPLICANT FOR A  
12 CERTIFICATE OF REGISTRATION, THE COMMISSION SHALL INVESTIGATE THE  
13 COMPLAINT. IF UPON INVESTIGATION THE COMMISSION DETERMINES THAT  
14 THERE IS PROBABLE CAUSE TO BELIEVE THAT THE APPLICANT WILL NOT  
15 OPERATE IN A MANNER CONSISTENT WITH SECTION 5(1) OF ARTICLE II,  
16 THE COMMISSION SHALL SET THE MATTER FOR A HEARING WITH NOT LESS  
17 THAN 10 DAYS' NOTICE OF THE TIME AND PLACE TO THE PARTIES. IF  
18 THE COMMISSION DETERMINES THAT THERE IS NOT PROBABLE CAUSE TO  
19 BELIEVE THAT THE APPLICANT WILL NOT OPERATE IN A MANNER CONSIS-  
20 TENT WITH SECTION 5(1) OF ARTICLE II, THE COMMISSION SHALL DIS-  
21 MISS THE COMPLAINT. THE HEARING SHALL BE HELD BEFORE AN ADMINIS-  
22 TRATIVE LAW JUDGE AND SHALL BE CONDUCTED IN THE SAME MANNER AS A  
23 CONTESTED CASE HEARING UNDER CHAPTER 4 OF THE ADMINISTRATIVE PRO-  
24 CEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969,  
25 BEING SECTIONS 24.271 TO 24.287 OF THE MICHIGAN COMPILED LAWS.  
26 UPON COMPLETION OF THE HEARING, THE ADMINISTRATIVE LAW JUDGE  
27 SHALL ISSUE A PROPOSAL FOR DECISION. BASED UPON THE PROPOSAL FOR



1 DECISION, THE COMMISSION SHALL EITHER DISMISS THE COMPLAINT AND  
2 ISSUE A CERTIFICATE OF REGISTRATION TO THE APPLICANT OR ACCEPT  
3 THE COMPLAINT AND NOT ISSUE A CERTIFICATE. THE DECISION MAY BE  
4 APPEALED TO THE COURT OF APPEALS AS PROVIDED IN SECTION 20 OF  
5 THIS ARTICLE.

6       Sec. 18. (1) The commission may, upon application of any  
7 person or any motor carrier, or upon its own motion, and upon at  
8 least 10 days' notice to the parties affected thereby, for good  
9 cause, and after an opportunity to be heard, revoke, suspend,  
10 alter, amend, or modify any of its findings or orders. However,  
11 a certificate ~~or permit~~ shall only be DENIED, amended, altered,  
12 modified, revoked, suspended, or impaired after like notice and  
13 opportunity to be heard and upon clear proof of good, just, and  
14 sufficient cause. In addition, beginning January 1, 1989, a  
15 person or motor carrier may also be subject to an assessment of  
16 not to exceed \$500.00 for each violation of this act, a rule  
17 promulgated or an order issued pursuant to this act, or a term or  
18 condition of a certificate. ~~or permit.~~

19       (2) The commission may grant rehearings in all proceedings  
20 before it upon petition filed within the time allowed by law to  
21 bring proceedings for review. All orders entered pursuant to  
22 this section shall be served and take effect as provided in this  
23 act for original orders, and the time allowed by law to bring  
24 proceedings to review any order of the commission shall continue  
25 after the order denying the hearing or after the order made upon  
26 a rehearing. The commission shall keep a docket of all causes  
27 and proceedings under this act and upon request, upon payment of

1 a reasonable fee, shall furnish any interested party fair copies  
2 of any application, answer, petition, motion, order, finding, OR  
3 certificate ~~or permit~~ on file with, or made or issued by it  
4 in any proceeding.

5 (3) The assessments collected pursuant to this section shall  
6 be deposited in the truck safety fund established in section 25  
7 of Act No. 51 of the Public Acts of 1951, being section 247.675  
8 of the Michigan Compiled Laws.

9 Section 2. Sections 6, 7, 7a, 7b, 11, and 13 of article II,  
10 article III, and sections 5, 6a, and 14a of article V of Act  
11 No. 254 of the Public Acts of 1933, being sections 476.6, 476.7,  
12 476.7a, 476.7b, 476.11, 476.13, 477.1 to 477.12, 479.5, 479.6a,  
13 and 479.14a of the Michigan Compiled Laws, are repealed.

14 Section 3. This amendatory act shall take effect January 1,  
15 1991.