

# SENATE BILL No. 1451

July 24, 2008, Introduced by Senator GILBERT and referred to the Committee on Transportation.

A bill to amend 1933 PA 254, entitled "The motor carrier act," by amending the title and section 1 of article I, sections 2, 6, and 7 of article IV, and sections 2, 8, 9, and 10 of article V (MCL 475.1, 478.2, 478.6, 478.7, 479.2, 479.8, 479.9, and 479.10), the title and section 10 of article V as amended by 1982 PA 399, section 1 of article I and section 2 of article V as amended by 2007 PA 33, section 2 of article IV as amended by 1993 PA 352, and section 7 of article IV as amended by 1989 PA 221.

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

TITLE

An act to promote safety upon and conserve the use of public highways of the state; to provide for the supervision, regulation,

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1 and control of the use of such highways by all motor vehicles  
2 operated by carriers of property for hire upon or over such  
3 highways; to preserve, foster, and regulate transportation and  
4 permit the coordination of motor vehicle transportation facilities;  
5 to provide for the supervision, regulation, and control of the use  
6 of such highways by all motor vehicles for hire for such purposes;  
7 to classify and regulate carriers of property by motor vehicles for  
8 hire upon such public highways for such purposes; to give the  
9 Michigan Public Service Commission jurisdiction and authority to  
10 prevent evasion of this act through any device or arrangement; to  
11 insure adequate transportation service; to give the commission  
12 jurisdiction and authority to fix, alter, regulate, and determine  
13 rates, fares, charges, classifications, and practices of common  
14 motor carriers for such purposes; **TO GIVE THE COMMISSION**  
15 **JURISDICTION AND AUTHORITY TO REQUIRE REGISTRATION, CONDUCT AUDITS,**  
16 **AND ASSESS FEES FOR MOTOR CARRIERS FOR UNIFIED CARRIER**  
17 **REGISTRATION;** to require filing with the commission of rates,  
18 fares, and charges of contract carriers and to authorize the  
19 commission to prescribe minimum rates, fares, and charges, and to  
20 require the observance thereof; to prevent unjust discrimination;  
21 to prescribe the powers and duties of said commission with  
22 reference thereto; to provide for appeals from the orders of such  
23 commission; to confer jurisdiction upon the circuit court for the  
24 county of Ingham for such appeals; to provide for the levy and  
25 collection of certain privilege fees and taxes for such carriers  
26 for such purposes and the disposition of such fees and taxes; and  
27 to provide for the enforcement of this act; and to prescribe

1 penalties for its violations.

2 ARTICLE I

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

5 (a) "Motor vehicle" means any automobile, truck, trailer,  
6 semitrailer, truck tractor, road tractor, or any self-propelled or  
7 motor or mechanically driven vehicle, or any vehicle in anywise  
8 attached to, connected with, or drawn by any self-propelled or  
9 motor or mechanically driven vehicle, used upon any public highway  
10 of this state for the purpose of transporting property.

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

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

15 (d) "Person" means any individual, partnership, association,  
16 or corporation, and their lessees, trustees, or receivers appointed  
17 by any court.

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

20 (f) "Motor common carrier of property" means any person who  
21 holds himself or herself out to the public as being engaged in the  
22 business of a for hire common carrier as at the common law, either  
23 directly or through any device or arrangement, including but not  
24 limited to those who operate over fixed routes or within 1 mile of  
25 a fixed route or between fixed termini, in the transportation by  
26 motor vehicle from place to place upon or over the highways of this  
27 state, the property, or any property, or any class of property of

1 others who may choose to employ the person.

2 (g) "The public" means that part or portion of the general  
3 public which the motor carrier is ready, able, willing, and  
4 equipped to serve.

5 (h) "Motor contract carrier of property" means any person  
6 providing motor vehicle transportation upon the highways of this  
7 state for a series of shipments under continuing agreement of not  
8 less than 1 year with a person which agreement provides for the  
9 assignment of motor vehicles exclusively for each such person while  
10 the vehicle is in the service of such person and which agreement is  
11 designed to meet the distinct needs of each such person. Lower  
12 rates, in and of themselves, shall not constitute a distinct need.  
13 A motor contract carrier that possesses a motor common carrier  
14 certificate of authority of that class set forth at section 5(6)(a)  
15 of article II may commingle authorized contract carrier shipments  
16 while providing common carrier service over fixed routes, without  
17 assigning any vehicle exclusively for the person or persons for  
18 whom contract service is provided. A motor contract carrier  
19 authorized to transport packages or articles weighing 70 pounds or  
20 less for 1 or more contract shippers may commingle such authorized  
21 packages or articles weighing 70 pounds or less in the same vehicle  
22 with commodities transported as a common or contract carrier,  
23 without assigning any vehicle exclusively for the person or persons  
24 for whom contract service is provided. A motor contract carrier  
25 authorized to transport coin, currency, or food stamps for 1 or  
26 more contract shippers, may commingle such authorized coin,  
27 currency, or food stamps in the same vehicle with commodities

1 transported as a common or a contract carrier, without assigning  
2 any vehicle exclusively for the person for whom contract service is  
3 provided.

4 (i) "Motor carrier" means both motor common carriers of  
5 property and motor contract carriers of property. Motor carrier  
6 does not include a ~~private carrier~~ **ANY PERSON ENGAGED IN THE**  
7 **TRANSPORTATION OF PROPERTY BY MOTOR VEHICLE UPON PUBLIC HIGHWAYS**  
8 **WHERE THE TRANSPORTATION IS INCIDENTAL TO, OR IN FURTHERANCE OF,**  
9 **ANY COMMERCIAL ENTERPRISE OF THE PERSON, OTHER THAN TRANSPORTATION.**

10 (j) "Certificate of authority" means a certificate issued to a  
11 motor common carrier authorizing a transportation service that  
12 serves a useful public purpose responsive to a public demand or  
13 need, which certificate is issued under the terms of this act.

14 (k) "Permit" means the permit issued to motor contract  
15 carriers under the terms of this act.

16 (l) "Through any device or arrangement" means any and all  
17 methods, means, agreements, circumstances, operations, or  
18 subterfuges under which any person undertakes for hire to conduct,  
19 direct, control, or otherwise perform the transportation by motor  
20 vehicle of property upon the public highways of this state.

21 (m) "Modified procedure" means that administrative procedure  
22 by which the commission may consider evidence and testimony  
23 submitted in the form of verified statements in motor carrier  
24 matters without the necessity for an oral hearing. **THE COMMISSION**  
25 **MAY DELEGATE DECISION-MAKING AUTHORITY TO AN EMPLOYEE OF THE**  
26 **COMMISSION STAFF, SO THAT DECISIONS IN MODIFIED PROCEDURE MAY BE**  
27 **ISSUED UNDER THE SIGNATURE OF THE EMPLOYEE WITHOUT A FORMAL**

1 **COMMISSION ORDER.**

2 (n) "Occasional accommodative service" means service limited  
3 to operations conducted by persons not regularly engaged in the  
4 transportation business of a motor common carrier or a motor  
5 contract carrier.

6 (o) "Useful public purpose" means a purpose for which an  
7 applicant can provide adequate, economic, safe, effective,  
8 competitive, and equitable motor carrier service to satisfy a  
9 demonstrated public need.

10 (p) "Fit", as applied to a proposed motor carrier service,  
11 means safe, suitable, and financially responsible as determined by  
12 the commission.

13 ~~(q) "Private carrier" means any person engaged in the~~  
14 ~~transportation of property by motor vehicle upon public highways~~  
15 ~~where the transportation is incidental to, or in furtherance of,~~  
16 ~~any commercial enterprise of the person, other than transportation.~~

17 (Q) ~~(r)~~ "General rate" means a rate applicable to 2 or more  
18 motor carriers which rate is filed pursuant to section 6b of  
19 article V.

20 (R) ~~(s)~~ "Base rate, fare, or charge" means that nondiscounted  
21 rate, fare, or charge specified in a carrier's rate schedule on  
22 file with the commission.

23 (S) ~~(t)~~ "Predatory rate" means a rate that is below its fully  
24 allocated costs. As used in this subdivision, "fully allocated  
25 costs" means total costs, including variable costs, plus an  
26 allocation of fixed costs.

27 (T) ~~(u)~~ "Household goods" means personal effects and property

1 used or to be used in a dwelling when a part of the equipment or  
2 supply of that dwelling. Household goods do not include property  
3 moving from a factory or store, except such property as the  
4 householder has purchased with intent to use in his or her dwelling  
5 and that is transported at the request of the householder, the  
6 carrier's transportation charges for which are paid by that  
7 householder.

8 (U) ~~(v)~~ "Local move" means a household goods shipment of 40  
9 miles or less, from point of origin to point of destination, as  
10 determined by actual miles traveled by the motor carrier and  
11 verifiable by odometer reading or mileage guide in general public  
12 use.

13 (V) "INTRASTATE-ONLY MOTOR CARRIER OF PROPERTY" MEANS A MOTOR  
14 CARRIER OF PROPERTY THAT IS NOT A UCR MOTOR CARRIER.

15 (W) "INTRASTATE MOTOR VEHICLE" MEANS A MOTOR VEHICLE THAT IS  
16 OPERATED BY 1 OF THE FOLLOWING:

17 (i) AN INTRASTATE-ONLY MOTOR CARRIER OF PROPERTY.

18 (ii) A MOTOR CARRIER THAT USES THE MOTOR VEHICLE TO TRANSPORT  
19 HOUSEHOLD GOODS ON AN INTRASTATE BASIS.

20 (X) "UCR MOTOR CARRIER" MEANS A PERSON THAT IS REQUIRED TO PAY  
21 FEES AND FILE INFORMATION UNDER SECTION 4305 OF THE FEDERAL UNIFIED  
22 CARRIER REGISTRATION ACT OF 2005, 49 USC 14504A.

23 (Y) "UNIFIED CARRIER REGISTRATION AGREEMENT" MEANS THE  
24 INTERSTATE AGREEMENT DEVELOPED UNDER THE UNIFIED CARRIER  
25 REGISTRATION PLAN GOVERNING THE COLLECTION AND DISTRIBUTION OF  
26 REGISTRATION AND FINANCIAL RESPONSIBILITY INFORMATION PROVIDED AND  
27 FEES PAID BY UCR MOTOR CARRIERS, MOTOR PRIVATE CARRIERS, BROKERS,

1 FREIGHT FORWARDERS, AND LEASING COMPANIES UNDER SECTION 4305 OF THE  
2 FEDERAL UNIFIED CARRIER REGISTRATION ACT OF 2005, 49 USC 14504A.

3 (Z) "UNIFIED CARRIER REGISTRATION PLAN" MEANS THE ORGANIZATION  
4 OF STATE, FEDERAL, AND INDUSTRY REPRESENTATIVES RESPONSIBLE FOR  
5 DEVELOPING, IMPLEMENTING, AND ADMINISTERING THE UNIFIED CARRIER  
6 REGISTRATION AGREEMENT UNDER SECTION 4305 OF THE FEDERAL UNIFIED  
7 CARRIER REGISTRATION ACT OF 2005, 49 USC 14504A.

8 (AA) "BROKER" MEANS THAT TERM AS DEFINED IN 49 USC 13102.

9 (BB) "FREIGHT FORWARDER" MEANS THAT TERM AS DEFINED IN 49 USC  
10 13102.

11 (CC) "MOTOR PRIVATE CARRIER" MEANS THAT TERM AS DEFINED IN 49  
12 USC 13102.

13 (DD) "COMMERCIAL MOTOR VEHICLE" MEANS THAT TERM AS DEFINED IN  
14 49 USC 14504A.

15 (EE) "LEASING COMPANY" MEANS THAT TERM AS DEFINED IN 49 USC  
16 14504A.

17 ARTICLE IV

18 Sec. 2. (1) In addition to the license fees or taxes otherwise  
19 imposed upon motor carriers, there shall be assessed against and  
20 collected from each motor carrier for the administration of this  
21 act, an annual fee of \$100.00 for each self-propelled **INTRASTATE**  
22 motor vehicle operated by or on behalf of the motor carrier, except  
23 as otherwise provided in this subsection. A motor carrier shall pay  
24 a fee of only \$50.00 for each self-propelled **INTRASTATE** motor  
25 vehicle operated by or on behalf of the motor carrier, if the motor  
26 carrier begins operation of the vehicle after June 30 and has not  
27 previously paid a fee under this subsection for that vehicle. After

1 payment of the \$100.00 annual fee for a ~~an~~ **INTRASTATE** motor  
2 vehicle, or the \$50.00 fee paid for a vehicle operated after June  
3 30, or the \$50.00 fee paid for a vehicle used for the  
4 transportation of household goods if a motor carrier seeks to begin  
5 operating a self-propelled **INTRASTATE** motor vehicle in place of  
6 another motor vehicle not leased to the motor carrier by an owner  
7 operator for which a fee was paid and surrenders the identification  
8 allocated to the motor vehicle by the commission, accompanied by a  
9 fee of \$10.00, a replacement identification shall be issued. If the  
10 owner operator replaces a vehicle while it is still leased to the  
11 same motor carrier to whom it was leased when the identification  
12 was issued, the replacement identification fee shall be \$10.00. ~~For~~  
13 ~~all other replacement vehicles, the fee shall be \$25.00 for each~~  
14 ~~complete or partial calendar year quarter remaining in the year as~~  
15 ~~of the date the replacement vehicle is to begin operating upon~~  
16 ~~surrender of the identification allocated to the motor carrier by~~  
17 ~~the commission.~~ For each truck or tractor used exclusively for the  
18 transportation of household goods as defined by the commission, the  
19 annual fee shall be \$50.00.

20 ~~—— (2) A motor carrier licensed in this state shall pay an annual~~  
21 ~~fee of \$100.00 for each vehicle operated by the motor carrier which~~  
22 ~~is registered in this state and operating entirely in interstate~~  
23 ~~commerce. A motor carrier shall pay a fee of only \$50.00 for each~~  
24 ~~self-propelled motor vehicle operated by or on behalf of the motor~~  
25 ~~carrier if the motor carrier begins operation of the vehicle after~~  
26 ~~June 30 and has not previously paid a fee under this subsection for~~  
27 ~~that vehicle.~~

1           (2) ~~(3)~~—The commission may issue a temporary 72-hour permit  
2 for the operation of a vehicle subject to rules and conditions of  
3 the commission at a fee of \$10.00, which is in place of any other  
4 fee otherwise required under this section. The commission shall  
5 reserve the authority to deny or curtail the use of temporary  
6 permits authorized by this section.

7           (3) ~~(4)~~—A motor carrier shall not operate any motor vehicle  
8 upon or over the highways of this state, except as otherwise  
9 provided in this act, while any of the fees imposed by this act  
10 remain unpaid. ~~The commission is prohibited from extending the time~~  
11 ~~of payment or permitting the operation while the delinquency~~  
12 ~~continues.~~

13           (4) ~~(5)~~—Motor carriers subject to this act shall not be  
14 required to pay the fee on operations of vehicles within the area  
15 described in section 2(1)(a) of article V.

16 ~~—(6) The commission shall cooperate with other state~~  
17 ~~departments involved with the registration of commercial motor~~  
18 ~~vehicles to implement a system whereby owners or drivers of~~  
19 ~~commercial motor vehicles can obtain registration plates, decals,~~  
20 ~~or tabs and pay the required fees at a single designated location,~~  
21 ~~rather than at multiple locations.~~

22           Sec. 6. All ~~moneys~~ **MONEY** received under the provisions of this  
23 act shall be placed to the credit of the commission. The  
24 legislature shall appropriate such ~~moneys~~ **MONEY** to the commission  
25 and the ~~motor vehicle highway fund~~ **DEPARTMENT OF STATE POLICE** in  
26 ~~such proportions as the legislature may determine~~ **A MANNER THAT IS**  
27 **CONSISTENT WITH THE REQUIREMENT OF SECTION 4305 OF THE UNIFIED**

1 CARRIER REGISTRATION ACT OF 2005, 49 USC 14504A, THAT A STATE  
2 DEMONSTRATE THAT IT USES AN AMOUNT AT LEAST EQUAL TO THE REVENUE  
3 DERIVED FROM ITS PARTICIPATION IN THE UNIFIED CARRIER REGISTRATION  
4 AGREEMENT FOR MOTOR CARRIER SAFETY PROGRAMS, ENFORCEMENT, AND THE  
5 ADMINISTRATION OF THE UNIFORM CARRIER REGISTRATION PLAN AND  
6 AGREEMENT.

7 Sec. 7. (1) A UCR motor carrier, MOTOR PRIVATE CARRIER,  
8 BROKER, FREIGHT FORWARDER, LEASING COMPANY, OR OTHER PERSON SUBJECT  
9 TO THE REQUIREMENTS OF SECTION 4305 OF THE FEDERAL UNIFIED CARRIER  
10 REGISTRATION ACT OF 2005, 49 USC 14504A, shall not engage in the  
11 ~~interstate or foreign transportation of property for compensation~~  
12 CONDUCT OPERATIONS OR OTHERWISE PROVIDE TRANSPORTATION SERVICES IN  
13 THIS STATE without first having registered with the commission and  
14 ~~paid the required registration and vehicle fees~~ UNDER, AND MET THE  
15 OBLIGATIONS IMPOSED BY, THE UNIFIED CARRIER REGISTRATION PLAN AND  
16 AGREEMENT.

17 ~~—— (2) A motor carrier operating in this state under authority~~  
18 ~~granted by the interstate commerce commission pursuant to section~~  
19 ~~10922 of subchapter II of chapter 109 of subtitle IV of title 49 of~~  
20 ~~the United States code, 49 U.S.C. 10922, shall file and maintain a~~  
21 ~~record of that authority with the commission. A motor carrier shall~~  
22 ~~not operate within this state without first complying with this~~  
23 ~~subsection.~~

24 ~~—— (3) A motor carrier shall not engage in the interstate~~  
25 ~~transportation of property within this state pursuant to exemptions~~  
26 ~~from economic regulation permitted under the interstate commerce~~  
27 ~~act, under subtitle IV of title 49 of the United States code, 49~~

1 ~~U.S.C. 10101 to 11917, without the approval by the commission of an~~  
2 ~~application for the registration of the exempt operations.~~

3 ~~—— (4) The annual fee levied on each interstate or foreign motor~~  
4 ~~carrier vehicle operated in this state and licensed in another~~  
5 ~~state or province of Canada shall be \$10.00. The commission may~~  
6 ~~enter into a reciprocal agreement with a state or province of~~  
7 ~~Canada that does not charge vehicles licensed in this state~~  
8 ~~economic regulatory fees or taxes and may waive the fee required~~  
9 ~~under this subsection.~~

10 (2) ~~(5) OF NOT LESS THAN \$750,000.00 OR 10% OF the fees~~  
11 ~~collected pursuant to this section, WHICHEVER IS GREATER, not less~~  
12 ~~than 90% of those fees collected in excess of \$1,400,000.00~~  
13 ~~annually shall be deposited in the truck safety fund established in~~  
14 ~~section 25 of Act No. 51 of the Public Acts of 1951, being section~~  
15 ~~247.675 of the Michigan Compiled Laws 1951 PA 51, MCL 247.675.~~

16 ARTICLE V

17 Sec. 2. (1) ~~This~~ **EXCEPT AS PROVIDED IN SECTION 7 OF ARTICLE**  
18 **IV, THIS** act shall ~~DOES~~ not apply to any of the following:

19 (a) A vehicle, other than a vehicle transporting household  
20 goods, operated entirely within a city or village of this state; or  
21 to a motor carrier of property, other than a motor carrier of  
22 household goods, whose operations may extend a distance of not more  
23 than 8 miles beyond the boundary of a city or village having a  
24 population of less than 500,000, if the origin and destination of  
25 the property being transported is within an 8-mile radius of the  
26 city or village. The territory within the external corporate limits  
27 of a city, even though it includes and embraces the area of 1 or

1 more separately organized and existing cities, shall be considered  
2 a single city. Notwithstanding any other provision of this  
3 subdivision, a certificate or permit issued under this act is  
4 required for the operation of a vehicle of a motor carrier,  
5 including a vehicle transporting household goods, other than a  
6 vehicle exempted under subdivisions (b) to (q), in the  
7 transportation of property between a city having a population of  
8 500,000 or more and a city or village located within the commercial  
9 zone 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 state,  
21 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, from  
26 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 section  
2 801(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.801,  
3 when being used by the farmer in hauling farm produce, livestock,  
4 or farm equipment, and supplies for other farmers for remuneration  
5 in kind or in labor, but not for money.

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

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

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

26 (i) A vehicle used to transport a vehicle that is temporarily  
27 disabled from a point within an 8-mile radius of a city having a

1 population of 500,000 or more and including all other cities or  
2 villages, any part of which is located within the 8-mile radius to  
3 another point within that radius.

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

9 (k) A vehicle having a manufacturer's rating of not more than  
10 1-1/2 tons capacity or the equivalent gross vehicle weight rating  
11 used for the transportation of newspapers.

12 (l) A vehicle towing a disabled motor vehicle from the location  
13 at which it was disabled to another location or a vehicle towing a  
14 motor vehicle involved in an accident from the location of the  
15 accident to another location.

16 (m) A vehicle used in the transportation of livestock, poultry  
17 feed, chemicals, pesticides, and fertilizers on movements directly  
18 to a farm for use in agricultural production.

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

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

26 (ii) The notice described in subparagraph (i) contains a list of  
27 participating subsidiaries and an affidavit that the parent

1 corporation owns directly or indirectly a 100% interest in each of  
2 the subsidiaries.

3 (iii) The notice described in subparagraph (i) is accompanied by  
4 a fee of \$100.00.

5 (iv) The commission publishes the notice described in  
6 subparagraph (i) in the biweekly bulletin.

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

9 (o) A vehicle transporting animal and poultry feed or feed  
10 ingredients to sites of agricultural production or to a business  
11 enterprise engaged in the sale to agricultural producers of goods  
12 used in agricultural production.

13 (p) A vehicle transporting recyclable materials to or from a  
14 resource recovery facility. The terms "recyclable materials" and  
15 "resource recovery facility" have the meanings attributed to these  
16 terms in part 115 of the natural resources and environmental  
17 protection act, 1994 PA 451, MCL 324.11501 to 324.11550, except  
18 that the term recyclable materials does not include industrial  
19 scrap metal. This subdivision shall not be construed to exempt from  
20 this act a vehicle transporting new products.

21 (q) A vehicle transporting property for, or on behalf of, a  
22 nonprofit charitable institution or for a house of public worship.

23 (2) As used in subsection (1)(n), "corporate family" means a  
24 group of corporations consisting of a parent corporation and all  
25 subsidiaries in which the parent corporation owns directly or  
26 indirectly a 100% interest.

27 (3) None of the exemptions in this section, where applicable,

1 apply to a vehicle entering this state from another state, foreign  
2 country, or subdivision of a state or foreign country that does not  
3 extend similar exemptions to vehicles from this state entering the  
4 state, foreign country, or subdivision.

5       Sec. 8. The commission shall furnish proper and sufficient  
6 identification for each vehicle **THAT AN INTRASTATE-ONLY MOTOR**  
7 **CARRIER OF PROPERTY IS** authorized to operate **OR THAT A MOTOR**  
8 **CARRIER IS AUTHORIZED TO OPERATE FOR TRANSPORTING HOUSEHOLD GOODS**  
9 under ~~the terms of this act~~, in addition to the regular  
10 registration or license plates required by law. The commission is  
11 authorized to remove and take custody of any identification found  
12 attached to a motor vehicle for which it was not issued, or when  
13 the holder of the identification has made or is making unlawful use  
14 thereof.

15       Sec. 9. Insurance and bond requirements. The commission shall  
16 have full power and authority to make and shall make such insurance  
17 or bond requirements ~~under uniform regulations~~ **FOR INTRASTATE-ONLY**  
18 **MOTOR CARRIERS OF PROPERTY AND MOTOR CARRIERS OF HOUSEHOLD GOODS** as  
19 it may deem necessary adequately to protect the interests of the  
20 public.

21       Sec. 10. (1) All certificates or permits granted ~~hereunder~~ **TO**  
22 **INTRASTATE-ONLY MOTOR CARRIERS OF PROPERTY AND MOTOR CARRIERS**  
23 **TRANSPORTING HOUSEHOLD GOODS** shall be made to terminate as of  
24 December 31 of the calendar year during which the certificate or  
25 permit is issued. All **INTRASTATE-ONLY** motor carriers **OF PROPERTY**  
26 **AND MOTOR CARRIERS TRANSPORTING HOUSEHOLD GOODS** shall make  
27 application for the renewal of their certificates or permits not

1 before October 1 and not later than December 1 of the year in which  
2 their current certificate or permit expires. Certificate and permit  
3 holders not making application by December 1 shall be advised by  
4 the commission and given the opportunity to file their applications  
5 on or before December 31 on payment of a penalty of \$50.00. The  
6 renewal application shall be accompanied with the required fees,  
7 proof of insurance, and all other things required to be filed with  
8 the commission by law or by the rules and orders of the commission.

9 (2) The certificate or permit of any **INTRASTATE-ONLY MOTOR**  
10 **CARRIER OF PROPERTY OR** motor carrier **TRANSPORTING HOUSEHOLD GOODS**  
11 who is delinquent in the payment of the earned fees required by  
12 this act to be paid at the time of any renewal thereof shall be  
13 deemed canceled and terminated, on and after January 1 of the year  
14 for which application should have been made under the requirements  
15 of this section. ~~, and the motor carrier~~ **UPON EXPIRATION, AN**  
16 **INTRASTATE-ONLY MOTOR CARRIER OF PROPERTY** shall be prohibited from  
17 operating any of its vehicles, **AND A MOTOR CARRIER AUTHORIZED TO**  
18 **TRANSPORT HOUSEHOLD GOODS SHALL BE PROHIBITED FROM OPERATING ANY**  
19 **VEHICLE TO TRANSPORT HOUSEHOLD GOODS OR ENGAGE IN ANY OTHER SERVICE**  
20 **SUBJECT TO RENEWAL OF THE CERTIFICATE,** upon or over the highways of  
21 this state. ~~and all~~ **ALL** privileges granted ~~it~~ under ~~its~~ **THE**  
22 expiring certificate or permit shall cease.

23 (3) In case any applicant for renewal of a certificate or a  
24 permit fails, otherwise than in the payment of fees, to comply in  
25 all respects with the law and the rules of the commission in  
26 connection with the filing of the application for renewal, the  
27 commission immediately shall give specific written notice of that

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

8 (4) Except as in this section otherwise provided, the  
9 provisions in this act voiding a certificate or a permit for cause  
10 shall be self-executing and shall not require any affirmative act  
11 on the part of the commission, and the commission is expressly  
12 prohibited from extending and shall not have any power to extend  
13 the privilege or permit nor to allow the carrier to engage in any  
14 operation over the public highway. In no case shall the revocation  
15 of any certificate or a permit release any motor carrier from  
16 liability for accrued fees.

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

21 (6) The holder of a certificate or permit under this act may  
22 add equipment at any time, but when adding equipment subject to a  
23 privilege fee prescribed by this act, the holder ~~of a certificate~~  
24 ~~or permit~~ shall file an ex parte application in the form as the  
25 commission requires and pay for each unit of equipment added, the  
26 fee prescribed in section 2 of article IV. A notice of hearing on  
27 the application shall not be required and a public hearing shall

1 not be held thereon. When the holder of any certificate or permit,  
2 excepting a certificate or permit that authorizes the  
3 transportation of household goods while such household goods are  
4 being transported, by lease, contract, or any arrangement other  
5 than outright purchase, augments his or her equipment, the lease,  
6 contract, or arrangement shall be in writing and of such a  
7 character so as to vest in the holder exclusive possession and  
8 control of the vehicle under the lease or arrangement for the  
9 entire term of the lease or arrangement. Any operation of the  
10 vehicle shall be conducted under the exclusive supervision,  
11 direction, and control of the holder.

12 (7) A certificated or permitted unit of equipment may be  
13 withdrawn from service at any time by surrendering to the  
14 commission the identification allocated to the unit at the time it  
15 was certificated or permitted.