

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4807

A bill to amend 1921 PA 246, entitled
"An act to regulate the service, rates, fares and charges of
carriers by water within this state,"
by amending sections 1, 2, 3, 4, 5, and 6 (MCL 460.201, 460.202,
460.203, 460.204, 460.205, and 460.206) and by adding section 7.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. Any ~~and all~~ persons, firms, and corporations engaged
2 in the transportation of freight, passengers, or express, by water,
3 wholly within this state, shall, within 30 days after this act
4 ~~shall take~~ **TAKES** effect, make and file, ~~with the Michigan public~~
5 ~~utilities commission in such~~ **THE** form as ~~it shall prescribe,~~
6 **PRESCRIBED**, its schedule of rates, fares, and charges for the
7 carrying of freight, passengers, and express. ~~; which said~~ **THE**
8 **FILED** rates, fares, and charges ~~shall continue~~ in force until

1 superseded by other schedules ~~filed in the manner above~~
 2 ~~prescribed, by said carrier, with the Michigan public utilities~~
 3 ~~commission: Provided, however, That said Michigan public utilities~~
 4 ~~commission~~ **WITH THE DEPARTMENT OF STATE POLICE AS PROVIDED IN THIS**
 5 **SECTION. THE DEPARTMENT OF STATE POLICE SHALL MAKE A DECISION ON**
 6 **ALL FILED RATES, FARES, AND CHARGES WITHIN 30 DAYS AFTER THE RATES,**
 7 **FARES, AND CHARGES ARE FILED. THE DEPARTMENT OF STATE POLICE** may,
 8 either upon request ~~or~~ upon its own motion, suspend the operation
 9 of any **FILED** rate, fare, charge, or tariff ~~filed as aforesaid,~~ for
 10 a period not exceeding 30 days. ~~and in case any such~~ **IF A FILED**
 11 rate, fare, charge, or tariff ~~shall be~~ **IS** suspended by said
 12 ~~Michigan public utilities commission, it~~ **THE DEPARTMENT OF STATE**
 13 **POLICE, THE DEPARTMENT** shall give the interested carrier immediate
 14 notice ~~thereof,~~ **OF THE SUSPENSION** and **SHALL**, within 10 days from
 15 the date of such ~~THE~~ suspension, ~~shall fix a date of hearing,~~ **SET A**
 16 **HEARING DATE** not more than 20 days from the date of ~~said~~ **THE**
 17 suspension. ~~and~~ **THE DEPARTMENT OF STATE POLICE** shall give notice
 18 ~~thereof~~ **OF THE HEARING DATE** to said ~~THE~~ carrier and to other
 19 **INTERESTED** persons. ~~in interest, who may be heard; and after said~~
 20 **AFTER THE** hearing, ~~said commission~~ **THE DEPARTMENT OF STATE POLICE**
 21 shall ~~fix~~ **SET** the rate, fare, charge, or tariff in the matter
 22 complained of, ~~and such~~ **THAT** rate, fare, charge, or tariff ~~when~~
 23 ~~so fixed, shall continue~~ **CONTINUES** to be the legal rate, fare,
 24 charge, or tariff in force until superseded as provided by law. ÷
 25 ~~Provided, That any~~ **ANY** ferry company operating within any
 26 municipality under an agreement with ~~such~~ **THAT** municipality ~~shall~~
 27 **IS** not ~~be~~ affected either as to fares or **AS TO** operation by this

1 act.

2 Sec. 2. ~~The Michigan public utilities commission~~ **EXCEPT AS**
 3 **OTHERWISE PROVIDED IN SECTION 7, THE DEPARTMENT OF STATE POLICE** may
 4 examine **AND AUDIT** any and all books, accounts, records, and papers
 5 of ~~any such~~ **A** carrier by water. ~~, and audit the same; and it shall~~
 6 ~~be the duty of any such carrier by water, to~~ **A CARRIER BY WATER**
 7 **SHALL** furnish to ~~said Michigan public utilities commission,~~ **THE**
 8 **DEPARTMENT OF STATE POLICE**, its proper officers, and ~~employes,~~
 9 **EMPLOYEES**, any and all data in relation to its investment, income,
 10 operating expenses, and ~~such~~ other statistical data as ~~it~~ **THE**
 11 **DEPARTMENT** may require.

12 Sec. 3. ~~The Michigan public utilities commission~~ **DEPARTMENT OF**
 13 **STATE POLICE** is ~~hereby~~ authorized, empowered, and directed to make
 14 all ~~needful~~ **NECESSARY** rules and regulations governing its
 15 investigations of the affairs of ~~such~~ carriers by water ~~, and to~~
 16 prescribe the form of all reports required from ~~such~~ **THOSE**
 17 carriers.

18 Sec. 4. ~~Whenever~~ **IF** any complaint ~~shall be~~ **IS** made to ~~said~~
 19 ~~Michigan public utilities commission~~ **THE DEPARTMENT OF STATE POLICE**
 20 by any person, firm, or corporation against any rate, fare, charge,
 21 or tariff of any carrier by water within this state, or against any
 22 rule ~~, OR~~ regulation ~~, or service of such~~ **A** carrier ~~, BY~~ **WATER** or
 23 against the neglect, failure, or refusal of ~~any such~~ **A** carrier **BY**
 24 **WATER** to make, observe, or perform any rate, fare, charge, or
 25 tariff, or any rule ~~, OR~~ regulation, ~~or service,~~ ~~said Michigan~~
 26 ~~public utilities commission~~ **THE DEPARTMENT OF STATE POLICE** shall
 27 investigate the ~~same,~~ **MATTER**, and ~~it~~ **THE DEPARTMENT** may regulate

1 the performance or observance of any rate, fare, charge, or tariff,
 2 and any rule ~~,-OR regulation, or service,-~~and may ~~prescribe the~~
 3 ~~same to be observed by such~~ **REQUIRE THE** carrier ~~:- Provided, That~~
 4 ~~such~~ **TO OBSERVE THE RATE, FARE, CHARGE, OR TARIFF AND ANY RULE OR**
 5 **REGULATION. A** carrier ~~shall~~ **BY WATER IS** in all cases ~~be~~ entitled to
 6 reasonable notice and an opportunity to be heard on ~~such~~ **AN**
 7 investigation before any rate, fare, charge, or tariff, or any rule
 8 ~~,-OR regulation ,-or service shall be~~ **IS** prescribed, established,
 9 or imposed by ~~said commission, in accordance with the terms of~~ **THE**
 10 **DEPARTMENT OF STATE POLICE AS PROVIDED IN** this section, and ~~when~~ **IF**
 11 any rate, fare, charge, or tariff, or any rule ~~,-OR regulation ,-or~~
 12 ~~service shall be~~ **IS** prescribed, established, or imposed by ~~said~~
 13 ~~commission, it shall thereafter be the duty of said carrier to~~ **THE**
 14 **DEPARTMENT OF STATE POLICE, THE CARRIER BY WATER SHALL** observe and
 15 obey the same.

16 Sec. 5. ~~Any~~ **A CARRIER BY WATER MAY APPEAL ANY** order **OR**
 17 **DECISION** made by the ~~Michigan public utilities commission~~
 18 **DEPARTMENT OF STATE POLICE** prescribing or affecting any rate, fare,
 19 charge, or tariff, or any rule ~~,-OR regulation ,-or service of any~~
 20 carrier by water within this state, ~~shall be subject to review in~~
 21 the same manner as is now provided by law for the ~~review~~ **APPEAL** of
 22 orders ~~made by said Michigan public utilities commission.~~ **UNDER**
 23 **SECTION 26 OF 1909 PA 300, MCL 462.26.**

24 Sec. 6. Any person, firm, or corporation violating any of the
 25 provisions of this act, or any order of the ~~Michigan public~~
 26 ~~utilities commission~~ **DEPARTMENT OF STATE POLICE** made in pursuance
 27 thereof, ~~PURSUANT TO THIS ACT,~~ shall be ~~punishable~~ **PUNISHED** by a

1 ~~fine not to exceed 100 dollars~~ **OF NOT MORE THAN \$100.00** for each
2 violation. ~~, and any~~ **ANY** officer or director of any corporation
3 violating the provisions of this act, or any of the orders of the
4 ~~Michigan public utilities commission~~ **DEPARTMENT OF STATE POLICE**
5 made ~~in pursuance thereof,~~ **PURSUANT TO THIS ACT**, shall be
6 ~~punishable~~ **PUNISHED** by a fine ~~not exceeding 100 dollars~~ **OF NOT MORE**
7 **THAN \$100.00** for each ~~such~~ violation, or by imprisonment in the
8 county jail for not more than 3 months, or by both ~~such~~ fine and
9 punishment, in the discretion of the court.

10 **SEC. 7. (1) THE DEPARTMENT OF STATE POLICE SHALL COMPARE THE**
11 **PROPOSED RATE, FARE, CHARGE, OR TARIFF OF ANY CARRIER BY WATER THAT**
12 **PRIMARILY TRANSPORTS VEHICLES DIRECTLY BETWEEN 2 STATE HIGHWAYS TO**
13 **THE RATES, FARES, CHARGES, OR TARIFFS CHARGED BY COMPARABLE**
14 **CARRIERS BY WATER. THE DEPARTMENT OF STATE POLICE SHALL**
15 **AUTOMATICALLY APPROVE ANY PROPOSED RATE, FARE, CHARGE, OR TARIFF OF**
16 **ANY CARRIER BY WATER THAT PRIMARILY TRANSPORTS VEHICLES DIRECTLY**
17 **BETWEEN 2 STATE HIGHWAYS THAT IS LESS THAN THE RATES, FARES,**
18 **CHARGES, OR TARIFFS CHARGED BY COMPARABLE CARRIERS BY WATER. THE**
19 **DEPARTMENT OF STATE POLICE SHALL NOT AUDIT ANY CARRIER BY WATER**
20 **WHOSE PROPOSED RATE, FARE, CHARGE, OR TARIFF IS LESS THAN THE**
21 **RATES, FARES, CHARGES, OR TARIFFS CHARGED BY COMPARABLE CARRIERS BY**
22 **WATER. THE DEPARTMENT OF STATE POLICE MAY APPROVE A PROPOSED RATE,**
23 **FARE, CHARGE, OR TARIFF OF ANY CARRIER BY WATER THAT PRIMARILY**
24 **TRANSPORTS VEHICLES DIRECTLY BETWEEN 2 STATE HIGHWAYS THAT IS MORE**
25 **THAN THE RATES, FARES, CHARGES, OR TARIFFS CHARGED BY COMPARABLE**
26 **CARRIERS BY WATER IF, BASED ON JUSTIFICATION SUBMITTED BY THE**
27 **CARRIER BY WATER, THE DEPARTMENT OF STATE POLICE FINDS THE RATE,**

1 FARE, CHARGE, OR TARIFF IS REASONABLE. IF THE DEPARTMENT OF STATE
2 POLICE DETERMINES THAT A RATE, FARE, CHARGE, OR TARIFF IS NOT
3 REASONABLE, THE DEPARTMENT OF STATE POLICE SHALL, WITHIN 15 DAYS
4 AFTER THAT DETERMINATION, MEET WITH THE CARRIER BY WATER AND
5 EXPLAIN THE REASONS FOR ITS DETERMINATION. ANY CARRIER BY WATER
6 THAT MEETS THE CRITERIA OF THIS SECTION IS DEEMED AN
7 INSTRUMENTALITY OF THE STATE.

8 (2) THIS SECTION DOES NOT APPLY TO A CARRIER BY WATER THAT IS
9 OPERATING WITHIN ANY MUNICIPALITY UNDER AN AGREEMENT WITH THAT
10 MUNICIPALITY.

11 Enacting section 1. This amendatory act takes effect 90 days
12 after the date it is enacted into law.