

Act No. 355  
Public Acts of 1988  
Approved by the Governor  
December 6, 1988  
Filed with the Secretary of State  
December 7, 1988

**STATE OF MICHIGAN  
84TH LEGISLATURE  
REGULAR SESSION OF 1988**

Introduced by Reps. DeBeaussaert and Hertel

# **ENROLLED HOUSE BILL No. 5681**

ACT ACT to amend section 18 of article V of Act No. 254 of the Public Acts of 1933, entitled as amended "An act to promote safety upon and conserve the use of public highways of the state; to provide for the supervision, regulation, and control of the use of such highways by all motor vehicles operated by carriers of property for hire upon or over such highways; to preserve, foster, and regulate transportation and permit the coordination of motor vehicle transportation facilities; to provide for the supervision, regulation, and control of the use of such highways by all motor vehicles for hire for such purposes; to classify and regulate carriers of property by motor vehicles for hire upon such public highways for such purposes; to give the Michigan public service commission jurisdiction and authority to prevent evasion of this act through any device or arrangement; to insure adequate transportation service; to give the commission jurisdiction and authority to fix, alter, regulate, and determine rates, fares, charges, classifications, and practices of common motor carriers for such purposes; to require filing with the commission of rates, fares, and charges of contract carriers and to authorize the commission to prescribe minimum rates, fares, and charges, and to require the observance thereof; to prevent unjust discrimination; to prescribe the powers and duties of said commission with reference thereto; to provide for appeals from the orders of such commission; to confer jurisdiction upon the circuit court for the county of Ingham for such appeals; to provide for the levy and collection of certain privilege fees and taxes for such carriers for such purposes and the disposition of such fees and taxes; and to provide for the enforcement of this act; and to prescribe penalties for its violations," being section 479.18 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 18 of article V of Act No. 254 of the Public Acts of 1933, being section 479.18 of the Michigan Compiled Laws, is amended to read as follows:

## **ARTICLE V**

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

(2) The commission may grant rehearings in all proceedings before it upon petition filed within the time allowed by law to bring proceedings for review. All orders entered pursuant to this section shall be served and take effect as provided in this act for original orders, and the time allowed by law to bring proceedings to review any order of the commission shall continue after the order denying the hearing or after the order made upon a rehearing. The commission shall keep a docket of all causes and proceedings under this act and upon request, upon payment of a reasonable fee, shall furnish any interested party fair copies of any application, answer, petition, motion, order, finding, certificate, or permit on file with, or made or issued by it in any proceeding.

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

Section 2. This amendatory act shall take effect April 1, 1989.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved .....

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Governor.