

# SENATE BILL No. 325

May 22, 1991, Introduced by Senators HONIGMAN, DI NELLO and CARL and referred to the Committee on Economic and Urban Development.

A bill to amend the title and sections 1, 2, 3, and 4 of article I, sections 1, 2, 3, 4, 5, 6, 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, 6, 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. 221 of the Public Acts of 1989, section 2 of article V as amended by Act No. 249 of the Public Acts of 1989, 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, 476.6, 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 add article VI; 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, 6, 8, 9, 10, and 14 of article II,  
3 sections 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, 6, 8, 9, 10, and 14 of article II, section 1 of article  
7 IV, and sections 6, 10, 10a, 11, and 14 of article V as amended  
8 and section 4 of article I, section 1a of article IV, and section  
9 6b of article V as added by Act No. 399 of the Public Acts of  
10 1982, section 2 of article IV as amended by Act No. 221 of the  
11 Public Acts of 1989, section 2 of article V as amended by Act  
12 No. 249 of the Public Acts of 1989, and section 18 of article V  
13 as amended by Act No. 355 of the Public Acts of 1988, being sec-  
14 tions 475.1, 475.2, 475.3, 475.4, 476.1, 476.2, 476.3, 476.4,  
15 476.5, 476.6, 476.8, 476.9, 476.10, 476.14, 478.1, 478.1a, 478.2,  
16 478.6, 479.2, 479.4, 479.6, 479.6b, 479.10, 479.10a, 479.11,  
17 479.14, and 479.18 of the Michigan Compiled Laws, are amended and  
18 section 10b is added to article V and article VI is added to read  
19 as follows:

1

## TITLE

2

An act to promote safety upon and conserve the use of public

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

highways of the state; to provide for the supervision, regula-  
tion, and control of the use of such highways by all motor vehi-  
cles 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 facili-  
ties; to provide for the LIMITED 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~~  
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 juris-~~  
~~diction 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 com-~~  
~~mission of rates, fares, and charges of contract carriers and to~~  
authorize the commission to ~~prescribe minimum~~ SUPERVISE CERTAIN  
JOINT rates, fares, and charges, and to require the observance  
thereof; to prevent unjust discrimination ON THE BASIS OF RACE,  
CREED, COLOR, SEX, OR NATIONAL ORIGIN WITH RESPECT TO THE TRANS-  
PORTATION OF PROPERTY FOR HIRE ON THE PUBLIC HIGHWAYS OF THIS  
STATE; to prescribe the powers and duties of ~~said~~ THE commis-  
sion with reference thereto; to provide for appeals from the  
orders of ~~such~~ THE commission; to confer jurisdiction upon the

1 ~~circuit court for the county of Ingham~~ COURT OF APPEALS for  
2 such appeals; to provide for the levy and collection of certain  
3 privilege fees and taxes for such carriers for such purposes and  
4 the disposition of such fees and taxes; ~~and~~ to provide for the  
5 enforcement of this act; and to prescribe penalties for its  
6 violations.

7 ARTICLE I

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

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

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

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

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

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

1       ~~(f) "Motor common carrier of property" means any person who~~  
 2 ~~holds himself or herself out to the public as being engaged in~~  
 3 ~~the business of a for hire common carrier as at the common law,~~  
 4 ~~either directly or through any device or arrangement, including~~  
 5 ~~but not limited to those who operate over fixed routes or within~~  
 6 ~~1 mile of a fixed route or between fixed termini, in the trans-~~  
 7 ~~portation by motor vehicle from place to place upon or over the~~  
 8 ~~highways of this state, the property, or any property, or any~~  
 9 ~~class of property of others who may choose to employ the person.~~

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

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

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

24       (H) ~~(j)~~ "Certificate of ~~authority~~ REGISTRATION" means a  
 25 certificate issued to a motor ~~common~~ carrier PURSUANT TO THIS  
 26 ACT authorizing THAT MOTOR CARRIER TO OPERATE a transportation  
 27 service ~~that serves a useful public purpose responsive to a~~

1 ~~public demand or need, which certificate is issued under the~~  
2 ~~terms of this act~~ UPON THE PUBLIC HIGHWAYS OF THIS STATE.

3 ~~(k) "Permit" means the permit issued to motor contract car-~~  
4 ~~riers under the terms of this act.~~

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

11 ~~(m) "Modified procedure" means that administrative proce-~~  
12 ~~dure by which the commission may consider evidence and testimony~~  
13 ~~submitted in the form of verified statements in motor carrier~~  
14 ~~matters without the necessity for an oral hearing.~~

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

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

23 (K) ~~(p)~~ "Fit", as applied to ~~a proposed~~ motor carrier  
24 service, means safe, suitable, and financially responsible as  
25 determined by the commission, AND THE ABSENCE OF A MAJOR PATTERN  
26 OF RECURRING VIOLATIONS OF OTHER ACTS REGULATING TRUCK SAFETY AND

1 OF THIS ACT AFTER THE 1991 AMENDMENTS TO THIS ACT WHICH INDICATE  
2 A RECKLESS DISREGARD OF THE PUBLIC INTEREST.

3 (1) ~~-(q)-~~ "Private carrier" means any person engaged in the  
4 transportation of property by motor vehicle upon public highways  
5 where the transportation is incidental to, or in furtherance of,  
6 any commercial enterprise of the person, other than  
7 transportation.

8 (M) ~~-(r)-~~ "General rate" means a rate applicable to 2 or  
9 more motor carriers which rate is filed pursuant to section 6b of  
10 article V.

11 (N) "VERIFIED STATEMENTS" MEANS AN AFFIDAVIT, WRITTEN STATE-  
12 MENT, OR DECLARATION MADE UNDER ANY MOTOR CARRIER RULE, REGULA-  
13 TION, ORDER, OR REQUIREMENT, THE TRUTH OF WHICH IS EITHER CON-  
14 FIRMED OR SUBSTANTIATED BY OATH OR ATTESTATION BEFORE A NOTARY  
15 PUBLIC OR OTHER OFFICER AUTHORIZED BY LAW TO TAKE OATHS OR ATTES-  
16 TATIONS, OR EXECUTED AND SUBSCRIBED AS TRUE UNDER PENALTY OF PER-  
17 JURY IN THE FOLLOWING FORM:

18 "I CERTIFY (OR DECLARE, VERIFY, STATE) UNDER PENALTY OF PER-  
19 JURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA AND THE STATE  
20 OF MICHIGAN THAT THE FOREGOING STATEMENT IS TRUE AND CORRECT.

21  
22

\_\_\_\_\_  
SIGNATURE"

23 Sec. 2. (1) It is hereby declared to be the purpose and  
24 policy of the legislature in enacting this law to confer upon the  
25 commission the power and authority and to make it its duty to  
26 supervise and regulate the transportation of property by motor  
27 vehicle for hire upon and over the public highways of this state  
28 in ~~all matters whether specifically mentioned herein or not~~ THE

1 MANNER PRESCRIBED IN THIS ACT, so as to: (a) Relieve all future  
2 undue burdens and congestion on the highways arising by reason of  
3 the use of the highways by motor vehicles operated by motor car-  
4 riers; (b) protect and conserve the highways and protect the  
5 safety and welfare of the traveling and shipping public in their  
6 use of the highways; (c) ~~promote competitive and efficient~~  
7 ~~transportation~~ FOSTER PRODUCTIVE, SAFE, AND INNOVATIVE COMPETI-  
8 TION IN FURTHERANCE OF THE PUBLIC INTEREST AND FOR THE BENEFIT OF  
9 THE USERS OF TRANSPORTATION SERVICES AND NOT FOR THE PROTECTION  
10 FROM COMPETITION OF INDIVIDUAL PROVIDERS OF SUCH services; (d)  
11 meet the needs of ~~motor carriers, shippers, receivers, and~~  
12 ~~consumers~~ THE GENERAL PUBLIC WITH RESPECT TO THE TRANSPORTATION  
13 OF PROPERTY BY MOTOR VEHICLE FOR HIRE; (e) allow a variety of  
14 quality, price, and service options to meet changing market  
15 demands and the diverse requirements of the shipping public; (f)  
16 allow the most productive use of equipment and energy resources;  
17 (g) provide the opportunity for efficient and well-managed motor  
18 carriers to earn adequate profits and attract capital; (h) pro-  
19 mote intermodal transportation; (i) prevent unjust discrimination  
20 ON THE BASIS OF RACE, CREED, COLOR, SEX, OR NATIONAL ORIGIN WITH  
21 RESPECT TO THE TRANSPORTATION OF PROPERTY FOR HIRE ON THE PUBLIC  
22 HIGHWAYS OF THIS STATE; (j) promote greater participation by  
23 minorities in the motor carrier system; (k) provide and maintain  
24 service to small communities and small shippers; and (l) prevent  
25 evasion of this act through any device or arrangement.

26 (2) EXCEPT AS PROVIDED IN SECTION 6B OF ARTICLE V,  
27 SUBSECTION (1) SHALL NOT BE CONSTRUED TO ALLOW THE COMMISSION TO



1 REGULATE THE RATES, FARES, AND CHARGES OF MOTOR CARRIERS SUBJECT  
2 TO THIS ACT.

3       Sec. 3. (1) To enable the provisions of service for which  
4 there is an immediate and urgent need to a point or points or  
5 within a territory having no motor carrier service capable of  
6 meeting that need, the commission may, upon a proper application,  
7 in its discretion and without hearings or other proceedings,  
8 grant A temporary ~~authority~~ CERTIFICATE OF REGISTRATION for  
9 that service by a motor ~~common~~ carrier ~~or a motor contract~~  
10 ~~carrier~~ by motor vehicle. The temporary ~~authority~~  
11 CERTIFICATE, unless suspended or revoked for good cause, shall be  
12 valid for the time as the commission shall specify. ~~, but in no~~  
13 ~~event for a period exceeding 30 days, except that if after hear-~~  
14 ~~ing, permanent authority be granted, then corresponding temporary~~  
15 ~~authority may be continued until the permanent authority becomes~~  
16 ~~effective, and shall create no presumption that corresponding~~  
17 ~~permanent authority will be granted thereafter.~~

18       (2) Pending the determination of an application filed with  
19 the commission for approval of a consolidation or merger of the  
20 properties of 2 or more motor carriers, the commission may, in  
21 its discretion and without hearing or other proceedings, grant  
22 temporary approval ~~, for a period not exceeding 60 days,~~ of the  
23 operation of the motor carrier properties sought to be acquired  
24 by the person proposing in the pending application to acquire the  
25 properties, if it appears that failure to grant the temporary  
26 approval may result in destruction of or injury to the motor  
27 carrier properties sought to be acquired, or to interfere

1 substantially with their future usefulness in the performance of  
2 adequate and continuous service to the public.

3       (2) ~~-(3)-~~ Transportation service rendered under A temporary  
4 ~~authority~~ CERTIFICATE OF REGISTRATION shall be subject to all  
5 applicable provisions of this act and to the rules of the  
6 commission.

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

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

13       (a) Shall, in any case in which an oral hearing is held,  
14 complete all evidentiary proceedings related to the matter not  
15 later than ~~-180-~~ 120 days following ~~-institution-~~ INITIATION of  
16 the ~~-proceeding-~~ HEARING, and shall issue in writing the proposal  
17 for decision not later than ~~-270-~~ 170 days following  
18 ~~-institution-~~ INITIATION of the ~~-proceeding-~~ HEARING.

19       (b) Shall, in the case of all other proceedings subject to  
20 this section, issue in writing the proposal for decision not  
21 later than ~~-180-~~ 60 days following institution of the  
22 proceeding.

23       (3) ~~In extraordinary circumstances the commission may~~  
24 ~~extend a time period established by this section. However, the~~  
25 ~~total of all extensions with respect to any matter subject to~~  
26 ~~this section shall not exceed 90 days.~~ THE COMMISSION SHALL MAKE

1 ITS INITIAL DECISION WITHIN 60 DAYS AFTER A PROPOSAL FOR DECISION  
2 IS ISSUED PURSUANT TO SUBSECTION (2)(A) OR (B).

3 ARTICLE II

4 Sec. 1. ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, A  
5 motor ~~common~~ carrier ~~of property~~ shall not operate any motor  
6 vehicle for the transportation of property for hire on any public  
7 highway in this state ~~except in accordance with the provisions~~  
8 ~~of~~ BEFORE OBTAINING A CERTIFICATE OF REGISTRATION PURSUANT TO  
9 this act. ~~A motor common carrier of property shall not operate~~  
10 ~~upon any public highway without first having obtained from the~~  
11 ~~commission a certificate of authority.~~

12 Sec. 2. ~~The~~ SUBJECT TO SECTION 5 OF THIS ARTICLE, THE  
13 commission, upon the filing of an application for a certificate  
14 of ~~authority~~ REGISTRATION, shall ascertain and determine, under  
15 reasonable rules as it promulgates, whether to issue the certifi-  
16 cate of ~~authority~~ REGISTRATION.

17 Sec. 3. An application for a certificate of ~~authority~~  
18 REGISTRATION shall be in writing stating the experience of the  
19 applicant as a motor carrier, if any, the ownership and condition  
20 of the equipment and physical property of the applicant proposed  
21 to be used, THE ACCIDENT RECORDS, INCLUDING CITATIONS ISSUED, IF  
22 ANY, OF EMPLOYEE DRIVERS OR CONTRACTED DRIVERS EMPLOYED OR UNDER  
23 CONTRACT AT THE TIME OF APPLICATION AND FOR THE PRECEDING 12  
24 MONTHS, THE VIOLATION RECORDS FOR ANY EQUIPMENT OWNED OR LEASED  
25 BY THE APPLICANT, and shall contain other information as the com-  
26 mission requires. Each application shall be accompanied by the  
27 required fees, proof of insurance before operations are

1 commenced, and all other things required by law and the rules of  
2 the commission.

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

11       Sec. 5. (1) ~~Except as provided in this section, the~~ THE  
12 commission shall issue a certificate of ~~authority~~ REGISTRATION  
13 to an applicant authorizing that it provide transportation  
14 subject to the jurisdiction of the commission under this article  
15 as a motor ~~common~~ carrier ~~of property~~ if the commission finds  
16 all of the following:

17       (a) The character and condition of the CURRENTLY EMPLOYED  
18 DRIVERS, THE CONTRACT DRIVERS, AND OF THE vehicles proposed to be  
19 operated by the applicant is such that they may be operated  
20 safely upon the public highways.

21       (b) That the applicant is fit ~~, willing, and able to pro-~~  
22 ~~vide the transportation to be authorized by the certificate and~~  
23 ~~to comply with this act and rules and regulations of the~~  
24 ~~commission~~ TO OPERATE AS A MOTOR CARRIER.

25       ~~(c) On the basis of evidence presented, that the service~~  
26 ~~proposed will serve a useful public purpose, unless the~~  
27 ~~commission finds, on the basis of the evidence presented by a~~

~~1 protestant objecting to the issuance of a certificate that the~~  
~~2 transportation to be authorized by the certificate would create~~  
~~3 excess service by endangering the ability of the present carriers~~  
~~4 to provide adequate, economical, safe, and efficient service.~~

5 (2) In making a finding under subsection (1), the commission  
6 shall ~~consider and, to the extent applicable, make findings on~~  
7 ~~at least~~ CONSIDER all of the following:

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

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

20 (c) ~~The character of the bond or insurance proposed to be~~  
21 ~~given to insure the protection of the public.~~ FOR COMPLIANCE  
22 WITH SUBSECTION (1)(A), EVIDENCE THAT THE VEHICLES THE APPLICANT  
23 PROPOSES TO OPERATE HAVE BEEN INSPECTED WITHIN THE LAST YEAR BY A  
24 LICENSED MECHANIC AND WERE DETERMINED TO BE IN COMPLIANCE WITH  
25 THE REQUIREMENTS OF THE MOTOR CARRIER SAFETY ACT OF 1963, ACT  
26 NO. 181 OF THE PUBLIC ACTS OF 1963, BEING SECTIONS 480.11 TO  
27 480.21 OF THE MICHIGAN COMPILED LAWS, AND IF NECESSARY, THE

1 MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949,  
2 BEING SECTIONS 257.1 TO 257.923 OF THE MICHIGAN COMPILED LAWS.  
3 IF VEHICLES PROPOSED TO BE USED ARE NOT YET IDENTIFIED, THEY  
4 SHALL BE INSPECTED BY A LICENSED MECHANIC AND PROOF OF INSPECTION  
5 WITHIN THE IMMEDIATELY PRECEDING 12 MONTHS SHALL BE SUBMITTED TO  
6 THE COMMISSION BEFORE BEING PLACED INTO SERVICE.

7 (d) ~~Whether the applicant is fit, willing, and able to pro-~~  
8 ~~vide service commensurate with the extent of the certificate~~  
9 ~~sought.~~ FOR COMPLIANCE WITH SUBSECTION (i) (A), EVIDENCE THAT THE  
10 DRIVERS THE APPLICANT CURRENTLY EMPLOYS OR CONTRACTS WITH ARE IN  
11 COMPLIANCE WITH ALL REQUIREMENTS OF FEDERAL AND STATE LAW.

12 (3) UPON A COMPLAINT IN WRITING AGAINST AN APPLICANT FOR A  
13 CERTIFICATE OF REGISTRATION, THE COMMISSION MAY INVESTIGATE THE  
14 COMPLAINT AND TAKE THE COMPLAINT AND THE FINDINGS OF ITS INVESTI-  
15 GATION INTO ACCOUNT IN DETERMINING WHETHER THE APPLICANT MEETS  
16 THE REQUIREMENTS OF SUBSECTION (1). THE BURDEN OF PROOF TO SHOW  
17 THAT THE APPLICANT DOES NOT MEET THE REQUIREMENTS OF SUBSECTION  
18 (1) IS ON THE COMMISSION. THE APPLICANT SHALL BE NOTIFIED IN  
19 WRITING WITHIN 10 DAYS AFTER A COMPLAINT IS FILED OF THE CONTENTS  
20 OF THE COMPLAINT.

21 (4) IF THE COMMISSION DETERMINES THAT THE APPLICATION DOES  
22 NOT MEET THE CONDITIONS SET FORTH IN SUBSECTION (1), THE APPLI-  
23 CANT MAY REQUEST AN ORAL HEARING BEFORE AN ADMINISTRATIVE LAW  
24 JUDGE. THE HEARING SHALL BE CONDUCTED AS A CONTESTED CASE UNDER  
25 CHAPTER 4 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT  
26 NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS 24.271 TO  
27 24.287 OF THE MICHIGAN COMPILED LAWS. UPON COMPLETION OF THE

1 HEARING, THE ADMINISTRATIVE LAW JUDGE SHALL ISSUE A PROPOSAL FOR  
2 DECISION ON THE APPLICATION. THE BURDEN OF PROOF SHALL BE ON THE  
3 COMMISSION TO DEMONSTRATE THAT AN APPLICANT DOES NOT MEET THE  
4 REQUIREMENTS OF SUBSECTION (1).

5 (5) BASED UPON THE PROPOSAL FOR DECISION, THE COMMISSION  
6 SHALL EITHER DISMISS THE COMPLAINT AND ISSUE A CERTIFICATE OF  
7 REGISTRATION TO THE APPLICANT OR ACCEPT THE COMPLAINT AND NOT  
8 ISSUE A CERTIFICATE. THE DECISION MAY BE APPEALED TO THE COURT  
9 OF APPEALS AS PROVIDED IN SECTION 20 OF ARTICLE V.

10 (6) ~~-(3) A motor carrier may not protest an application to~~  
11 ~~provide transportation filed under this section unless all of the~~  
12 ~~following requirements are met: A CERTIFICATE ISSUED BY THE COM-~~  
13 ~~MISSION SHALL ALLOW THE MOTOR CARRIER TO PROVIDE STATEWIDE SERV-~~  
14 ~~ICE IN ALL TERRITORIES AND OVER ALL ROUTES FOR THE GOODS THE~~  
15 ~~MOTOR CARRIER DESIRES TO TRANSPORT WITHOUT RESTRICTION BY THE~~  
16 ~~COMMISSION.~~

17 ~~-(a) The protest is filed with the commission not later than~~  
18 ~~20 days following publication of the notice of the filing of the~~  
19 ~~application in the biweekly bulletin.~~

20 ~~-(b) The motor carrier possesses a certificate of authority~~  
21 ~~or permit authorizing it to handle, in whole or in part, the~~  
22 ~~traffic for which an application is made or has pending before~~  
23 ~~the commission an application for a certificate of authority or~~  
24 ~~permit for substantially the same traffic filed before the appli-~~  
25 ~~cation being considered.~~

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

1       ~~(d) The motor carrier has performed service within the scope~~  
2 ~~of the application during the previous 12-month period or has,~~  
3 ~~actively and in good faith, solicited service within the scope of~~  
4 ~~the application during that period.~~

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

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

18       ~~(6) Certificates of authority issued to motor common carri-~~  
19 ~~ers of property under this act shall be of 3 classes:~~

20       ~~(a) Certificates issued to motor carriers as may be operat-~~  
21 ~~ing over fixed routes or within 1 mile of a fixed route or~~  
22 ~~between fixed termini.~~

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



1     ~~(c) Certificates issued to all other motor common carriers~~  
2 ~~of property.~~

3     Sec. 6. ~~All motor common carriers of property subject to~~  
4 ~~this act, shall before engaging in business, print and file with~~  
5 ~~the commission and keep open to public inspection in its princi-~~  
6 ~~pal place of business and have available upon request, schedules~~  
7 ~~showing all rates, fares and charges for transportation of prop-~~  
8 ~~erty between different points on its route, and also between~~  
9 ~~points on its own route and on the route of any other motor~~  
10 ~~common carrier when a through route and joint rate have been~~  
11 ~~established. When the commission grants a new authority to a~~  
12 ~~motor common carrier, that carrier shall not charge a predatory~~  
13 ~~rate. A predatory rate is a rate found to be below its fully~~  
14 ~~allocated cost by the Michigan public service commission. The~~  
15 ~~commission shall make this determination prior to the issuance of~~  
16 ~~a certificate and commencement of operations. If a joint rate~~  
17 ~~over the through route has not been established the several motor~~  
18 ~~carriers shall file, print, and keep open for public inspection~~  
19 ~~as described in this section, the separately established rates,~~  
20 ~~fares, and charges applied to the through transportation, and~~  
21 ~~shall likewise print, file, and keep open to the public inspec-~~  
22 ~~tion all other charges, privileges, or rules which in anywise~~  
23 ~~change, affect, or determine any part of the rates, fares,~~  
24 ~~charges, or the value of the service, and other information as~~  
25 ~~required by the commission in its rules. In addition, a motor~~  
26 ~~carrier shall keep the facilities of the motor carrier open to~~  
27 ~~public inspection. A motor common carrier shall not receive or~~

~~1 accept any person or property for transportation upon the~~  
~~2 highways until in compliance with the requirements of this~~  
~~3 section.~~ (1) EXCEPT AS PROVIDED IN SECTION 6B OF ARTICLE V, THIS  
4 ACT SHALL NOT BE CONSTRUED TO PERMIT THE REGULATION OF FARES,  
5 RATES, OR CHARGES OF INDIVIDUAL MOTOR CARRIERS.

6 (2) THE COMMISSION SHALL NOT REQUIRE COST JUSTIFICATION OF  
7 RATES OR ISSUE MINIMUM RATE ORDERS OR ENFORCE MINIMUM RATE ORDERS  
8 ISSUED BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED  
9 THIS SUBSECTION.

10 (3) EXCEPT AS PROVIDED IN SECTION 6B OF ARTICLE V, THE COM-  
11 MISSION SHALL NOT REQUIRE THE FILING OF RATES WITH THE  
12 COMMISSION.

13 (4) EXCEPT AS PROVIDED IN SECTION 6B OF ARTICLE V, THE COM-  
14 MISSION SHALL NOT ACCEPT THE FILING OF COMPLAINTS ALLEGING THAT  
15 THE RATES CHARGED BY A MOTOR CARRIER ARE TOO LOW.

16 Sec. 8. A person, whether motor carrier, shipper, or con-  
17 signee, or any officer, employee, agent, or representative of a  
18 motor carrier, shipper, or consignee, who knowingly ~~offers,~~  
19 ~~grants, or gives, or solicits, accepts, or receives any rebate,~~  
20 ~~concession, or discrimination in violation of this act, or who,~~  
21 ~~by means of any false statement or representation, or by the use~~  
22 ~~of any false or fictitious bill, bill of lading, receipt, vouch-~~  
23 ~~er, roll, account, claim, certificate, affidavit, deposition,~~  
24 ~~lease, or bill of sale, or by any other means or device, know-~~  
25 ~~ingly and wilfully assists, suffers, or permits a person to~~  
26 ~~obtain transportation of property subject to this article for~~  
27 ~~less than the applicable rate, fare, or charge, or who knowingly~~

1 ~~and wilfully~~ AND WILLFULLY, by any means, fraudulently seeks to  
2 evade or defeat rules as promulgated under this act for motor  
3 ~~common~~ carriers, is guilty of a misdemeanor, punishable by a  
4 fine of not more than \$500.00, or imprisonment for not more than  
5 6 months, or both.

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

16       Sec. 10. ~~The commission shall supervise and regulate all~~  
17 ~~motor common carriers of property and regulate and determine rea-~~  
18 ~~sonable and sufficient rates, fares, charges, and classifica-~~  
19 ~~tions; regulate the facilities, accounts, service, and safety of~~  
20 ~~operations of each motor common carrier.~~ To insure adequate  
21 transportation service to the ~~territory traversed by the motor~~  
22 ~~common carriers~~ PEOPLE OF THIS STATE, the commission may require  
23 the ~~coordination of the service and schedules of competing motor~~  
24 ~~common carriers; require the~~ filing of annual and other reports,  
25 ~~tariffs, schedules,~~ and other data by the motor ~~common~~ carri-  
26 ers ~~;~~ ~~supervise and regulate motor common carriers in all~~  
27 ~~matters affecting the relation between the motor carriers, and~~

1 ~~the public and between motor carriers, and promulgate rules for~~  
2 ~~the purpose of promoting safety upon the highways and the conser-~~  
3 ~~vation of their use~~ to the end that the provisions of this act  
4 may be fully and completely carried out. The commission ~~—, by~~  
5 ~~general order or otherwise,~~ shall promulgate rules ~~in con-~~  
6 ~~formity with~~ AS NECESSARY TO IMPLEMENT THE REQUIREMENTS OF this  
7 act applicable to all motor ~~common~~ carriers, and ~~to~~ do all  
8 things necessary to carry out and enforce this act. RULES  
9 PROMULGATED PURSUANT TO THIS SECTION SHALL BE PROMULGATED PURSU-  
10 ANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF  
11 THE PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE  
12 MICHIGAN COMPILED LAWS.

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

## ARTICLE IV

22       Sec. 1. Each application filed with the commission for a  
23 certificate of ~~authority or for a permit~~ REGISTRATION, as  
24 required by this act, shall be accompanied by a fee of \$100.00.  
25 Each application filed with the commission for the renewal of a  
26 certificate ~~or permit~~ shall be accompanied by a fee of \$50.00  
27 for the administration of this act, which fee shall be in

1 addition to all other fees, and shall be retained by the  
2 commission and deposited with the state treasurer, whether or not  
3 the certificate ~~or permit~~ or the renewal of the certificate ~~or~~  
4 ~~permit~~ is granted.

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

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

1 fee was paid and surrenders the identification allocated to the  
2 motor vehicle by the commission, accompanied by a fee of \$10.00,  
3 a replacement identification shall be issued. Except that where  
4 the owner operator replaces a vehicle while it is still leased to  
5 the same motor carrier to whom it was leased when the identifica-  
6 tion was issued, the replacement identification fee shall be  
7 \$10.00. For all other replacement vehicles, the fee shall be  
8 \$25.00 for each complete or partial calendar year quarter remain-  
9 ing in the year as of the date the replacement vehicle is to  
10 begin operating upon surrender of the identification allocated to  
11 the motor carrier by the commission. For each truck or tractor  
12 used exclusively for the transportation of household goods as  
13 defined by the commission, the annual fee shall be \$50.00.

14       (2) A motor carrier licensed in this state shall pay an  
15 annual fee of \$100.00 for each vehicle operated by the motor car-  
16 rier which is registered in this state and operating entirely in  
17 interstate commerce. A motor carrier shall pay a fee of only  
18 \$50.00 for each self-propelled motor vehicle operated by or on  
19 behalf of the motor carrier if the motor carrier begins operation  
20 of the vehicle after June 30 and has not previously paid a fee  
21 under this subsection for that vehicle.

22       (3) The commission may issue a temporary 72-hour permit for  
23 the operation of a vehicle subject to rules and conditions of the  
24 commission at a fee of \$10.00, which is in place of any other fee  
25 otherwise required under this section. The commission shall  
26 reserve the authority to deny or curtail the use of temporary

1 permits authorized by this section FOR THE SAME REASONS FOR WHICH  
2 A CERTIFICATE OF REGISTRATION MAY BE DENIED UNDER ARTICLE II.

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

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

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 any of the  
21 following:

22 (a) A vehicle operated entirely within a city or village of  
23 this state; or to a motor carrier of property whose operations  
24 may extend a distance of not more than ~~8~~ 25 miles beyond the  
25 boundary of a city or village having a population of less than  
26 500,000, if the origin and destination of the property being  
27 transported is within ~~an 8-mile~~ A 25-MILE radius of the city or

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

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

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

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

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



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

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

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

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

1 and including all other cities or villages, any part of which is  
2 located within the 8-mile radius.

3 (i) A vehicle used to transport a vehicle that is temporar-  
4 ily disabled from a point within an 8-mile radius of a city  
5 having a population of 500,000 or more and including all other  
6 cities or villages, any part of which is located within the  
7 8-mile radius to another point within that radius.

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

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

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

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

24 (n) A vehicle used for the transportation of property for  
25 compensation provided by a person who is a member of a corporate  
26 family for other members of the corporate family, if all of the  
27 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 (p) A vehicle transporting recyclable materials to or from a  
20 resource recovery facility. The terms "recyclable materials" and  
21 "resource recovery facility" have the meanings attributed to  
22 these terms in the solid waste management act, Act No. 641 of the  
23 Public Acts of 1978, being sections 299.401 to 299.437 of the  
24 Michigan Compiled Laws, except that the term recyclable materials  
25 does not include industrial scrap metal. This subdivision shall  
26 not be construed to exempt from this act a vehicle transporting  
27 new products.

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

9       (3) None of the exemptions in this section, where applica-  
 10 ble, apply to a vehicle entering this state from another state,  
 11 foreign country, or subdivision of a state or foreign country  
 12 that does not extend similar exemptions to vehicles from this  
 13 state entering the state, foreign country, or subdivision.

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

25       Sec. 6. (1) The commission shall prescribe the forms of  
 26 applications for certificates ~~and permits,~~ and promulgate rules  
 27 pertaining to the contents and filing of applicants, ~~and is~~

1 ~~empowered to~~ SHALL administer and enforce all provisions of this  
2 act, ~~and to~~ SHALL establish and enforce rules affecting the  
3 operations of all motor carriers subjected to the provisions of  
4 this act affecting their use of the highways, ~~and affecting~~ the  
5 conduct of investigations and hearings authorized in this act,  
6 and also in respect of all matters pertaining to the proper  
7 enforcement of all provisions and purposes of this act. The  
8 rules shall be promulgated ~~and become effective~~ only pursuant  
9 to and in compliance with Act No. 306 of the Public Acts of  
10 1969, as amended, being sections 24.201 to ~~24.315~~ 24.328 of the  
11 Michigan Compiled Laws. The rules may be rescinded, suspended,  
12 modified, and amended at any time in the discretion of the com-  
13 mission and in accordance with Act No. 306 of the Public Acts of  
14 1969, as amended, to effectuate the purposes of this act. All  
15 rules promulgated by the commission shall be given and shall have  
16 the force and effect of law.

17 (2) The commission shall provide for the issuance of a bul-  
18 letin of notices of hearings, applications, ~~and notices of the~~  
19 ~~transfer of permits or certificates, the filing with it of rates,~~  
20 ~~fares, and charges~~ and any other matters relating to its powers  
21 and duties regulating transportation UNDER THIS ACT. The bulle-  
22 tin shall be issued biweekly and mailed to each holder of an  
23 intrastate motor carrier ~~authority~~ CERTIFICATE OF REGISTRATION  
24 from the commission. The mailing of the bulletin to the motor  
25 carrier at its registered place of business is to constitute  
26 official notice to the motor carrier of the applications,  
27 hearings, ~~transfer of certificates or permits,~~ and other

1 official business of the commission as appears in the bulletin,  
2 and no other notice ~~thereof~~ need be given the motor carriers  
3 except as is otherwise in this act expressly required. The bul-  
4 letin shall be furnished and mailed to the public upon payment by  
5 anyone subscribing for the bulletin of an annual fee to be fixed  
6 by the commission with due regard to cost and the interest of the  
7 public in its activities.

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

25       (2) The motor carriers who are parties to an agreement  
26 approved by the commission under this section shall submit  
27 proposed rates, fares, classifications, divisions, allowances,

1 charges, or rules of the motor carriers to the commission. The  
2 proposed rates, fares, classifications, divisions, allowances,  
3 charges, or rules of the motor carriers shall not be effective  
4 unless they are submitted to the commission and are permitted  
5 under the provisions of this act and the rules promulgated under  
6 this act.

7       (3) Each conference, bureau, committee, or other organi-  
8 zation established pursuant to an agreement approved by the com-  
9 mission under this section shall maintain those accounts,  
10 records, files, and memoranda and shall submit to the commission  
11 information and the reports as prescribed by the commission. All  
12 the accounts, records, files, and memoranda shall be subject to  
13 inspection by the commission or its authorized representative.

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

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

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

1       (5) A meeting of a conference, bureau, committee, or other  
2 organization established pursuant to an agreement approved by the  
3 commission under this section which includes motor carrier tar-  
4 iffs, rates, fares, or charges as matters of discussion or deci-  
5 sion shall be open and all persons shall be allowed to attend  
6 meetings. A VIOLATION OF THIS SUBSECTION SHALL BE CONSIDERED  
7 PRIMA FACIE EVIDENCE OF THE EXISTENCE OF AN UNLAWFUL CONTRACT,  
8 COMBINATION, OR CONSPIRACY IN VIOLATION OF SECTION 2 OF THE  
9 MICHIGAN ANTITRUST REFORM ACT, ACT NO. 274 OF THE PUBLIC ACTS OF  
10 1984, BEING SECTION 445.772 OF THE MICHIGAN COMPILED LAWS.

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

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



1 and shall contain the date, time, and place; members present;  
2 members absent; and purpose of meeting.

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

7 (8) ~~(9)~~ The commission shall not approve under this sec-  
8 tion any agreement which establishes a procedure for the determi-  
9 nation of any matter through joint consideration unless it finds  
10 that under the agreement there is accorded to each party the free  
11 and unrestrained right to take independent action after any  
12 determination is arrived at through the procedure INCLUDING THE  
13 SPECIFIC RIGHT TO OFFER DISCOUNTS FROM THE JOINTLY PUBLISHED  
14 RATES.

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

1 conditions, shall be postponed for a period which the commission  
2 determines to be reasonably necessary to avoid undue hardships.

3 (10) ~~(11)~~ An order shall not be entered under this section  
4 unless interested parties have been afforded reasonable notice  
5 and opportunity for hearing.

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

20 (2) The certificate ~~or permit~~ of any motor carrier who is  
21 delinquent in the payment of the earned fees required by this act  
22 to be paid at the time of ~~any~~ renewal ~~thereof~~ shall be deemed  
23 canceled and terminated, on and after January 1 of the year for  
24 which application should have been made under the requirements of  
25 this section, and the motor carrier shall be prohibited from  
26 operating any of its vehicles upon or over the highways of this

1 state and all privileges granted it under its expiring  
2 certificate ~~or permit~~ shall cease.

3       (3) ~~In case any~~ IF AN applicant for renewal of a certifi-  
4 cate ~~or a permit~~ fails, otherwise than in the payment of fees,  
5 to comply in all respects with the law and the rules of the com-  
6 mission in connection with the filing of the application for  
7 renewal, the commission immediately shall give specific written  
8 notice of that failure to the applicant and shall require in the  
9 notice that the applicant correct the matter specified within 10  
10 days after the notice. Upon the failure of the applicant to make  
11 the correction within the time, or in case of the failure to  
12 accompany the application with the required filing fee, the cer-  
13 tificate ~~or permit~~ of the applicant shall be revoked without  
14 any FURTHER action ~~whatever~~ upon the part of the commission.

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

26       (5) Upon full compliance with the requirements with respect  
27 to the filing of the application, the certificate ~~or permit~~

1 shall issue for the succeeding calendar year, subject to all the  
2 provisions of this act.

3       (6) The holder of a certificate ~~or permit~~ under this act  
4 may add equipment at any time, but when adding equipment subject  
5 to a privilege fee prescribed by this act, the holder of a cer-  
6 tificate ~~or permit~~ shall file an ex parte application in the  
7 form as the commission requires and pay for each unit of equip-  
8 ment added, the fee prescribed in section 2 of article IV. A  
9 notice of hearing ~~on the application~~ shall not be required and  
10 a public hearing shall not be held ON THE APPLICATION. ~~thereon.~~  
11 ~~When the holder of any certificate or permit, excepting a certif-~~  
12 ~~icate or permit that authorizes the transportation of household~~  
13 ~~goods while such household goods are being transported, by lease,~~  
14 ~~contract, or any arrangement other than outright purchase, aug-~~  
15 ~~ments his or her equipment, the lease, contract, or arrangement~~  
16 ~~shall be in writing and of such a character so as to vest in the~~  
17 ~~holder exclusive possession and control of the vehicle under the~~  
18 ~~lease or arrangement for the entire term of the lease or~~  
19 ~~arrangement. Any operation of the vehicle shall be conducted~~  
20 ~~under the exclusive supervision, direction, and control of the~~  
21 ~~holder.~~

22       (7) A certificated ~~or permitted~~ unit of equipment may be  
23 withdrawn from service at any time by surrendering to the commis-  
24 sion the identification allocated to the unit at the time it was  
25 certificated. ~~or permitted.~~

26       Sec. 10a. (1) ~~The lease, contract, or arrangement under~~  
27 ~~which a holder augments his or her equipment must specify the~~

~~1 period for which the equipment is to be operated, which shall not~~  
~~2 be less than 30 days.~~ THE LEASE, CONTRACT, OR ARRANGEMENT UNDER  
3 WHICH A CERTIFICATE HOLDER AUGMENTS HIS OR HER EQUIPMENT SHALL BE  
4 IN WRITING AND SHALL SPECIFY THE BEGINNING AND ENDING DATES OF  
5 THE LEASE AND INCLUDE A PROVISION THAT THE VEHICLE HAS BEEN  
6 INSPECTED BY A LICENSED MECHANIC IN THE PREVIOUS YEAR. A COPY OF  
7 THE LEASE SHALL BE KEPT IN THE VEHICLE AND PRESENTED UPON DEMAND  
8 BY AN AUTHORIZED POLICE OFFICER.

9       ~~(2) The lease, contract, or arrangement shall specify the~~  
~~10 compensation to be paid by the lessee or party to the contract or~~  
~~11 arrangement for the rental or use of the equipment.~~ NOTHING IN  
12 THIS ACT SHALL PROHIBIT THE PRACTICE OF TRIP LEASES OR SINGLE  
13 SOURCE LEASES IN INTRASTATE COMMERCE.

14       ~~(3) The lease, contract, or arrangement shall specify the~~  
~~15 time and date or the circumstance on which the contract, lease,~~  
~~16 or other arrangement begins, and the time or circumstance on~~  
~~17 which it ends.~~ A LESSOR WHO HOLDS HIS OR HER OWN AUTHORITY MAY  
18 LEASE HIS OR HER VEHICLE AND DRIVER WITHOUT RESTRICTION TO A  
19 LESSEE WHO ALSO HOLDS HIS OR HER OWN AUTHORITY.

20       ~~(4) The lease, contract, or arrangement shall vest in the~~  
~~21 holder of the vehicle exclusive possession and control of the~~  
~~22 vehicle for the entire term of the lease, contract, or~~  
23 arrangement.

24       ~~(5) The lease, contract, or arrangement shall provide that~~  
~~25 any operation of the vehicle must be conducted under the exclu-~~  
26 sive supervision, direction, and control of the holder.

1     ~~(6) The lease, contract, or arrangement shall provide that~~  
2 ~~the vehicle, at all times, while being operated under the lease,~~  
3 ~~contract, or arrangement, shall be operated only by persons who~~  
4 ~~are employees of the holder who stand in relation to the holder~~  
5 ~~as employee to employer.~~

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

9     ~~(8) The lease, contract, or arrangement shall be executed in~~  
10 ~~quadruplicate; the original shall be filed with the commission.~~  
11 ~~One copy shall be retained by the authorized motor carrier in~~  
12 ~~whose service the equipment is to be operated, 1 copy shall be~~  
13 ~~retained by the owner of the equipment, and 1 copy shall be car-~~  
14 ~~ried on the equipment specified in the lease, contract, or~~  
15 ~~arrangement during the entire period of the contract, lease, or~~  
16 ~~other arrangement.~~

17     ~~(9) Nothing in this section shall apply to the interchange~~  
18 ~~with other certificated motor common carriers or the multiple~~  
19 ~~certification of motor carrier equipment when specific approval~~  
20 ~~and authority to interchange the equipment has been or is granted~~  
21 ~~by the commission.~~

22     ~~(10) The provisions of subsection (1) shall not apply to or~~  
23 ~~be required of or between movers of household goods, when the~~  
24 ~~equipment is used to transport household goods as defined by the~~  
25 ~~commission.~~

26     SEC. 10B. (1) THE COMMISSION SHALL SUPERVISE AND REGULATE  
27 THE SERVICE PROVIDED, AND SAFETY OF OPERATIONS OF PERSONS THAT

1 TRANSPORT HOUSEHOLD GOODS OR THAT PORTION OF A CARRIER'S BUSINESS  
2 THAT INVOLVES THE TRANSPORTATION OF HOUSEHOLD GOODS.

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

7 (3) THE COMMISSION SHALL NOT REGULATE THE RATES CHARGED BY  
8 PERSONS OR CARRIERS THAT TRANSPORT HOUSEHOLD GOODS.

9 (4) AS USED IN THIS SECTION, "HOUSEHOLD GOODS" MEANS:

10 (A) PERSONAL EFFECTS AND PROPERTY USED OR TO BE USED IN A  
11 RESIDENTIAL DWELLING WHEN A PART OF THE EQUIPMENT OR SUPPLY OF  
12 SUCH DWELLING.

13 (B) ARTICLES, INCLUDING OBJECTS OF ART, DISPLAY, AND EXHIB-  
14 ITS THAT, BECAUSE OF THEIR UNUSUAL NATURE OR VALUE OR SHIPPER OR  
15 CONSIGNEE DEMAND, REQUIRE SPECIALIZED HANDLING AND EQUIPMENT USU-  
16 ALLY EMPLOYED IN MOVING HOUSEHOLD GOODS.

17 Sec. 11. The commission may examine all records, books,  
18 accounts, and files of each motor carrier to whom a certificate  
19 ~~or permit~~ has been issued under this act, having to do with the  
20 business of transportation conducted by the carrier. The  
21 records, books, accounts, and files or other data or information,  
22 by order of the commission, shall be produced at any hearing or  
23 proceeding before the commission for use at the hearing or  
24 proceeding. The records, books, accounts, and files shall be  
25 preserved at least 3 years. The commission may compel the  
26 attendance and testimony of witnesses and do all things necessary  
27 to carry out and enforce all the provisions of this act. A

1 member of the commission, clerk, officer, or employee of the  
2 state shall not divulge or make known, in any manner whatsoever  
3 not provided by law, to any person the operations, style of work,  
4 or any other information regarding the operations of carriers  
5 visited or inspected by him or her in the discharge of his or her  
6 official duties, or ~~to~~ permit any report, books, documents,  
7 accounts, files, or other data examined or inspected by him or  
8 her to be seen or examined by any person, except as provided by  
9 law. The information as may be obtained under this section shall  
10 be and remain inviolate, except for the purposes of carrying out  
11 the provisions of this act, it being the express legislative  
12 intent to permit the use of the information by the commission,  
13 but to prevent its publication in any manner, except when law-  
14 fully presented in open hearings either before the commission or  
15 some member of the commission, or before a court of law. Nothing  
16 in this section shall be construed to apply to the public files  
17 of the commission pertaining to the application for and the cer-  
18 tificate ~~or permit~~ of any motor carrier, nor to quarterly or  
19 other reports, which files and reports shall during office hours  
20 be open to inspection by any motor carrier, shipper, or  
21 consignee. A person violating this section is guilty of a  
22 misdemeanor.

23       Sec. 14. (1) Upon complaint in writing ~~by any person,~~  
24 ~~firm, corporation, association, mercantile, agricultural or manu-~~  
25 ~~facturing society, or by any body politic, municipal organi-~~  
26 ~~zation, common carrier, or motor carrier, that any of the rates,~~  
27 ~~fares, charges, or classifications, or~~ THAT A MOTOR CARRIER IS



1 NOT OPERATING ITS VEHICLES IN A MANNER CONSISTENT WITH THE SAFETY  
2 REQUIREMENTS OF SECTION 5(1) OF ARTICLE II, THAT any joint rate  
3 or rates of any motor ~~common~~ carrier PERMITTED BY SECTION 6B OF  
4 THIS ARTICLE are ~~—~~ in any respect unreasonable or unjustly dis-  
5 criminatory or otherwise in violation of this act, ~~or that any~~  
6 ~~practice whatsoever affecting the transportation of property by~~  
7 ~~any such motor common carrier or any service in connection there-~~  
8 ~~with is in any respect unreasonable or unjustly discriminatory,~~  
9 ~~or that any service of such motor common carrier is inadequate,~~  
10 or that this act or any order, rule, or practice established by  
11 the commission applicable to the motor ~~common~~ carrier, ~~or~~  
12 ~~charges filed with the commission by the motor common carrier,~~  
13 in any respect has been violated or deviated from, or is being  
14 violated or deviated from by such motor carrier; or upon such  
15 complaint against any motor ~~contract~~ carrier that this act or  
16 any order, rule, or practice established by the commission appli-  
17 cable to the motor ~~contract~~ carrier ~~or charges filed with the~~  
18 ~~commission by the motor contract carrier,~~ in any respect ~~—~~ has  
19 been violated or deviated from, or is being violated or deviated  
20 from, the commission shall notify the parties complained of that  
21 complaint has been made, and shall furnish a copy of the com-  
22 plaint with the notice, and 20 days after the notice has been  
23 given, the commission may proceed to investigate the ~~same~~  
24 COMPLAINT as provided in this section. Before proceeding to make  
25 the investigation, the commission shall give the motor carrier  
26 and the complainants at least 10 days' notice of the time and  
27 place when and where the matters will be considered and

1 determined. ~~and the parties shall be entitled to be heard and~~  
2 ~~shall have process to enforce the attendance of witnesses.~~ If  
3 upon investigation ~~any~~ matters complained of are found to be  
4 in violation of this act, the commission shall determine and by  
5 order fix and order substituted ~~therefor~~ the practice ~~serv-~~  
6 ~~ice, or charges as shall~~ TO conform to this act and the rules of  
7 the commission applicable to the motor carrier. The order shall  
8 further provide that the parties complained of shall cease and  
9 desist from the violation and conform to the terms of the order.  
10 The commission shall cause a certified copy of each order to be  
11 delivered to the parties affected, ~~thereby,~~ which order shall  
12 of its own force take effect and become operative 20 days after  
13 the service of the order. All motor carriers to which the order  
14 applies shall on or before the date when the order becomes effec-  
15 tive, make changes in ~~schedules on file~~ ITS PRACTICES as shall  
16 be necessary to make ~~the same~~ THEM conform to the order.  
17 Certified copies of all other orders of the commission shall be  
18 delivered to the parties affected in like manner, and, unless  
19 otherwise prescribed in this act, shall take effect within the  
20 time thereafter as the commission prescribes.

21 (2) When the commission believes that any provision in this  
22 act or any rule or order of the commission made in pursuance of  
23 this act ~~any~~ has been or is being violated, or that ~~any charges~~  
24 ~~have been made or collected or service performed in violation~~  
25 ~~thereof~~ A CARRIER IS NOT OPERATING A VEHICLE IN A MANNER CONSIS-  
26 TENT WITH THE REQUIREMENTS OF SECTION 5(1) OF ARTICLE II, and  
27 that an investigation ~~relating thereto~~ should be made, the

1 commission may on its own motion or on the application of anyone  
2 investigate the suspected violation. Before making the investi-  
3 gation, the commission shall present to the parties alleged to be  
4 guilty of the violations a statement in writing setting forth the  
5 matters to be investigated. Thereafter, on 10 days' notice to  
6 the parties of the time and place of the investigation, the com-  
7 mission may proceed to investigate the matters complained of in  
8 the same manner, and make like orders in respect thereto, as if  
9 the investigation had been made upon complaint. An investiga-  
10 tion, inquiry, or hearing which the commission has power to  
11 undertake or to hold may be undertaken or held by or before any  
12 commissioner or any employee of the commission when so directed  
13 by the commission or its chairperson. The commissioner or  
14 employee shall submit findings of fact and conclusions of law to  
15 the commission. If the findings of fact and conclusions of law  
16 are approved and confirmed by the commission and ordered filed in  
17 its office, they shall be the decision and the order of the  
18 commission. All investigations, inquiries, or hearings of a com-  
19 missioner or an employee are considered as the investigation,  
20 inquiry, and hearing of the commission.

21 (3) IF, UPON INVESTIGATION AND AFTER A HEARING THE COMMIS-  
22 SION DETERMINES THAT THE CONDUCT OF THE CARRIER CONSTITUTES A  
23 RECKLESS DISREGARD OF THE PUBLIC INTEREST, THE COMMISSION, IN  
24 ADDITION TO ANY OTHER ACTION AUTHORIZED UNDER THIS SECTION, MAY  
25 DO ANY OF THE FOLLOWING:

26 (A) DETERMINE THAT NO ACTION IS NECESSARY.

1 (B) PLACE THE CARRIER ON PROBATION FOR NOT MORE THAN 1  
2 YEAR.

3 (C) SUSPEND THE CARRIER'S CERTIFICATE FOR NOT MORE THAN 30  
4 DAYS.

5 (D) REVOKE THE CARRIER'S CERTIFICATE.

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 ARTICLE VI

10 SEC. 1. THE COMMISSION SHALL SUPERVISE AND REGULATE THE  
11 SAFETY OF OPERATIONS OF EACH MOTOR CARRIER. THE COMMISSION MAY  
12 PROMULGATE RULES FOR THE PURPOSE OF PROMOTING SAFETY UPON THE  
13 HIGHWAYS AND THE CONSERVATION OF THEIR USE. RULES PROMULGATED  
14 UNDER THIS SECTION SHALL BE PROMULGATED PURSUANT TO THE ADMINIS-  
15 TRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF  
16 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED  
17 LAWS.

18 SEC. 2. UPON COMPLAINT IN WRITING THAT A MOTOR CARRIER IS  
19 NOT OPERATING IN A MANNER CONSISTENT WITH THE SAFETY REQUIREMENTS  
20 PRESCRIBED BY SECTION 5 OF ARTICLE II, THE COMMISSION SHALL  
21 NOTIFY THE CARRIER THAT A COMPLAINT HAS BEEN MADE AND SHALL FUR-  
22 NISH THE CARRIER WITH A COPY OF THE COMPLAINT. THE COMMISSION  
23 SHALL THEN PROCEED TO INVESTIGATE THE COMPLAINT IN THE SAME  
24 MANNER AS OTHER COMPLAINTS ARE HEARD AND DECIDED AS PROVIDED IN  
25 ARTICLE V.

26 SEC. 3. EACH INTERSTATE CERTIFICATED CARRIER SHALL FILE AN  
27 ANNUAL REPORT BY FEBRUARY 1 EACH YEAR FOR THE PRECEDING CALENDAR

1 YEAR WITH THE COMMISSION THAT SHALL LIST EACH ACCIDENT THE  
2 DRIVERS OF THE CARRIER INCURRED, EACH VIOLATION OF STATE OR FED-  
3 ERAL MOTOR CARRIER SAFETY LAW, AND THE SAFETY PRECAUTIONS THE  
4 CARRIER HAS INSTITUTED TO REMEDY THE RESPECTIVE SITUATIONS.

5        SEC. 4. AT LEAST ONCE EVERY 3 YEARS, THE DEPARTMENT OF  
6 STATE POLICE SHALL REVIEW THE OPERATION OF EACH INTRASTATE CAR-  
7 RIER TO DETERMINE WHETHER THE CARRIER IS IN COMPLIANCE WITH THE  
8 APPLICABLE SAFETY RELATED LAWS AND RULES AND ISSUE A REPORT  
9 WITHIN 60 DAYS AFTER COMPLETION OF ITS REVIEW TO THE COMMISSION.

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

15        Section 3. This amendatory act shall be known and may be  
16 cited as "the truck safety and efficiency act".