

Act No. 176
Public Acts of 1994
Approved by the Governor
June 19, 1994
Filed with the Secretary of State
June 20, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Reps Bullard London Galloway Harder and Pitoniak

ENROLLED HOUSE BILL No. 5476

AN ACT to amend section 11 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 as amended by Act No 399 of the Public Acts of 1982 being section 479 11 of the Michigan Compiled Laws

The People of the State of Michigan enact

Section 1 Section 11 of article V of Act No 254 of the Public Acts of 1933 as amended by Act No 399 of the Public Acts of 1982 being section 479 11 of the Michigan Compiled Laws is amended to read as follows

ARTICLE V

Sec 11 (1) The commission may examine all records books accounts and files of each motor carrier to whom a certificate or permit has been issued under this act having to do with the business of transportation conducted by the carrier The records books accounts and files or other data or information by order of the commission shall be produced at any hearing or proceeding before the commission for use at the hearing or proceeding The records books accounts and files shall be preserved at least 3 years except that delivery receipts and delivery records and bills of lading shall be preserved at least 1 year The commission may compel the attendance and testimony of witnesses and do all things necessary to carry out and enforce all the provisions of this act

(2) A member of the commission clerk officer or employee of the state shall not divulge or make known in any manner whatsoever not provided by law to any person the operations style of work or any other information regarding the operations of carriers visited or inspected by him or her in the discharge of his or her official duties or

to permit any report books documents accounts files or other data examined or inspected by him or her to be seen or examined by any person except as provided by law The information as may be obtained under this section shall be and remain inviolate except for the purposes of carrying out the provisions of this act it being the express legislative intent to permit the use of the information by the commission but to prevent its publication in any manner except when lawfully presented in open hearings either before the commission or some member of the commission or before a court of law Nothing in this section shall be construed to apply to the public files of the commission pertaining to the application for and the certificate or permit of any motor carrier or to quarterly or other reports which files and reports shall during office hours be open to inspection by any motor carrier shipper or consignee

(3) A person who violates this section is guilty of a misdemeanor

This act is ordered to take immediate effect

Co Clerk of the House of Representatives

Secretary of the Senate

Approved

Governor