

HOUSE BILL No. 5714

July 30, 2014, Introduced by Rep. McCready and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1933 PA 254, entitled

"The motor carrier act,"

by amending the title and sections 1, 2, 3, and 4 of article I, the heading and sections 1, 3, 5, 8, 9, 10, 13, and 14 of article II, the heading and sections 1, 2, 4, 5, 6, 9, 11, and 12 of article III, sections 1 and 2 of article IV, sections 2, 5, 6, 6a, 6b, 7, 8, 9, 10, 10a, 11, 14, 14a, and 18 of article V, and section 2 of article VI (MCL 475.1, 475.2, 475.3, 475.4, 476.1, 476.3, 476.5, 476.8, 476.9, 476.10, 476.13, 476.14, 477.1, 477.2, 477.4, 477.5, 477.6, 477.9, 477.11, 477.12, 478.1, 478.2, 479.2, 479.5, 479.6, 479.6a, 479.6b, 479.7, 479.8, 479.9, 479.10, 479.10a, 479.11, 479.14, 479.14a, 479.18, and 479.42), the title, section 1 of article I, section 2 of article IV, and sections 8, 9, and 10 of article V as amended by 2008 PA 584, sections 2, 3, and 4 of

article I, section 3 of article II, sections 2 and 4 of article III, and sections 6a, 6b, 10a, 14, and 14a of article V as amended and section 2 of article VI as added by 1993 PA 352, sections 1, 8, 9, 13, and 14 of article II, sections 1, 5, 9, 11, and 12 of article III, section 1 of article IV, and section 6 of article V as amended by 1982 PA 399, sections 5 and 10 of article II and section 6 of article III as amended and section 7 of article V as added by 2007 PA 33, section 2 of article V as amended by 2011 PA 111, section 11 of article V as amended by 1994 PA 176, and section 18 of article V as amended by 2000 PA 96, and by adding sections 4a, 7, 7a, 7b, and 9a to article III; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to promote safety upon ~~and conserve the use of~~ public highways of ~~the~~ **THIS** 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~~ **PUBLIC SERVICE COMMISSION** jurisdiction and authority to prevent evasion of this act through any device or arrangement; to insure adequate transportation

1 service; to give the commission jurisdiction and authority to fix,
 2 alter, regulate, and determine rates, fares, charges,
 3 classifications, and practices of ~~common~~ motor carriers **OF**
 4 **HOUSEHOLD GOODS** for such purposes; to give the commission
 5 jurisdiction and authority to require registration, conduct audits,
 6 and assess fees for motor carriers for unified carrier registration
 7 ~~; to require filing with the commission of rates, fares, and~~
 8 ~~charges of contract carriers~~ and to authorize the commission to
 9 prescribe minimum rates, fares, and charges, and to require the
 10 observance thereof; to prevent unjust discrimination; to prescribe
 11 the powers and duties of ~~said~~ **THE PUBLIC SERVICE** commission; ~~with~~
 12 ~~reference thereto;~~ to provide for appeals from the orders of ~~such~~
 13 **THE** commission; to confer jurisdiction upon the circuit court for
 14 the county of Ingham for such appeals; to provide for the levy and
 15 collection of certain privilege fees and taxes for ~~such~~ **MOTOR**
 16 carriers ~~for such purposes~~ and the disposition of ~~such~~ **THOSE** fees
 17 and taxes; ~~and~~ to provide for the enforcement of this act; and to
 18 prescribe penalties for its violations.

19 ARTICLE I

20 GENERAL DEFINITIONS AND PURPOSE

21 Sec. 1. ~~The words and phrases~~ **AS** used in this act: ~~shall be~~
 22 ~~construed as follows, unless the context shall otherwise require:~~

23 (a) "Motor vehicle" means ~~any~~ **AN** automobile, truck, trailer,
 24 semitrailer, truck tractor, road tractor, or ~~any~~ **A** self-propelled
 25 or motor or mechanically driven vehicle, or ~~any~~ **A** vehicle ~~in~~
 26 ~~anywise~~ attached to, connected with, or drawn by ~~any~~ **A** self-
 27 propelled or motor or mechanically driven vehicle, used upon ~~any~~ **A**

1 public highway of this state. ~~for the purpose of transporting~~
 2 ~~property.~~

3 (b) "Public highway" means ~~any~~**A** public highway, road, street,
 4 avenue, alley, or thoroughfare of any kind, or ~~any~~**A** bridge,
 5 tunnel, or subway used by the public.

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

7 (d) "Person" means ~~any~~**AN** individual, partnership,
 8 association, or corporation, and their lessees, trustees, or
 9 receivers appointed by ~~any~~**A** court.

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

12 (f) ~~"Motor common carrier of property" means any person who~~
 13 ~~holds himself or herself out to the public as being engaged in the~~
 14 ~~business of a for hire common carrier as at the common law, either~~
 15 ~~directly or through any device or arrangement, including but not~~
 16 ~~limited to those who operate over fixed routes or within 1 mile of~~
 17 ~~a fixed route or between fixed termini, in the transportation by~~
 18 ~~motor vehicle from place to place upon or over the highways of this~~
 19 ~~state, the property, or any property, or any class of property of~~
 20 ~~others who may choose to employ the person."~~**MOTOR CARRIER OF**
 21 **GENERAL COMMODITIES" MEANS A PERSON THAT IS AN AUTHORIZED FOR-HIRE**
 22 **MOTOR CARRIER, EITHER DIRECTLY OR THROUGH ANY DEVICE OR**
 23 **ARRANGEMENT, OF PROPERTY OTHER THAN HOUSEHOLD GOODS UPON OR OVER A**
 24 **PUBLIC HIGHWAY.**

25 (g) "The public" means ~~that~~**THE** part or portion of the general
 26 public ~~which the~~**THAT A** motor carrier is ready, able, willing, and
 27 equipped to serve.

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

1 ANY DEVICE OR ARRANGEMENT, THAT TRANSPORTS ONLY HOUSEHOLD GOODS
 2 UPON OR OVER A PUBLIC HIGHWAY FOR THE GENERAL PUBLIC IN EXCHANGE
 3 FOR PAYMENT.

4 (i) "Motor carrier" means ~~both A motor common carriers~~ **CARRIER**
 5 of ~~property and~~ **GENERAL COMMODITIES OR A** motor ~~contract carriers~~
 6 **CARRIER** of property. ~~Motor carrier does not include any person~~
 7 ~~engaged in the transportation of property by motor vehicle upon~~
 8 ~~public highways where the transportation is incidental to, or in~~
 9 ~~furtherance of, any commercial enterprise of the person, other than~~
 10 ~~transportation.~~ **HOUSEHOLD GOODS.**

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

16 ~~—— (k) "Permit" means the permit issued to motor contract~~
 17 ~~carriers under the terms of this act.~~

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

24 ~~—— (m) "Modified procedure" means that administrative procedure~~
 25 ~~by which the commission may consider evidence and testimony~~
 26 ~~submitted in the form of verified statements in motor carrier~~
 27 ~~matters without the necessity for an oral hearing. The commission~~

1 ~~may delegate decision making authority to an employee of the~~
 2 ~~commission staff, so that decisions in modified procedure may be~~
 3 ~~issued under the signature of the employee without a formal~~
 4 ~~commission order.~~

5 ~~—— (n) "Occasional accommodative service" means service limited~~
 6 ~~to operations conducted by persons not regularly engaged in the~~
 7 ~~transportation business of a motor common carrier or a motor~~
 8 ~~contract carrier.~~

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

13 (l) ~~(p)~~ "Fit", as applied to a proposed motor carrier service,
 14 means safe, suitable, and financially responsible as determined by
 15 the commission.

16 (M) ~~(q)~~ "General rate" means a rate applicable to 2 or more
 17 motor carriers ~~which rate~~ **THAT** is filed ~~pursuant to~~ **UNDER** section
 18 6b of article V.

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

22 (O) ~~(s)~~ "Predatory rate" means a rate that is **EITHER** below its
 23 fully allocated costs **OR IN EXCESS OF REASONABLE INDUSTRY**
 24 **STANDARDS**. As used in this subdivision, "fully allocated costs"
 25 means total costs, including variable costs, plus an allocation of
 26 fixed costs.

27 (P) ~~(t)~~ "Household goods" means personal effects and property

1 used or to be used in a dwelling when a part of the equipment or
 2 supply of that dwelling. Household goods do not include property
 3 moving from a factory or store, ~~except such~~ **UNLESS THE** property as
 4 **WAS PURCHASED BY** the householder ~~has purchased~~ with intent to use
 5 **THE PROPERTY** in his or her dwelling, ~~and that~~ **THE PROPERTY** is
 6 transported at the request of the householder, **AND THE HOUSEHOLDER**
 7 **PAYS** the carrier's transportation charges ~~for which are paid by~~
 8 ~~that householder.~~ **EITHER DIRECTLY OR INDIRECTLY.**

9 (Q) **"GENERAL COMMODITY" MEANS ANY PROPERTY OTHER THAN**
 10 **HOUSEHOLD GOODS, HAZARDOUS MATERIALS, OR PASSENGERS.**

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

16 (S) ~~(v)~~ "Intrastate-only motor carrier of property" means a
 17 motor carrier of property that is not a UCR motor carrier.

18 (T) ~~(w)~~ "Intrastate motor vehicle" means a motor vehicle that
 19 is operated by 1 of the following:

20 (i) An intrastate-only motor carrier of property.

21 (ii) A motor carrier that uses the motor vehicle to transport
 22 household goods on an intrastate basis.

23 (U) ~~(x)~~ "UCR motor carrier" means a person that is required to
 24 pay fees and file information under section ~~4305-~~ **14504A** of the
 25 federal unified carrier registration act of 2005, 49 USC 14504a.

26 (V) ~~(y)~~ "Unified carrier registration agreement" means the
 27 interstate agreement developed under the unified carrier

1 registration plan governing the collection and distribution of
2 registration and financial responsibility information provided and
3 fees paid by UCR motor carriers, motor private carriers, brokers,
4 freight forwarders, and leasing companies under section ~~4305-14504A~~
5 of the federal unified carrier registration act of 2005, 49 USC
6 14504a.

7 (W) ~~(z)~~-"Unified carrier registration plan" means the
8 organization of state, federal, and industry representatives
9 responsible for developing, implementing, and administering the
10 unified carrier registration agreement under section ~~4305-14504A~~ of
11 the federal unified carrier registration act of 2005, 49 USC
12 14504a.

13 (X) ~~(aa)~~-"Broker" means that term as defined in 49 USC 13102.

14 (Y) ~~(bb)~~-"Freight forwarder" means that term as defined in 49
15 USC 13102.

16 (Z) ~~(ee)~~-"Motor private carrier" means that term as defined in
17 49 USC 13102.

18 (AA) ~~(dd)~~-"Commercial motor vehicle" means that term as
19 defined in 49 USC 14504a.

20 (BB) ~~(ee)~~-"Leasing company" means that term as defined in 49
21 USC 14504a.

22 (CC) **"EMERGENCY" MEANS THAT TERM AS DEFINED IN 49 CFR**
23 **390.5(1).**

24 Sec. 2. It is hereby declared to be the purpose and policy of
25 the legislature in enacting this law to confer upon the commission
26 the power and authority and to make it its duty to supervise and
27 regulate the transportation of property by motor vehicle for hire

1 upon and over the public highways of this state in all matters
 2 whether specifically mentioned herein or not, so as to **DO ALL OF**
 3 **THE FOLLOWING:**

4 ~~(a) Relieve all future undue burdens and congestion on the~~
 5 ~~highways arising by reason of the use of the highways by motor~~
 6 ~~vehicles operated by motor carriers;~~ (b) protect and conserve the
 7 highways and ~~protect~~ **PROTECT** the safety and welfare of the
 8 traveling and shipping public in their use of the highways. ~~;~~ ~~(e)~~
 9 promote

10 (B) **PROMOTE** competitive and efficient transportation services.
 11 ~~;~~ ~~(d)~~ meet

12 (C) **MEET** the needs of motor carriers, shippers, receivers, and
 13 consumers. ~~;~~ ~~(e)~~ allow

14 (D) **ALLOW** a variety of quality, price, and service options to
 15 meet changing market demands and the diverse requirements of the
 16 shipping public. ~~;~~ ~~(f)~~ allow

17 (E) **ALLOW** the most productive use of equipment and energy
 18 resources. ~~;~~ ~~(g)~~ provide

19 (F) **PROVIDE** the opportunity for efficient and well-managed
 20 motor carriers to earn adequate profits and attract capital. ~~;~~ ~~(h)~~
 21 promote

22 (G) **PROMOTE** intermodal transportation. ~~;~~ ~~(i)~~ prevent

23 (H) **PREVENT** unjust discrimination. ~~;~~ ~~(j)~~ promote

24 (I) **PROMOTE** greater participation by minorities in the motor
 25 carrier system. ~~;~~ ~~(k)~~ provide

26 (J) **PROVIDE** and maintain service to small communities and
 27 small shippers. ~~;~~ ~~(l)~~ prevent

1 (K) **PREVENT** evasion of this act through any device or
2 arrangement. ~~+(m) promote~~

3 (I) **PROMOTE** entrepreneurship in the motor carrier industry by
4 allowing greater contract carrier economic and entry flexibility. ~~+~~
5 and ~~(n) promote~~

6 (M) **PROMOTE** the use of jointly considered and initiated rates,
7 classifications, divisions, allowances, charges, or rules of motor
8 carriers under commission approved agreements.

9 Sec. 3. (1) ~~To enable the provisions of service for which~~
10 ~~there is an immediate and urgent need to a point or points or~~
11 ~~within a territory having no motor common carrier service capable~~
12 ~~of meeting that need, the~~ **THE** commission may, **IN ITS DISCRETION AND**
13 upon a proper application, ~~in its discretion~~ **THAT INCLUDES A**
14 **SPECIFIC DEFINITION OF THE AUTHORITY SOUGHT**, and without hearings
15 or other proceedings, grant temporary authority for ~~that~~ service by
16 a motor ~~common~~ carrier by motor vehicle. **THE COMMISSION MAY GRANT**
17 **TEMPORARY AUTHORITY UNLESS A SAFETY OR FITNESS-RELATED ISSUE**
18 **EXISTS**. The temporary authority, unless suspended or revoked for
19 good cause, shall be valid ~~until the commission has made a~~
20 ~~determination to grant or deny permanent authority. If after~~
21 ~~hearing permanent authority is granted, then corresponding~~
22 ~~temporary authority may be continued until the permanent authority~~
23 ~~becomes effective.~~ **FOR NOT MORE THAN 60 DAYS AFTER THE DATE OF**
24 **ISSUANCE**. The grant of temporary authority does not create a
25 presumption that **THE COMMISSION WILL GRANT** corresponding permanent
26 authority. ~~will be granted thereafter.~~

27 ~~— (2) The commission may, upon a proper application which shall~~

1 ~~include specific definition of permit sought, in its discretion and~~
2 ~~without hearings or other proceedings, grant a temporary permit for~~
3 ~~that service by a motor contract carrier by motor vehicle. A~~
4 ~~temporary permit shall be granted, at the request of an applicant,~~
5 ~~in all cases, except when a safety or fitness related protest has~~
6 ~~been filed, which protest must include specific allegations~~
7 ~~necessary to state a prima facie case and reasonably inform the~~
8 ~~commission and the applicant of the nature of the allegations, with~~
9 ~~specific reference to the section or sections of all related~~
10 ~~statutes, rules, orders, and tariffs. The temporary permit, unless~~
11 ~~suspended or revoked for good cause, shall be valid until the~~
12 ~~commission has made a decision to grant or deny a permanent permit.~~
13 ~~The grant of a temporary permit creates no presumption that a~~
14 ~~corresponding permanent permit will be granted thereafter.~~

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

27 (2) ~~(4)~~—Transportation service rendered under **A** temporary

1 authority ~~shall be~~ **IS** subject to all applicable provisions of this
2 act and to the rules of the commission.

3 Sec. 4. (1) This section applies to all matters before the
4 commission for which the commission has jurisdiction under article
5 II, **III**, or V.

6 (2) The commission or an employee ~~to whom has been delegated~~
7 **WITH** the authority to make an initial decision in a matter related
8 to a motor carrier **SHALL DO ALL OF THE FOLLOWING:**

9 (a) ~~Shall, in any~~ **IN A** case in which an oral hearing is held,
10 complete all evidentiary proceedings related to the matter not
11 later than 180 days following institution of the proceeding, ~~shall~~
12 issue in writing the proposal for decision not later than 270 days
13 following institution of the proceeding, and ~~shall~~ issue in writing
14 the final decision not later than 300 days following institution of
15 the proceeding.

16 (b) ~~Shall, in the case of~~ **IN** all other proceedings subject to
17 this section, issue in writing the proposal for decision not later
18 than 120 days following institution of the proceeding, ~~and shall~~
19 issue in writing the final decision not later than 180 days
20 following institution of the proceeding.

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

25 ARTICLE II

26 MOTOR CARRIERS OF GENERAL COMMODITIES

27 Sec. 1. A motor ~~common~~ carrier of ~~property~~ **GENERAL COMMODITIES**

1 shall not operate any motor vehicle ~~for the~~ **IN FOR-HIRE**
2 transportation ~~of property for hire~~ on any public highway in this
3 state except in accordance with ~~the provisions of this act~~. A motor
4 ~~common~~ carrier of ~~property~~ **GENERAL COMMODITIES** shall not operate
5 upon any public highway without first having obtained **A CERTIFICATE**
6 **OF AUTHORITY** from the commission. ~~a certificate of authority.~~

7 Sec. 3. (1) An application for a certificate of authority
8 shall be ~~in writing, verified by affidavit,~~ **ON A FORM PRESCRIBED BY**
9 **THE COMMISSION AND SIGNED BY THE OWNER OR AN OFFICER OF THE**
10 **APPLICANT**, stating the ~~experience of the applicant as a motor~~
11 ~~carrier, if any, the ownership and condition of the equipment and~~
12 physical property of the applicant proposed to be used, that the
13 vehicles of the applicant have passed an inspection within the
14 immediately preceding 12 months ~~pursuant to the requirements of~~
15 **UNDER** the motor carrier safety act **OF 1963**, Act No. ~~181 of the~~
16 ~~Public Acts of 1963, being sections 480.11 to 480.21 of the~~
17 ~~Michigan Compiled Laws, and 49 C.F.R. part 396, the support by~~
18 ~~shippers or receivers for the proposed service, the relation of the~~
19 ~~proposed service to the required public purpose to be served,~~ **1963**
20 **PA 181, MCL 480.11 TO 480.25**, and shall contain other information
21 as the commission requires. The commission may request supplemental
22 information from an applicant regarding accident records and
23 citations issued to the applicant or drivers of the applicant
24 within the immediately preceding 12 months when that information is
25 considered necessary to make findings regarding the fitness of the
26 applicant. Each application shall be accompanied by the required
27 fees, proof of insurance before operations are commenced, and all

1 other things required by law and the rules of the commission.

2 **(2) THE COMMISSION MAY REJECT, DISMISS, OR DENY AN APPLICATION**
 3 **IF THE APPLICANT FAILS TO COMPLY WITH INSTRUCTIONS ON THE**
 4 **APPLICATION FORM DESCRIBED IN SUBSECTION (1).**

5 Sec. 5. ~~(1)~~—Except as provided in this section, the commission
 6 shall issue a certificate of authority to an applicant authorizing
 7 ~~that it~~ **TO** provide transportation subject to the jurisdiction of
 8 the commission under this article as a motor ~~common~~ carrier of
 9 ~~property~~ **GENERAL COMMODITIES** if the commission finds all of the
 10 following:

11 (a) The character and condition of the vehicles proposed to be
 12 operated by the applicant is such that they may be operated safely
 13 upon the public highways.

14 (b) ~~That the~~ **THE** applicant is fit, willing, and able to
 15 provide the transportation to be authorized by the certificate and
 16 to comply with this act and rules and regulations of the
 17 commission.

18 ~~—— (c) On the basis of evidence presented, that the service~~
 19 ~~proposed will serve a useful public purpose.~~

20 **(C)** ~~(d) That the~~ **THE** service proposed is consistent with the
 21 transportation policy set forth in section 2 of article I.

22 **(D) THE APPLICANT HAS THE REQUIRED INSURANCE IN PLACE TO**
 23 **INSURE THE PROTECTION OF THE PUBLIC.**

24 ~~—— (2) In making a finding under subsection (1), the commission~~
 25 ~~shall consider and, to the extent applicable, make findings on at~~
 26 ~~least all of the following:~~

27 ~~—— (a) The transportation policy set forth in section 2 of~~

1 article I.

2 ~~—— (b) The character of the bond or insurance proposed to be~~
3 ~~given to insure the protection of the public.~~

4 ~~—— (c) Whether the applicant is fit, willing, and able to provide~~
5 ~~service commensurate with the extent of the certificate sought.~~

6 ~~—— (3) A motor carrier may not protest an application to provide~~
7 ~~transportation filed under this section unless all of the following~~
8 ~~requirements are met:~~

9 ~~—— (a) The protest is filed with the commission not later than 20~~
10 ~~days following publication of the notice of the filing of the~~
11 ~~application in the biweekly bulletin.~~

12 ~~—— (b) The motor carrier possesses a certificate of authority or~~
13 ~~permit authorizing it to handle, in whole or in part, the traffic~~
14 ~~for which an application is made.~~

15 ~~—— (c) The motor carrier is willing and able to provide service~~
16 ~~that meets the reasonable needs of the shippers involved.~~

17 ~~—— (d) The motor carrier has performed service within the scope~~
18 ~~of the application during the previous 12-month period.~~

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

27 ~~—— (5) Any motor carrier having timely filed a protest or any~~

1 ~~intervenor having timely filed a petition to intervene may~~
 2 ~~participate in person or by counsel, cross-examine witnesses, and~~
 3 ~~offer testimony in support of, or in opposition to, the grant of a~~
 4 ~~certificate of authority.~~

5 ~~—— (6) Certificates of authority issued to motor common carriers~~
 6 ~~of property under this act shall be of 3 classes:~~

7 ~~—— (a) Certificates issued to motor carriers as may be operating~~
 8 ~~over fixed routes or within 1 mile of a fixed route or between~~
 9 ~~fixed termini.~~

10 ~~—— (b) Certificates issued to motor carriers providing a~~
 11 ~~transportation service within an 8 mile radius of a city having a~~
 12 ~~population of 500,000 or more and including each city or village, a~~
 13 ~~part of which is located within the 8 mile radius.~~

14 ~~—— (c) Certificates issued to all other motor common carriers of~~
 15 ~~property.~~

16 ~~—— (7) The burden of proof shall be on the protestant to meet the~~
 17 ~~requirement of subsection (2)(c).~~

18 Sec. 8. A ~~person, whether~~ motor carrier, shipper, **BROKER**, or
 19 consignee, or any officer, employee, agent, or representative of a
 20 motor carrier, shipper, **BROKER**, or consignee, ~~who~~ **THAT OPERATES**
 21 **WITHOUT THE AUTHORITY REQUIRED UNDER THIS ACT, ADVERTISES ITS**
 22 **SERVICES WITHOUT FIRST OBTAINING THE AUTHORITY REQUIRED UNDER THIS**
 23 **ACT, ACTS AS A BROKER OF HOUSEHOLD GOODS, OR THAT** knowingly offers,
 24 grants, or gives, or solicits, accepts, or receives any rebate,
 25 concession, or discrimination in violation of this act, or ~~who,~~
 26 **THAT**, by means of any false statement or representation, or by the
 27 use of any false or fictitious bill, bill of lading, receipt,

1 voucher, roll, account, claim, certificate, affidavit, deposition,
 2 lease, or bill of sale, or by any other means or device, knowingly
 3 and ~~wilfully~~ **WILLFULLY** assists, suffers, or permits a person to
 4 obtain transportation of property subject to this article, ~~for less~~
 5 ~~than the applicable rate, fare, or charge, or who~~ **THAT** knowingly
 6 and ~~wilfully~~, **WILLFULLY**, by any means, fraudulently seeks to evade
 7 or defeat rules as promulgated under this act for motor ~~common~~
 8 carriers **OF GENERAL COMMODITIES**, is guilty of a misdemeanor ~~7~~
 9 punishable by a fine of not more than ~~\$500.00,~~ **\$1,000.00** or
 10 imprisonment for not more than 6 months, or both.

11 Sec. 9. If a motor ~~common~~ carrier **OF GENERAL COMMODITIES** does,
 12 ~~or~~ causes, or permits to be done any act or thing in this act
 13 prohibited or declared to be unlawful, or omits to do any act or
 14 thing required to be done by the motor ~~common~~ carrier **OF GENERAL**
 15 **COMMODITIES** under this act or under any lawful order made by the
 16 commission, the motor ~~common~~ carrier **OF GENERAL COMMODITIES** is
 17 liable to the person ~~, firm, or corporation~~ injured to the extent
 18 of the actual amount of damages sustained in consequence of the
 19 violation. A recovery ~~as provided in~~ **UNDER** this section shall ~~DOES~~
 20 not affect a recovery by ~~the~~ **THIS** state of the penalty prescribed
 21 for the violation.

22 Sec. 10. ~~(1)~~ The commission shall supervise and regulate all
 23 motor ~~common~~ carriers of ~~property~~ **GENERAL COMMODITIES** and regulate
 24 ~~and determine reasonable and sufficient rates, fares, charges, and~~
 25 ~~classifications, regulate the facilities, accounts, service, and~~
 26 safety of operations of each motor ~~common~~ carrier **OF GENERAL**
 27 **COMMODITIES**. ~~To insure adequate transportation service to the~~

1 ~~territory traversed by the motor common carriers, the commission~~
 2 ~~may require the coordination of the service and schedules of~~
 3 ~~competing motor common carriers; require~~ **THE COMMISSION MAY DO ANY**
 4 **OF THE FOLLOWING:**

5 (A) **REQUIRE** the filing of annual and other reports, tariffs,
 6 schedules, and other data by ~~the motor common carriers~~ **OF GENERAL**
 7 **COMMODITIES** where that information is considered by the commission
 8 to be necessary for the administration or enforcement, or both, of
 9 this act. ~~; supervise~~

10 (B) **SUPERVISE** and regulate motor ~~common carriers~~ **OF GENERAL**
 11 **COMMODITIES** in all matters affecting the relation between the motor
 12 carriers ~~, and the public and between motor carriers. ; and~~
 13 ~~promulgate~~

14 (C) **PROMULGATE** ~~rules for the purpose of promoting~~ **TO PROMOTE**
 15 safety upon the highways and the conservation of their use **AND** to
 16 ~~the end~~ **ENSURE** that the provisions of this act ~~may be~~ **ARE** fully and
 17 completely carried out. The commission, by general order or
 18 otherwise, ~~shall~~ **MAY** promulgate rules in conformity with this act
 19 applicable to all motor ~~common carriers~~ **OF GENERAL COMMODITIES**, and
 20 ~~to do~~ all things necessary to carry out and enforce this act.

21 ~~—— (2) In the exercise of its jurisdiction under subsection (1),~~
 22 ~~the commission shall not regulate and determine reasonable and~~
 23 ~~sufficient rates, fares, charges, and classifications, or require~~
 24 ~~the filing of tariffs and schedules, for local moves of household~~
 25 ~~goods.~~

26 Sec. 13. A motor ~~common carrier~~ **OF GENERAL COMMODITIES**
 27 authorized by this act to operate shall not ~~abandon or discontinue~~

1 any service established under this act without an order of the
2 commission. **A MOTOR CARRIER OF GENERAL COMMODITIES SHALL PROVIDE**
3 **WRITTEN NOTICE OF DISCONTINUANCE TO THE COMMISSION IN ACCORDANCE**
4 **WITH THE RULES OF THE COMMISSION.** A certificate OF AUTHORITY under
5 which service is discontinued for more than 30 days without the
6 previous order of ~~this~~**THE** commission authorizing the
7 discontinuance may be revoked after notice. ~~and hearing.~~

8 Sec. 14. ~~In case of emergency or unusual temporary demands for~~
9 ~~transportation, the fees for additional motor propelled or drawn~~
10 ~~vehicles for limited periods and the circumstances and regulations~~
11 ~~under which they may be permitted to be operated, used, or employed~~
12 ~~by any motor common carrier shall be prescribed and fixed by~~
13 ~~general rule or temporary order of the commission, any provisions~~
14 ~~of this act to the contrary notwithstanding.~~

15 (1) **THE COMMISSION MAY ISSUE AN EMERGENCY TEMPORARY MOTOR**
16 **CARRIER AUTHORITY VALID FOR A TIME PERIOD SPECIFIED BY THE**
17 **COMMISSION BUT NOT TO EXCEED 60 DAYS TO AUTHORIZE TRANSPORTATION**
18 **SERVICE FOR WHICH THERE IS AN ACTUAL AND IMMEDIATE EMERGENCY. A**
19 **MOTOR CARRIER OF GENERAL COMMODITIES MAY APPLY FOR AN EMERGENCY**
20 **TEMPORARY MOTOR CARRIER AUTHORITY UNDER THIS SECTION, WITHOUT**
21 **PAYING A FILING FEE, IN PERSON, IN WRITING, BY TELEPHONE, OR BY**
22 **ELECTRONIC MAIL.**

23 (2) **THE COMMISSION MAY REVOKE AN EMERGENCY TEMPORARY MOTOR**
24 **CARRIER AUTHORITY ISSUED UNDER SUBSECTION (1) IF THE TRANSPORTATION**
25 **SERVICE IS NO LONGER NECESSARY OR FOR OTHER GOOD CAUSE.**

26 (3) **A GRANT OF EMERGENCY TEMPORARY MOTOR CARRIER AUTHORITY**
27 **DOES NOT CREATE A PRESUMPTION THAT THE COMMISSION WILL GRANT**

1 **PERMANENT AUTHORITY TO A MOTOR CARRIER OF GENERAL COMMODITIES.**2 **ARTICLE III**3 **MOTOR CARRIERS OF HOUSEHOLD GOODS**

4 Sec. 1. A motor ~~contract~~ carrier of ~~property~~ **HOUSEHOLD GOODS**
 5 shall not operate any motor vehicle for the transportation of
 6 property for hire on any public highway in this state ~~, except in~~
 7 accordance with this act. A motor ~~contract~~ carrier of ~~property~~
 8 **HOUSEHOLD GOODS** shall not operate within this state without first
 9 having obtained from the commission a ~~permit~~ **CERTIFICATE OF**
 10 **AUTHORITY** for the operation.

11 Sec. 2. ~~(1)~~ The commission, upon the filing of an application
 12 **BY A MOTOR CARRIER OF HOUSEHOLD GOODS** for a ~~permit to operate as a~~
 13 ~~motor contract carrier,~~ **CERTIFICATE OF AUTHORITY**, shall ascertain
 14 and determine, under ~~those reasonable rules as it promulgates,~~ all
 15 ~~of the following:~~

16 ~~—— (a) Whether the character of business to be done by the~~
 17 ~~applicant strictly conforms with the definition of a motor contract~~
 18 ~~carrier.~~

19 ~~—— (b) That the character and condition of the vehicles proposed~~
 20 ~~to be operated by the applicant is such that they may be operated~~
 21 ~~safely upon the public highways.~~

22 ~~—— (c) The effect that denying the permit would have on the~~
 23 ~~shippers of the applicant for the permit.~~

24 ~~—— (2) Unless the commission determines that the character of~~
 25 ~~business to be done does not strictly conform with the definition~~
 26 ~~of a motor contract carrier, the transportation to be provided~~
 27 ~~under the permit is or will be inconsistent with the transportation~~

1 ~~policy set forth in section 2 of article I, that the applicant is~~
2 ~~unfit, or that the vehicles of the applicant may not be operated~~
3 ~~safely upon the public highways, the application shall be granted,~~
4 ~~in whole or in part, and a permit issued upon lawful terms and~~
5 ~~conditions as the commission imposes, and subject to the rules~~
6 ~~promulgated by the commission, for the whole or for only the~~
7 ~~partial exercise of the privilege sought.~~ **PROMULGATED BY THE**
8 **COMMISSION, WHETHER TO ISSUE THE CERTIFICATE OF AUTHORITY.**

9 Sec. 4. (1) An application for a ~~permit~~ **CERTIFICATE OF**
10 **AUTHORITY** shall be in writing, ~~verified by affidavit,~~ **ON A FORM**
11 **PRESCRIBED BY THE COMMISSION AND SIGNED BY THE OWNER OR AN OFFICER**
12 **OF THE APPLICANT,** stating the ~~experience of the applicant as a~~
13 ~~motor carrier, if any, the ownership and condition of the equipment~~
14 and physical property of the applicant proposed to be used, that
15 the vehicles of the applicant have passed an inspection within the
16 immediately preceding 12 months, ~~pursuant to the requirements of~~
17 ~~the motor carrier safety act, Act No. 181 of the Public Acts of~~
18 ~~1963, being sections 480.11 to 480.21 of the Michigan Compiled~~
19 ~~Laws, and 49 C.F.R. part 396, the support by shippers or receivers~~
20 ~~for the proposed service, the manner in which the proposed service~~
21 ~~strictly conforms to the definition of contract carriage, and shall~~
22 contain other information as the commission requires. The
23 commission may request supplemental information from an applicant
24 regarding accident records and citations issued to the applicant or
25 drivers of the applicant, ~~within the immediately preceding 12~~
26 ~~months, when such~~ **IF THAT** information is considered necessary to
27 make findings regarding the fitness of the applicant. Each

1 application shall be accompanied by the required fees, **PROOF OF**
2 **INSURANCE BEFORE OPERATIONS ARE COMMENCED**, and all other things
3 required by law and the rules of the commission.

4 (2) **THE COMMISSION MAY REJECT, DISMISS, OR DENY AN APPLICATION**
5 **IF THE APPLICANT FAILS TO COMPLY WITH INSTRUCTIONS ON THE**
6 **APPLICATION FORM DESCRIBED IN SUBSECTION (1).**

7 **SEC. 4A. THE COMMISSION SHALL ISSUE A CERTIFICATE OF AUTHORITY**
8 **TO AN APPLICANT AUTHORIZING IT TO PROVIDE TRANSPORTATION AS A MOTOR**
9 **CARRIER OF HOUSEHOLD GOODS, SUBJECT TO THE JURISDICTION OF THE**
10 **COMMISSION, IF THE COMMISSION FINDS ALL OF THE FOLLOWING:**

11 (A) **THE CHARACTER AND CONDITION OF THE VEHICLES PROPOSED TO BE**
12 **OPERATED BY THE APPLICANT IS SUCH THAT THEY MAY BE OPERATED SAFELY**
13 **UPON THE PUBLIC HIGHWAYS.**

14 (B) **THE APPLICANT IS FIT, WILLING, AND ABLE TO PROVIDE THE**
15 **TRANSPORTATION TO BE AUTHORIZED BY THE CERTIFICATE OF AUTHORITY AND**
16 **TO COMPLY WITH THIS ACT AND RULES AND REGULATIONS OF THE**
17 **COMMISSION.**

18 (C) **THE SERVICE PROPOSED IS CONSISTENT WITH THE TRANSPORTATION**
19 **POLICY SET FORTH IN SECTION 2 OF ARTICLE I.**

20 (D) **THE APPLICANT HAS THE REQUIRED INSURANCE IN PLACE TO**
21 **INSURE THE PROTECTION OF THE PUBLIC.**

22 ~~Sec. 5. Upon the filing of an application for a permit to~~
23 ~~operate as a motor contract carrier, the commission shall cause~~
24 ~~notice of the filing of the application to be published in a~~
25 ~~biweekly information bulletin. The commission may schedule a~~
26 ~~hearing on the application or proceed under modified procedure. If~~
27 ~~a hearing is scheduled, notice shall be given in the same manner as~~

1 ~~the notice of the filing of any application. A motor carrier may~~
2 ~~not commence operations under authority granted to it by the~~
3 ~~commission for at least 20 days after issuance of the order, nor~~
4 ~~before a permit has been issued.~~

5 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), BEFORE
6 ENGAGING IN BUSINESS, A MOTOR CARRIER OF HOUSEHOLD GOODS SUBJECT TO
7 THIS ACT SHALL PRINT AND FILE WITH THE COMMISSION AND HAVE
8 AVAILABLE UPON REQUEST SCHEDULES SHOWING ALL RATES, FARES, AND
9 CHARGES FOR TRANSPORTATION OF HOUSEHOLD GOODS, AND SHALL KEEP ITS
10 FACILITIES AND THE SCHEDULES DESCRIBED IN THIS SUBSECTION OPEN FOR
11 PUBLIC INSPECTION.

12 (2) A MOTOR CARRIER OF HOUSEHOLD GOODS THAT OBTAINS A
13 CERTIFICATE OF AUTHORITY UNDER THIS ACT SHALL NOT CHARGE A
14 PREDATORY RATE. THE COMMISSION SHALL DETERMINE WHETHER A MOTOR
15 CARRIER OF HOUSEHOLD GOODS CHARGES A PREDATORY RATE BEFORE ISSUING
16 A CERTIFICATE OF AUTHORITY AND BEFORE THE MOTOR CARRIER OF
17 HOUSEHOLD GOODS COMMENCES OPERATIONS. AS USED IN THIS SUBSECTION,
18 "PREDATORY RATE" IS A RATE FOUND BY THE COMMISSION TO BE BELOW ITS
19 FULLY ALLOCATED COST.

20 (3) A MOTOR CARRIER OF HOUSEHOLD GOODS SHALL NOT RECEIVE OR
21 ACCEPT ANY PERSON OR PROPERTY FOR TRANSPORTATION UPON THE HIGHWAYS
22 OF THIS STATE UNTIL IT HAS COMPLIED WITH THIS SECTION.

23 (4) THIS SECTION DOES NOT APPLY TO A LOCAL MOVE.

24 Sec. 6. (1) ~~The commission shall supervise and regulate all~~
25 ~~motor contract carriers of property, promulgate rules covering the~~
26 ~~filing with the commission of the charges, and the operations of~~
27 ~~motor contract carriers in competition with motor common carriers~~

1 ~~over the highways of this state, and promulgate rules for the~~
2 ~~purpose of promoting safety upon the highways and the conservation~~
3 ~~of their use, to the end that the provisions of this act may be~~
4 ~~fully and completely carried out. The commission, by general order~~
5 ~~or otherwise, shall promulgate rules in conformity with this act~~
6 ~~applicable to all motor contract carriers, and to do all things~~
7 ~~necessary to carry out and enforce the provisions of this act. The~~
8 ~~commission may also request the filing of annual reports, and other~~
9 ~~reports in specific cases, where that information is considered by~~
10 ~~the commission to be necessary for the administration or~~
11 ~~enforcement, or both, of this act.~~

12 ~~—— (2) Each motor contract carrier, in a form as the commission~~
13 ~~prescribes and in accordance with the rules as the commission~~
14 ~~promulgates, shall establish and file with the commission actual~~
15 ~~rates and practices and rules of the contract carrier related to~~
16 ~~those rates. A motor contract carrier shall not be required with~~
17 ~~rate filings to submit evidence of the revenues and expenses to be~~
18 ~~realized in the performance of its authorized functions. A motor~~
19 ~~contract carrier **OF HOUSEHOLD GOODS OPERATING UNDER A CONTRACT WITH**~~
20 ~~**A MANUFACTURER, STORE, OR ANY OTHER ENTITY** shall make available to~~
21 ~~the commission its complete contract or contracts, but shall not be~~
22 ~~required to file such contract or contracts with the commission~~
23 ~~**SUBMIT THE CONTRACT TO THE COMMISSION FOR APPROVAL.** A member of the~~
24 ~~commission, or a clerk, officer, or employee of the **THIS** state~~
25 ~~shall not divulge or make known, in any manner whatsoever not~~
26 ~~provided by this section, to any person the rate filings of a~~
27 ~~contract **MOTOR** carrier, **OF HOUSEHOLD GOODS** unless a complaint has~~

1 been brought by order of the commission against a ~~contract~~ MOTOR
 2 carrier OF HOUSEHOLD GOODS alleging that a rate of a ~~contract~~ THE
 3 MOTOR carrier OF HOUSEHOLD GOODS or practice or rule of the
 4 ~~contract~~ MOTOR carrier OF HOUSEHOLD GOODS related to the rate or
 5 value of service under that rate is predatory. ~~and in violation of~~
 6 ~~this act.~~ Rate filings of a ~~contract~~ MOTOR carrier OF HOUSEHOLD
 7 GOODS OPERATING UNDER A CONTRACT WITH A MANUFACTURER, STORE, OR ANY
 8 OTHER ENTITY are exempt from disclosure under the freedom of
 9 information act, 1976 PA 442, MCL 15.231 to 15.246, unless a
 10 complaint has been brought by order of the commission against a
 11 ~~contract carrier pursuant to~~ UNDER this section. The commission
 12 shall review all rate filings to determine ~~that such rate filings~~
 13 IF THEY are ~~not~~ predatory. ~~When~~ IF the commission finds that a rate
 14 of a ~~contract~~ MOTOR carrier OF HOUSEHOLD GOODS or practice or rule
 15 of ~~the contract~~ A MOTOR carrier OF HOUSEHOLD GOODS related to the
 16 rate or the value of service under that rate is predatory, ~~and in~~
 17 ~~violation of this act,~~ the commission shall prescribe the minimum
 18 rate, ~~or~~ practice, or rule. In making a predatory rate
 19 determination and when prescribing a minimum rate, ~~or~~ practice, or
 20 rule related to a rate for a motor ~~contract~~ carrier OF HOUSEHOLD
 21 GOODS, the commission shall consider all of the following:

22 (a) All revenues and costs associated with 1 specific contract
 23 or appendix to that contract.

24 (b) The effect of a prescribed minimum rate, ~~or~~ practice, or
 25 rule on the movement of traffic by that carrier.

26 (c) Other matters as the commission considers necessary.

27 (2) ~~(3)~~ A motor ~~contract~~ carrier OF HOUSEHOLD GOODS shall not

1 receive or accept property for transportation upon the highways
2 until **IT HAS FILED** the statement of charges ~~has been filed~~ with the
3 commission.

4 (3) THIS SECTION DOES NOT APPLY TO A LOCAL MOVE.

5 SEC. 7. (1) A RATE, FARE, OR CHARGE MADE BY A MOTOR CARRIER OF
6 HOUSEHOLD GOODS SHALL BE JUST AND REASONABLE AND SHALL NOT BE
7 UNJUSTLY DISCRIMINATORY, PREJUDICIAL, OR PREFERENTIAL. A RATE,
8 FARE, OR CHARGE MADE BY A MOTOR CARRIER OF HOUSEHOLD GOODS UNDER A
9 CONTRACT WITH A MANUFACTURER, STORE, OR OTHER ENTITY SHALL NOT BE
10 CONSIDERED UNJUSTLY DISCRIMINATORY, PREJUDICIAL, OR PREFERENTIAL IN
11 DETERMINING WHETHER A MOTOR CARRIER OF HOUSEHOLD GOODS HAS COMPLIED
12 WITH THIS SUBSECTION.

13 (2) A MOTOR CARRIER OF HOUSEHOLD GOODS SHALL NOT CHARGE,
14 DEMAND, COLLECT, OR RECEIVE REMUNERATION FOR THE TRANSPORTATION OF
15 HOUSEHOLD GOODS OR ANY SERVICE CONNECTED WITH THE TRANSPORTATION OF
16 HOUSEHOLD GOODS THAT IS GREATER THAN, LESS THAN, OR DIFFERENT FROM
17 THE RATES, FARES, AND CHARGES THAT HAVE BEEN LEGALLY ESTABLISHED
18 AND FILED WITH THE COMMISSION.

19 (3) A MOTOR CARRIER OF HOUSEHOLD GOODS SHALL NOT REFUND OR
20 REMIT IN ANY MANNER OR BY ANY DEVICE A PORTION OF THE RATES, FARES,
21 OR CHARGES THAT ARE REQUIRED TO BE COLLECTED BY THE TARIFFS ON FILE
22 WITH THE COMMISSION OR ORDERED BY THE COMMISSION.

23 (4) THIS ARTICLE DOES NOT PROHIBIT A MOTOR CARRIER OF
24 HOUSEHOLD GOODS FROM HAVING AN APPROVED CERTIFICATE OF AUTHORITY TO
25 OPERATE AS A MOTOR CARRIER OF HOUSEHOLD GOODS OR AS A MOTOR CARRIER
26 OF HOUSEHOLD GOODS UNDER A CONTRACT WITH A MANUFACTURER, STORE, OR
27 ANY OTHER ENTITY, OR AS A GENERAL COMMODITIES CARRIER.

1 (5) THIS SECTION DOES NOT APPLY TO A LOCAL MOVE.

2 SEC. 7A. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT,
3 THE COMMISSION SHALL NOT INVESTIGATE, SUSPEND, REVISE, OR REVOKE A
4 RATE, FARE, OR CHARGE PROPOSED BY A MOTOR CARRIER OF HOUSEHOLD
5 GOODS ON THE GROUNDS THAT THE RATE, FARE, OR CHARGE IS UNREASONABLY
6 HIGH OR LOW IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

7 (A) THE MOTOR CARRIER OF HOUSEHOLD GOODS NOTIFIES THE
8 COMMISSION THAT IT WISHES THE COMMISSION TO CONSIDER THE RATE,
9 FARE, OR CHARGE UNDER THIS SECTION.

10 (B) THE RATE, FARE, OR CHARGE IS THE PRODUCT OF INDEPENDENT
11 ACTION ON THE PART OF THE MOTOR CARRIER OF HOUSEHOLD GOODS
12 PROPOSING THE RATE, FARE, OR CHARGE.

13 (C) THE AGGREGATE OF INCREASES AND REDUCTIONS IN THE RATE,
14 FARE, OR CHARGE IS NOT MORE THAN 20% ABOVE OR BELOW THE BASE RATE,
15 FARE, OR CHARGE IN EFFECT 1 YEAR BEFORE THE EFFECTIVE DATE OF THE
16 PROPOSED RATE, FARE, OR CHARGE.

17 (2) A MOTOR CARRIER OF HOUSEHOLD GOODS MAY NOT PROTEST A RATE,
18 FARE, OR CHARGE PROPOSED BY THAT MOTOR CARRIER OF HOUSEHOLD GOODS
19 UNDER THIS SECTION.

20 SEC. 7B. (1) A MOTOR CARRIER OF HOUSEHOLD GOODS THAT
21 TRANSPORTS HOUSEHOLD GOODS IN BOTH STATEWIDE AND LOCAL MOVES SHALL
22 PROVIDE A NONBINDING ESTIMATE OF THE APPROXIMATE COST OF THE
23 TRANSPORTATION. A NONBINDING ESTIMATE DESCRIBED IN THIS SUBSECTION
24 SHALL BE REASONABLY ACCURATE AND IS NOT BINDING ON THE MOTOR
25 CARRIER OF HOUSEHOLD GOODS. FOR A MOVE OF GREATER THAN 40 MILES,
26 THE FINAL CHARGE FOR A SHIPMENT FOR WHICH A NONBINDING ESTIMATE HAS
27 BEEN PREPARED UNDER THIS SUBSECTION SHALL BE THAT APPEARING IN THE

1 MOTOR CARRIER OF HOUSEHOLD GOODS TARIFFS APPLICABLE TO THE
2 TRANSPORTATION. A MOTOR CARRIER OF HOUSEHOLD GOODS SHALL FURNISH A
3 NONBINDING ESTIMATE WITHOUT CHARGE AND IN WRITING TO THE SHIPPER OR
4 OTHER PERSON RESPONSIBLE FOR PAYMENT OF THE FREIGHT CHARGES. FOR A
5 MOVE OF HOUSEHOLD GOODS, THE MOTOR CARRIER OF HOUSEHOLD GOODS SHALL
6 RETAIN A COPY OF THE NONBINDING ESTIMATE AS AN ADDENDUM TO THE BILL
7 OF LADING. A MOTOR CARRIER OF HOUSEHOLD GOODS SHALL CLEARLY
8 INDICATE ON THE FACE OF A NONBINDING ESTIMATE PREPARED UNDER THIS
9 SUBSECTION THAT THE ESTIMATE IS NONBINDING AND THAT THE CHARGES
10 SHOWN ARE THE APPROXIMATE CHARGES THAT WILL BE ASSESSED FOR THE
11 SERVICES IDENTIFIED IN THE ESTIMATE, AND SHALL CLEARLY DESCRIBE THE
12 SHIPMENT AND ALL SERVICES TO BE PROVIDED.

13 (2) A MOTOR CARRIER OF HOUSEHOLD GOODS FURNISHING A NONBINDING
14 ESTIMATE UNDER SUBSECTION (1) SHALL ENTER THE ESTIMATED CHARGES ON
15 THE BILL OF LADING.

16 (3) AT THE TIME OF DELIVERY OF A COLLECT ON DELIVERY SHIPMENT
17 FOR WHICH A MOTOR CARRIER OF HOUSEHOLD GOODS HAS FURNISHED A
18 NONBINDING ESTIMATE UNDER SUBSECTION (1), THE SHIPPER MAY REQUEST
19 DELIVERY OF THE SHIPMENT UPON PAYMENT IN A FORM ACCEPTABLE TO THE
20 MOTOR CARRIER OF HOUSEHOLD GOODS OF AN AMOUNT NOT EXCEEDING 110% OF
21 THE ESTIMATED CHARGES. UPON REQUEST OF THE SHIPPER, THE MOTOR
22 CARRIER OF HOUSEHOLD GOODS SHALL RELINQUISH POSSESSION OF THE
23 SHIPMENT UPON PAYMENT OF NOT MORE THAN 110% OF THE ESTIMATED
24 CHARGES AND SHALL DEFER A DEMAND FOR PAYMENT OF THE BALANCE OF ANY
25 REMAINING CHARGES FOR A PERIOD OF 30 DAYS AFTER THE DATE OF
26 DELIVERY. THIS SUBSECTION DOES NOT APPLY TO A SHIPMENT THAT IS
27 DELIVERED TO A WAREHOUSE FOR STORAGE AT THE REQUEST OF A SHIPPER.

1 Sec. 9. (1) If a motor ~~contract~~ carrier **OF HOUSEHOLD GOODS**
2 does or causes or permits to be done any act or thing in this act
3 prohibited or declared to be unlawful, or omits to do any act or
4 thing required to be done under this act or under any lawful order
5 made under this act by the commission, the carrier is liable to the
6 person, firm, or corporation injured to the extent of the actual
7 amount of damages sustained in consequence of the violation, **EXCEPT**
8 **WHEN LIABILITY OF THE CARRIER IS LIMITED TO A VALUE ESTABLISHED BY**
9 **WRITTEN AGREEMENT BETWEEN THE CARRIER AND THE SHIPPER.**

10 (2) **UNLESS THE LIABILITY OF A MOTOR CARRIER OF HOUSEHOLD GOODS**
11 **IS LIMITED AS PROVIDED IN SUBSECTION (1), THE MAXIMUM LIABILITY OF**
12 **A MOTOR CARRIER OF HOUSEHOLD GOODS FOR HOUSEHOLD GOODS THAT ARE**
13 **LOST, DAMAGED, DESTROYED, OR OTHERWISE NOT DELIVERED TO THEIR FINAL**
14 **DESTINATION IS EQUAL TO THE REPLACEMENT VALUE OF THOSE GOODS, NOT**
15 **TO EXCEED A MAXIMUM OF THE DECLARED VALUE OF THE SHIPMENT AND THE**
16 **APPLICABLE TARIFF.**

17 (3) A recovery as provided in this section ~~shall~~ **DOES** not
18 affect a recovery by ~~the~~ **THIS** state of the penalty prescribed for
19 the violation.

20 **SEC. 9A. (1) EXCEPT AS PROVIDED IN SUBSECTION (3), THE**
21 **COMMISSION SHALL DO ALL OF THE FOLLOWING:**

22 **(A) SUPERVISE AND REGULATE ALL MOTOR CARRIERS OF HOUSEHOLD**
23 **GOODS.**

24 **(B) REGULATE AND DETERMINE REASONABLE AND SUFFICIENT RATES,**
25 **FARES, CHARGES, AND CLASSIFICATIONS.**

26 **(C) REGULATE THE SERVICE AND SAFETY OF OPERATIONS OF EACH**
27 **MOTOR CARRIER OF HOUSEHOLD GOODS.**

1 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), THE COMMISSION MAY
2 DO ALL OF THE FOLLOWING:

3 (A) REQUIRE THE FILING OF ANNUAL AND OTHER REPORTS, TARIFFS,
4 SCHEDULES, AND OTHER DATA BY MOTOR CARRIERS OF HOUSEHOLD GOODS IF
5 THAT INFORMATION IS NECESSARY FOR THE ADMINISTRATION OR ENFORCEMENT
6 OF THIS ACT.

7 (B) SUPERVISE AND REGULATE MOTOR CARRIERS OF HOUSEHOLD GOODS
8 IN ALL MATTERS AFFECTING THE RELATION BETWEEN MOTOR CARRIERS OF
9 HOUSEHOLD GOODS AND THE PUBLIC, AND BETWEEN MOTOR CARRIERS OF
10 HOUSEHOLD GOODS.

11 (C) PROMULGATE RULES TO PROMOTE SAFETY ON THE HIGHWAYS OF THIS
12 STATE.

13 (D) BY GENERAL ORDER OR OTHERWISE, PROMULGATE RULES IN
14 CONFORMITY WITH THIS ACT APPLICABLE TO ALL MOTOR CARRIERS OF
15 HOUSEHOLD GOODS.

16 (E) DO ALL THINGS NECESSARY TO CARRY OUT AND ENFORCE THIS ACT.

17 (3) THE COMMISSION SHALL NOT REGULATE OR DETERMINE REASONABLE
18 AND SUFFICIENT RATES, FARES, CHARGES, OR CLASSIFICATIONS, OR
19 REQUIRE THE FILING OF TARIFFS AND SCHEDULES, FOR LOCAL MOVES.

20 Sec. 11. Each motor ~~contract-carrier of property or passengers~~
21 ~~who~~ HOUSEHOLD GOODS THAT ceases operations or abandons its rights
22 under the ~~permit~~ AUTHORITY issued shall notify the commission IN
23 WRITING IN ACCORDANCE WITH THE RULES OF THE COMMISSION within 30
24 days of the cessation or abandonment. THE COMMISSION MAY, AFTER
25 NOTICE AND A HEARING, REVOKE A CERTIFICATE OF AUTHORITY UNDER WHICH
26 SERVICE IS DISCONTINUED FOR MORE THAN 30 DAYS WITHOUT THE PREVIOUS
27 ORDER OF THE COMMISSION AUTHORIZING THE DISCONTINUANCE.

1 Sec. 12. ~~In case of AN emergency or unusual temporary demands~~
 2 ~~for transportation, AUTHORITY MAY BE ISSUED TO A MOTOR CARRIER OF~~
 3 ~~HOUSEHOLD GOODS FOR A TIME SPECIFIED BY the COMMISSION BUT NOT TO~~
 4 ~~EXCEED 60 DAYS, TO AUTHORIZE TRANSPORTATION SERVICE FOR WHICH THERE~~
 5 ~~IS AN ACTUAL AND IMMEDIATE EMERGENCY. AN APPLICATION FILED UNDER~~
 6 ~~THIS SECTION DOES NOT REQUIRE FILING fees for additional motor~~
 7 ~~propelled or drawn vehicles for limited periods and the~~
 8 ~~circumstances and regulations under which they may be permitted to~~
 9 ~~be operated, used, or employed by any motor contract carrier shall~~
 10 ~~be prescribed and fixed by general rule or temporary order of the~~
 11 ~~commission, any provisions of this act to the contrary~~
 12 ~~notwithstanding.~~ **MADE IN PERSON, IN WRITING, BY TELEPHONE, OR BY**
 13 **ELECTRONIC MAIL. ALL OF THE FOLLOWING APPLY TO AN EMERGENCY**
 14 **TEMPORARY AUTHORITY ISSUED UNDER THIS SECTION:**

15 (A) THE COMMISSION SHALL DETERMINE THE TARIFF REQUIREMENTS FOR
 16 AN EMERGENCY TEMPORARY AUTHORITY UNDER THIS SECTION.

17 (B) THE COMMISSION MAY REVOKE AN EMERGENCY TEMPORARY AUTHORITY
 18 IF IT DETERMINES THAT THE TRANSPORTATION SERVICE IS NO LONGER
 19 REQUIRED OR FOR OTHER GOOD CAUSE.

20 (C) A GRANT OF EMERGENCY TEMPORARY AUTHORITY DOES NOT
 21 ESTABLISH A PRESUMPTION THAT THE COMMISSION WILL GRANT PERMANENT
 22 AUTHORITY TO PROVIDE TRANSPORTATION IN A SUBSEQUENT APPLICATION.

ARTICLE IV

FEEES

25 Sec. 1. ~~Each AN application filed with the commission for a~~
 26 ~~certificate of authority or for a permit, as required by UNDER this~~
 27 ~~act , shall be accompanied by a fee of \$100.00. Each AN application~~

1 filed with the commission for the renewal of a certificate ~~or~~
 2 ~~permit~~ shall be accompanied by a fee of \$50.00 for the
 3 administration of this act, which ~~fee~~ shall be in addition to all
 4 other fees ~~and~~ shall be retained by the commission and deposited
 5 with the state treasurer, whether or not the certificate ~~or permit~~
 6 or the renewal of the certificate ~~or permit~~ is granted.

7 Sec. 2. (1) In addition to the license fees or taxes otherwise
 8 imposed upon motor carriers, ~~there~~ **THE COMMISSION** shall ~~be assessed~~
 9 **ASSESS** against and ~~collected~~ **COLLECT** from each motor carrier for
 10 the administration of this act ~~an~~ annual fee of \$100.00 for each
 11 self-propelled intrastate motor vehicle operated by or on behalf of
 12 the motor carrier, except as otherwise provided in this subsection.
 13 A motor carrier shall pay a fee of only \$50.00 for each self-
 14 propelled intrastate motor vehicle operated by or on behalf of the
 15 motor carrier ~~if~~ the motor carrier begins operation of the
 16 vehicle after June 30 and has not previously paid a fee under this
 17 subsection for that vehicle. After payment of the \$100.00 annual
 18 fee for an intrastate motor vehicle, or the \$50.00 fee paid for a
 19 vehicle operated after June 30, or the \$50.00 fee paid for a
 20 vehicle used for the transportation of household goods if a motor
 21 carrier seeks to begin operating a self-propelled intrastate motor
 22 vehicle in place of another motor vehicle not leased to the motor
 23 carrier by an owner operator for which a fee was paid and
 24 surrenders the identification allocated to the motor vehicle by the
 25 commission, accompanied by a fee of \$10.00, **THE COMMISSION SHALL**
 26 **ISSUE** a replacement identification. ~~shall be issued.~~ If the owner
 27 operator replaces a vehicle while it is still leased to the same

1 motor carrier to whom it was leased when the identification was
 2 issued, the replacement identification fee ~~shall be~~ **IS** \$10.00. For
 3 each truck or tractor used exclusively for the transportation of
 4 household goods as defined by the commission, the annual fee ~~shall~~
 5 ~~be~~ **IS** \$50.00.

6 **(2) THE COMMISSION SHALL REVOKE THE INTRASTATE AUTHORITY OF A**
 7 **UCR CARRIER THAT FAILS TO RENEW ITS ANNUAL UCR REGISTRATION BY**
 8 **JANUARY 1.**

9 **(3)** ~~(2)~~—The commission may issue a temporary 72-hour permit
 10 for the operation of a vehicle subject to rules and conditions of
 11 the commission at a fee of \$10.00, which is in place of any other
 12 fee otherwise required under this section. The commission shall
 13 reserve the authority to deny or curtail the use of **A** temporary
 14 ~~permits~~ **PERMIT** authorized by this section.

15 **(4)** ~~(3)~~—A motor carrier shall not operate any motor vehicle
 16 upon or over the highways of this state, except as otherwise
 17 provided in this act, while any of the fees imposed by this act
 18 remain unpaid.

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

22 ARTICLE V

23 POLICY OF STATE, EXEMPTIONS, LIMITATIONS, GENERAL REGULATIONS AND 24 PROCEDURE; PENALTIES; MISCELLANEOUS

25 Sec. 2. (1) Except as provided in section 7 of article IV,
 26 this act does not apply to any of the following:

27 ~~—(a) A vehicle, other than a vehicle transporting household~~

1 ~~goods or motor vehicles, operated entirely within a city or village~~
2 ~~of this state; or to a motor carrier of property, other than a~~
3 ~~motor carrier of household goods or motor vehicles, whose~~
4 ~~operations may extend a distance of not more than 8 miles beyond~~
5 ~~the boundary of a city or village having a population of less than~~
6 ~~500,000, if the origin and destination of the property being~~
7 ~~transported is within an 8 mile radius of the city or village. The~~
8 ~~territory within the external corporate limits of a city, even~~
9 ~~though it includes and embraces the area of 1 or more separately~~
10 ~~organized and existing cities, shall be considered a single city.~~
11 ~~Notwithstanding any other provision of this subdivision, a~~
12 ~~certificate or permit issued under this act is required for the~~
13 ~~operation of a vehicle of a motor carrier, including a vehicle~~
14 ~~transporting household goods, other than a vehicle exempted under~~
15 ~~subdivisions (b) to (g), in the transportation of property between~~
16 ~~a city having a population of 500,000 or more and a city or village~~
17 ~~located within the commercial zone of a city having a population of~~
18 ~~500,000 or more, or between cities or villages within that~~
19 ~~commercial zone. As used in this subdivision, "commercial zone"~~
20 ~~means the area within an 8 mile radius of a city having a~~
21 ~~population of 500,000 or more and includes all cities and villages,~~
22 ~~any part of which are located within that 8 mile radius.~~

23 (A) ~~(b)~~—A vehicle owned or operated by ~~the~~**THIS** state or the
24 United States, or by a state or federal corporation, agency, or
25 instrumentality.

26 (B) ~~(c)~~—A vehicle owned or operated by an incorporated city,
27 village, or school district, or by a county or township in ~~the~~**THIS**

1 state or by a corporation, agency, or instrumentality of ~~the~~**THIS**
2 state, for governmental purposes.

3 (C) ~~(d)~~—A vehicle used exclusively for carrying United States
4 mail.

5 (D) ~~(e)~~—A vehicle used for the transportation of farm
6 products, including livestock, when transported by **A PERSON** other
7 than the owner, from the farm to the market in the raw state, or
8 used for the transportation of milk from the farm to milk stations,
9 or ~~trucks~~**A TRUCK** owned by a farmer bearing a farm truck license
10 issued under section 801(1)(c) of the Michigan vehicle code, 1949
11 PA 300, MCL 257.801, when being used by the farmer in hauling farm
12 produce, livestock, or farm equipment, and supplies for other
13 farmers for remuneration in kind or in labor, but not for money.

14 (E) ~~(f)~~—A vehicle used for the transportation of fruits, eggs,
15 poultry, fish and seafood, grain, vegetables, seeds, nursery stock,
16 horticultural products, ~~and~~**OR** sugar beets. This subdivision ~~shall~~
17 **DOES** not exempt a vehicle transporting the commodities described in
18 this subdivision in other than the raw state.

19 (F) ~~(g)~~—A vehicle used for occasional accommodative service
20 ~~including~~**OF** seasonal transportation of perishable commodities even
21 though the cost of the accommodative service and seasonal
22 transportation of perishable commodities may be paid by the person
23 accommodated.

24 (G) ~~(h)~~—A dump truck having not more than 4 axles or any dump
25 vehicle moving directly to and from a public highway, airport, or
26 railroad or bridge construction site, when used for the
27 transportation of sand, gravel, slag, stone, limestone, crushed

1 stone, marl, pebbles, cinders, bituminous aggregates, asphalt,
2 blacktop, dirt, or fill material, or any dump vehicle transporting
3 commodities generally transported in the dump vehicle operating
4 within an 8-mile radius of a city having a population of 500,000 or
5 more and including all other cities or villages, any part of which
6 is located within the 8-mile radius.

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

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

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

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

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

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

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

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

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

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

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

13 (M) ~~(n)~~ A vehicle transporting recyclable materials to or from
14 a resource recovery facility. ~~The terms AS USED IN THIS~~
15 **SUBDIVISION**, "recyclable materials" and "resource recovery
16 facility" ~~have the meanings attributed to these~~ **MEAN THOSE** terms **AS**
17 **DEFINED** in part 115 of the natural resources and environmental
18 protection act, 1994 PA 451, MCL 324.11501 to 324.11550, except
19 that the term recyclable materials does not include industrial
20 scrap metal. This subdivision ~~shall~~ **DOES** not ~~be construed to exempt~~
21 ~~from this act~~ a vehicle transporting new products **FROM THIS ACT**.

22 (N) ~~(e)~~ A vehicle transporting property for, or on behalf of,
23 a nonprofit charitable institution or for a house of public
24 worship.

25 (2) As used in subsection ~~(1)(l)~~, **(1)(K)**, "corporate family"
26 means a group of corporations consisting of a parent corporation
27 and all subsidiaries in which the parent corporation owns directly

1 or indirectly a 100% interest.

2 (3) ~~None of the~~ **THE** exemptions in this section, ~~where~~
 3 ~~applicable,~~ **DO NOT** apply to a vehicle entering this state from
 4 another state, foreign country, or subdivision of a state or
 5 foreign country that does not extend similar exemptions to vehicles
 6 from this state entering the state, foreign country, or subdivision
 7 **OF THE STATE OR FOREIGN COUNTRY.**

8 Sec. 5. ~~No~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A**
 9 certificate and ~~no permit~~ issued under the terms of this act shall
 10 ~~be construed to be~~ **IS NOT** a franchise ~~nor to be~~ **AND IS NOT**
 11 irrevocable, and ~~no such certificate and no such permit~~ shall **NOT**
 12 be assigned or otherwise transferred without the approval of the
 13 commission. ~~Provided, however, That upon~~ **UPON** the death or
 14 bankruptcy of ~~any~~ **AN** individual holding a currently valid
 15 certificate, ~~or permit,~~ the commission shall authorize the transfer
 16 of said ~~THE~~ certificate ~~or permit~~ to the legal representative of
 17 ~~such person~~ **THAT INDIVIDUAL** upon due proof of ~~such~~ **HIS OR HER** death
 18 or bankruptcy and upon due proof of the qualifications of ~~such~~ **THE**
 19 legal representative to act in ~~such~~ **THE** matter. ~~Nothing contained~~
 20 ~~herein shall~~ **THIS SECTION DOES NOT** abrogate the provisions of
 21 sections 10, 14 and 18 of this article, ~~nor~~ section 13 of article 2
 22 ~~of this act, nor~~ **II, OR** section 11 of article 3 ~~of this act.~~ **III.**

23 Sec. 6. ~~(1)~~ The commission shall prescribe the forms of
 24 applications for certificates and permits, and promulgate rules
 25 ~~pertaining to~~ **REGARDING** the contents and filing of applicants, and
 26 is empowered to administer and enforce ~~all provisions of~~ this act,
 27 and to establish and enforce rules affecting the operations of all

1 motor carriers ~~subjected~~ **SUBJECT** to the ~~provisions of~~ this act
2 affecting their use of the highways, and affecting the conduct of
3 investigations and hearings authorized in this act, and also ~~in~~
4 **WITH** respect ~~of~~ **TO** all matters pertaining to the proper enforcement
5 of ~~all provisions and purposes of~~ this act. The rules shall be
6 promulgated and ~~become effective only pursuant to and in compliance~~
7 ~~with Act No. 306 of the Public Acts of 1969, as amended, being~~
8 ~~sections 24.201 to 24.315 of the Michigan Compiled Laws.~~ **UNDER THE**
9 **ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO**
10 **24.328.** The rules may be rescinded, suspended, modified, and
11 amended at any time in the discretion of the commission and ~~in~~
12 ~~accordance with Act No. 306 of the Public Acts of 1969, as amended,~~
13 **AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA**
14 **306, MCL 24.201 TO 24.328,** to effectuate the purposes of this act.
15 All rules promulgated by the commission shall ~~be given and shall~~
16 have the force and effect of law.

17 ~~—— (2) The commission shall provide for the issuance of a~~
18 ~~bulletin 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 and~~
21 ~~duties regulating transportation. The bulletin shall be issued~~
22 ~~biweekly and mailed to each holder of an intrastate motor carrier~~
23 ~~authority from the commission. The mailing of the bulletin to the~~
24 ~~motor carrier at its registered place of business is to constitute~~
25 ~~official notice to the motor carrier of the applications, hearings,~~
26 ~~transfer of certificates or permits, and other official business of~~
27 ~~the commission as appears in the bulletin, and no other notice~~

1 ~~thereof need be given the motor carriers except as is otherwise in~~
 2 ~~this act expressly required. The bulletin shall be furnished and~~
 3 ~~mailed to the public upon payment by anyone subscribing for the~~
 4 ~~bulletin of an annual fee to be fixed by the commission with due~~
 5 ~~regard to cost and the interest of the public in its activities.~~

6 Sec. 6a. (1) This section applies to all matters before the
 7 commission for which the commission has jurisdiction under article
 8 ~~II-III.~~

9 (2) A ~~change~~**MOTOR CARRIER OF HOUSEHOLD GOODS** shall not be
 10 ~~made in~~**CHANGE** any general rate nor shall a ~~OR~~ change be made in
 11 any rate, fare, charge, or classification, or any rule or practice
 12 affecting the rate, fare, charge, or classification, or the value
 13 of the service thereunder, specified in any effective tariff of any
 14 motor carrier for hire, ~~except for~~**UNLESS IT HAS GIVEN** 30 days'
 15 notice, or 45 days' notice in a general rate increase or reduction,
 16 to the commission and to the public, filed and posted ~~in accordance~~
 17 ~~with~~**AS PROVIDED IN** section 6 of article ~~II-III~~ except that changes
 18 in rates, fares, charges, or classifications or the value of
 19 service thereunder made ~~pursuant to~~**UNDER** section 7a of article ~~II~~
 20 **III** shall be made on 10 days' notice. The notice shall plainly
 21 state the change proposed to be made and the time when the change
 22 will take effect. The commission may, in its discretion, ~~—AND~~ after
 23 good cause shown, allow changes upon less time than the notice
 24 specified in this subsection or modify the requirements in this
 25 section ~~in respect to~~**REGARDING** publishing, posting, and filing of
 26 tariffs, either in particular instances or by general order
 27 applicable to special or peculiar circumstances or conditions.

1 (3) Upon the filing with the commission by any motor carrier
2 ~~for hire~~ **OF HOUSEHOLD GOODS** of any tariff or supplement showing ~~any~~
3 **A** change in rates, fares, charges, or classification, or ~~any~~ **A** rule
4 or practice affecting the rate, fare, charge, or classification, or
5 the value of the service thereunder, the commission, upon notice to
6 the motor carrier **OF HOUSEHOLD GOODS**, may postpone the date when
7 the new rate, fare, charge, classification, rule, or practice ~~shall~~
8 ~~become~~ **BECOMES** effective to a time not to exceed 60 days to give
9 the commission opportunity to investigate the reasonableness of the
10 proposed rate, fare, charge, classification, rule, or practice. The
11 commission may proceed with an investigation upon at least 10 days'
12 notice to the motor carrier **OF HOUSEHOLD GOODS** as to the
13 reasonableness of the rate, fare, charge, classification, rule, or
14 practice. The investigation ~~shall take~~ **TAKES** precedence over all
15 matters of a different nature pending before the commission under
16 this act.

17 (4) Except in an emergency satisfactorily shown to the
18 commission, **THE COMMISSION SHALL NOT CONSIDER** a petition for
19 suspension ~~shall not be considered~~ unless **THE PETITION WAS** filed at
20 least 10 days before the effective date of the proposed change in
21 rate, charge, fare, classification, rule, or practice. The petition
22 or order shall be definite and specific and a copy shall be served
23 upon all motor carriers **OF HOUSEHOLD GOODS** affected at the time of
24 filing or issuance. However, service upon an agent who has issued
25 and filed a tariff or schedule ~~in~~ **ON** behalf of a motor carrier ~~or~~
26 ~~carriers~~ **OF HOUSEHOLD GOODS** shall be considered ~~to be due~~ and
27 sufficient service upon the motor carrier ~~or carriers.~~ **OF HOUSEHOLD**

1 **GOODS**. The petition or order must recite the specific facts relied
 2 upon to establish that failure to postpone will work a special
 3 hardship on the petitioner ~~7~~ that cannot otherwise be avoided.

4 (5) At ~~any~~ **A** hearing involving a change in a rate, fare,
 5 charge, classification, rule, or practice, the burden of proof
 6 ~~shall be upon~~ **IS ON** the **MOTOR** carrier **OF HOUSEHOLD GOODS** to show
 7 that the proposed changed rate, fare, charge, classification, rule,
 8 or practice is just and reasonable.

9 Sec. 6b. (1) This section applies to all matters before the
 10 commission for which the commission has jurisdiction under article
 11 ~~II.~~ **III**. If 2 or more motor carriers **OF HOUSEHOLD GOODS** desire to
 12 jointly consider and initiate rates, fares, classifications,
 13 divisions, allowances, charges, or rules, ~~of the motor carriers,~~
 14 those joint considerations and initiations shall only be conducted
 15 ~~pursuant to~~ **UNDER** an agreement ~~which~~ **THAT** is submitted to, and
 16 approved by, the commission under rules promulgated by the
 17 commission. The commission shall by order approve the agreement if
 18 it finds that ~~it~~ **THE AGREEMENT** conforms with ~~the requirements of~~
 19 subsections (2) to (9). The commission shall not eliminate
 20 collective rate-making by application of its authority under this
 21 section.

22 (2) ~~The motor~~ **MOTOR** carriers ~~who~~ **OF HOUSEHOLD GOODS THAT** are
 23 parties to an agreement approved by the commission under this
 24 section shall submit proposed rates, fares, classifications,
 25 divisions, allowances, charges, or rules ~~of the motor carriers to~~
 26 the commission. The proposed rates, fares, classifications,
 27 divisions, allowances, charges, or rules ~~of the motor carriers~~

1 ~~shall~~ **ARE** not be effective unless they are submitted to the
2 commission and are permitted under ~~the provisions of~~ this act and
3 the rules promulgated under this act.

4 (3) ~~Each~~ **A** conference, bureau, committee, or other
5 organization established ~~pursuant to~~ **UNDER** an agreement approved by
6 the commission under this section shall maintain ~~these~~ **ITS**
7 accounts, records, files, and memoranda and shall submit to the
8 commission information and ~~the~~ reports as prescribed by the
9 commission. All the accounts, records, files, and memoranda ~~shall~~
10 ~~be~~ **ARE** subject to inspection by the commission or its authorized
11 representative.

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

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

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

26 (5) A meeting of a conference, bureau, committee, or other
27 organization established ~~pursuant to~~ **UNDER** an agreement approved by

1 the commission under this section ~~which~~ **THAT** includes ~~motor carrier~~
2 tariffs, rates, fares, or charges as matters of discussion or
3 decision shall be open and all persons shall be allowed to attend
4 meetings.

5 (6) Notice of ~~the~~ **A** meeting described in subsection (5) ~~must~~
6 **SHALL** be posted at the principal place of business of the
7 organization and at the commission at least 8 working days before
8 the date of the meeting. The notice ~~must~~ **SHALL** contain the name of
9 the organization, its address, its telephone number, a meeting
10 docket or agenda, and the place, date, and time of the meeting.

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

24 (8) The commission shall not approve under this section ~~any~~ **AN**
25 agreement between or among **MOTOR** carriers **OF HOUSEHOLD GOODS** of
26 different modes unless the agreement is limited to matters relating
27 to transportation under joint rates or over through routes.

1 (9) The commission shall not approve under this section any
2 agreement ~~which~~**THAT** establishes a procedure for the determination
3 of any matter through joint consideration unless it finds that
4 under the agreement ~~there is accorded to each party~~ **HAS** the free
5 and unrestrained right to take independent action after ~~any~~**A**
6 determination is arrived at through the procedure.

7 (10) The commission, upon complaint by a shipper or receiver
8 of freight transported under jointly considered and initiated rates
9 and charges or by a **MOTOR** carrier **OF HOUSEHOLD GOODS THAT IS** party
10 to an agreement approved by the commission under this section, may
11 investigate and determine whether ~~any~~**AN** agreement previously
12 approved by it under this section has been violated in a manner
13 contrary to the transportation policy set forth in section 2 of
14 article I. After investigation, the commission shall, by order,
15 direct the parties to the agreement to cease and desist from
16 violations of that agreement and this section if it finds the
17 action necessary to assure conformity with the transportation
18 policy. The effective date of ~~any~~**A** cease and desist order shall be
19 postponed for a period ~~which~~**THAT** the commission determines to be
20 reasonably necessary to avoid undue hardships. ~~Any~~**A** commission
21 decision issued after December 28, 1982 ~~which~~**THAT** has terminated a
22 previously approved agreement for reasons or on terms inconsistent
23 with this section shall be null and void.

24 (11) ~~An~~**THE COMMISSION SHALL NOT ENTER AN** order ~~shall not be~~
25 ~~entered~~ under this section unless interested parties have been
26 afforded reasonable notice and opportunity for hearing.

27 Sec. 7. (1) A **MOTOR** carrier ~~providing transportation of~~

1 household goods subject to ~~jurisdiction of this act~~ shall issue a
2 receipt or bill of lading for property it receives for
3 transportation under this article. That carrier, as well as any
4 other **MOTOR carrier OF HOUSEHOLD GOODS** that delivers the property
5 ~~and provides transportation of household goods subject to~~
6 ~~jurisdiction of this act~~, is liable to the person entitled to
7 recover under the receipt or bill of lading. The liability imposed
8 under this subsection is for the actual loss or injury to the
9 property caused by the carrier over whose line or route the
10 property is transported in ~~Michigan~~ **THIS STATE** and applies to
11 property reconsigned or diverted by a tariff under this act.
12 Failure to issue a receipt or bill of lading does not affect the
13 liability of the carrier.

14 (2) A **MOTOR carrier OF HOUSEHOLD GOODS** may not provide, by
15 rule, contract, or otherwise, a period of less than 3 months for
16 filing a claim against it under this section and a period of less
17 than 2 years for bringing a civil action against it under this
18 section. The period for bringing a civil action is computed from
19 the date the carrier gives a claimant written notice that the
20 carrier has disallowed any part of the claim specified in the
21 notice.

22 (3) For purposes of this subsection, **BOTH OF** the following
23 apply:

24 (a) An offer of compromise ~~shall~~ **IS** not ~~constitute~~ a
25 disallowance of any part of the claim unless the carrier, in
26 writing, informs the claimant that ~~such~~ **THE** part of the claim is
27 disallowed and provides reasons for ~~such~~ **THE** disallowance.

1 (b) Communications received from a carrier's insurer ~~shall~~ **ARE**
2 not ~~constitute~~ a disallowance of any part of the claim unless the
3 insurer, in writing, informs the claimant that the part of the
4 claim is disallowed, provides reason for the disallowance, and
5 informs the claimant that the insurer is acting on behalf of the
6 carrier.

7 Sec. 8. (1) The commission shall furnish ~~proper~~ **A DECAL** and
8 ~~sufficient identification~~ **CAB CARD** for each vehicle that an
9 intrastate-only motor carrier of ~~property~~ **GENERAL COMMODITIES** is
10 authorized to operate or that a motor carrier **OF HOUSEHOLD GOODS** is
11 authorized to operate ~~for transporting household goods~~ under this
12 act, in addition to the regular registration or license plates
13 required by law. **A CAB CARD SHALL BE CARRIED IN THE VEHICLE FOR**
14 **WHICH IT WAS ISSUED. A DECAL SHALL BE ATTACHED TO A CONSPICUOUS**
15 **LOCATION ON THE VEHICLE FOR WHICH IT WAS ISSUED AS DIRECTED BY THE**
16 **COMMISSION.** The commission ~~is authorized to~~ **MAY** remove and take
17 custody of ~~any identification~~ **A DECAL** found attached to a motor
18 vehicle for which it was not issued, or when the holder of the
19 ~~identification~~ **DECAL** has made or is making unlawful use ~~thereof.~~ **OF**
20 **THE DECAL.**

21 (2) **A MOTOR CARRIER GRANTED INTRASTATE AUTHORITY UNDER THIS**
22 **ACT, INCLUDING A UCR MOTOR CARRIER OPERATING INTRASTATE, SHALL**
23 **COMPLY WITH ALL OF THE FOLLOWING:**

24 (A) **BEFORE COMMENCING SERVICE, THE NAME, CITY, AND STATE OF**
25 **THE MOTOR CARRIER OR THE REGISTERED LOGO OR EMBLEM OF THE MOTOR**
26 **CARRIER SHALL BE PERMANENTLY PLACED IN A CONSPICUOUS PLACE ON BOTH**
27 **SIDES OF ALL POWER VEHICLES IN PLAIN LETTERS AND IN CONTRASTING**

1 COLORS, WITH NUMBERS NOT LESS THAN 3 INCHES IN HEIGHT. A VEHICLE
2 THAT IS IN COMPLIANCE WITH THE REQUIREMENTS OF THE FEDERAL MOTOR
3 CARRIER SAFETY REGULATIONS, 49 CFR PARTS 390 TO 399, IS IN
4 COMPLIANCE WITH THIS SUBDIVISION.

5 (B) THE LETTERS "MPSC" AND THE ACCOUNT NUMBER OF THE MOTOR
6 CARRIER SHALL BE PLACED IN A CONSPICUOUS PLACE ON BOTH SIDES OF ALL
7 POWER VEHICLES IN PLAIN LETTERS AND IN CONTRASTING COLORS, WITH
8 NUMBERS NOT LESS THAN 1.5 INCHES IN HEIGHT.

9 (C) EACH POWER VEHICLE SHALL BE GIVEN A SEPARATE ACCOUNTING
10 NUMBER, WHICH SHALL BE PLACED ON BOTH SIDES OF THE POWER VEHICLE IN
11 A CONSPICUOUS PLACE IN PLAIN NUMBERS NOT LESS THAN 3 INCHES IN
12 HEIGHT AND IN CONTRASTING COLORS.

13 (D) THE NUMBERS AND LETTERS DESCRIBED IN SUBDIVISIONS (A) TO
14 (C) SHALL REMAIN ON THE VEHICLE ONLY WHEN IT IS OPERATED UNDER AN
15 ACTIVE AUTHORITY ISSUED BY THE COMMISSION.

16 (E) IF A MOTOR CARRIER PERMANENTLY REMOVES A VEHICLE FROM
17 OPERATION UNDER AN AUTHORITY ISSUED BY THE COMMISSION, THE MOTOR
18 CARRIER SHALL PROMPTLY REMOVE THE IDENTIFICATION LETTERS, NUMBERS,
19 AND DECALS FROM THE VEHICLE.

20 (F) A MOTOR CARRIER THAT SELLS, TRADES, TRANSFERS, OR
21 OTHERWISE DISPOSES OF AN AUTHORITY ISSUED BY THE COMMISSION OR
22 WHOSE AUTHORITY HAS BEEN DENIED, REVOKED, SUSPENDED, OR TEMPORARILY
23 DISCONTINUED SHALL NOT USE ITS AUTHORITY IDENTIFICATION LETTERS OR
24 NUMBERS IN ADVERTISING FOR ITS SERVICES.

25 (G) EXCEPT AS APPROVED BY THE COMMISSION, A MOTOR CARRIER
26 SHALL NOT OPERATE A SELF-PROPELLED MOTOR VEHICLE UNDER A
27 CERTIFICATE OR PERMIT ISSUED BY THE COMMISSION UNLESS THERE IS AN

1 APPROVED SUMMARY OF THE MOTOR CARRIER'S OPERATING AUTHORITY. A
 2 MOTOR CARRIER SHALL KEEP THE SUMMARY DESCRIBED IN THIS SUBDIVISION
 3 CLEAN AND LEGIBLE AT ALL TIMES.

4 (H) A MOTOR CARRIER SHALL NOT OPERATE ADDED EQUIPMENT UNTIL
 5 THE IDENTIFICATION INFORMATION DESCRIBED IN SUBSECTION (1) HAS BEEN
 6 ISSUED AND ATTACHED TO THE VEHICLE.

7 Sec. 9. ~~Insurance and bond requirements.~~ The commission shall
 8 ~~have~~ **HAS** full power and authority to make and shall make ~~such~~
 9 insurance or bond requirements for intrastate-only motor carriers
 10 of ~~property~~ **GENERAL COMMODITIES** and motor carriers of household
 11 goods as it ~~may deem~~ **DEEMS** necessary ~~adequately~~ to protect the
 12 interests of the public.

13 Sec. 10. (1) ~~All certificates or permits~~ **A CERTIFICATE** granted
 14 to **AN** intrastate-only motor ~~carriers~~ **CARRIER** of ~~property and~~
 15 **GENERAL COMMODITIES OR A** motor ~~carriers transporting~~ **CARRIER OF**
 16 household goods ~~shall be made to terminate as of~~ **TERMINATES ON**
 17 December 31 of the calendar year during which the certificate ~~or~~
 18 ~~permit is~~ **WAS** issued. All **AN** intrastate-only motor ~~carriers~~ **CARRIER**
 19 of ~~property and~~ **GENERAL COMMODITIES OR** motor ~~carriers transporting~~
 20 **CARRIER OF** household goods shall ~~make application~~ **APPLY** for the
 21 renewal of ~~their certificates or permits not before~~ **ITS CERTIFICATE**
 22 **NO EARLIER THAN** October 1 and ~~not~~ **NO** later than December 1 of the
 23 year in which ~~their~~ **ITS** current certificate ~~or permit~~ expires.
 24 ~~Certificate and permit holders~~ **A CERTIFICATE HOLDER THAT DOES** not
 25 ~~making application~~ **APPLY** by December 1 shall be advised by the
 26 ~~commission and given the opportunity to file their applications on~~
 27 ~~or before December 31 on payment of~~ **ASSESSED** a penalty of \$50.00

1 PER MONTH FOR EACH MONTH OR PARTIAL MONTH THAT THE APPLICATION IS
2 LATE. The renewal application shall be accompanied with the
3 required fees, proof of insurance, and all other things required to
4 be filed with the commission by law or by the rules and orders of
5 the commission. **IF THE COMMISSION DETERMINES THAT A RENEWAL**
6 **APPLICATION RECEIVED BEFORE DECEMBER 1 IS INCOMPLETE, THE**
7 **COMMISSION SHALL SEND A NOTICE OF NONCOMPLIANCE TO THE MOTOR**
8 **CARRIER. THE COMMISSION SHALL NOT ASSESS THE LATE FEE DESCRIBED IN**
9 **THIS SUBSECTION AGAINST A MOTOR CARRIER THAT COMPLIES WITH THE**
10 **TERMS OF THE NOTICE OF NONCOMPLIANCE BY DECEMBER 31 OF THE YEAR IN**
11 **WHICH THE APPLICATION IS REQUIRED TO BE MADE.**

12 (2) The certificate ~~or permit~~ of any ~~AN~~ intrastate-only motor
13 carrier of ~~property~~ **GENERAL COMMODITIES** or motor carrier
14 ~~transporting~~ **OF** household goods who is delinquent in ~~the~~ **PROVIDING**
15 **REQUIRED DOCUMENTS OR** payment of the ~~earned~~ fees required by this
16 act ~~to be paid~~ at the time of any renewal thereof shall be deemed
17 **OF THE CERTIFICATE SHALL BE** canceled and terminated, ~~on~~ and after
18 January 1 of the year for which application should have been made
19 under ~~the requirements of~~ this section. Upon expiration, an
20 intrastate-only motor carrier of ~~property~~ shall be **GENERAL**
21 **COMMODITIES IS** prohibited from operating any of its vehicles and a
22 motor carrier ~~authorized to transport~~ **OF** household goods shall be
23 **IS** prohibited from operating any vehicle to transport household
24 goods or engage in any other service subject to renewal of the
25 certificate, upon or over the highways of this state. All
26 privileges granted under ~~the~~ **AN** expiring certificate ~~or permit~~
27 shall cease.

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

13 (3) THE COMMISSION SHALL GIVE AN APPLICANT WHOSE CERTIFICATE
14 WAS CANCELED OR TERMINATED FOR FAILURE TO RENEW ON JANUARY 1 OF THE
15 YEAR FOR WHICH AN APPLICATION SHOULD HAVE BEEN MADE UNTIL DECEMBER
16 31 TO COMPLY WITH THE RENEWAL REQUIREMENTS OF SUBSECTION (1). UPON
17 RECEIPT OF A PROPERLY COMPLETED APPLICATION, FEE, PROOF OF
18 INSURANCE, AND A SATISFACTORY SAFETY REVIEW, THE COMMISSION SHALL
19 GRANT A 60-DAY TEMPORARY AUTHORITY TO AN INTRASTATE-ONLY MOTOR
20 CARRIER OF GENERAL COMMODITIES OR A MOTOR CARRIER OF HOUSEHOLD
21 GOODS THAT APPLIES FOR RENEWAL OF A CERTIFICATE THAT HAS BEEN
22 EXPIRED FOR LESS THAN 1 YEAR. AN INTRASTATE-ONLY MOTOR CARRIER OF
23 GENERAL COMMODITIES OR A MOTOR CARRIER OF HOUSEHOLD GOODS THAT DOES
24 NOT COMPLY WITH THE RENEWAL REQUIREMENTS OF THIS SECTION BEFORE
25 JANUARY 1 OF THE NEXT RENEWAL YEAR FOR WHICH IT SHOULD HAVE APPLIED
26 FOR RENEWAL SHALL APPLY FOR AN ORIGINAL CERTIFICATE OF AUTHORITY,
27 AND SHALL PAY THE FEE FOR AN ORIGINAL CERTIFICATE OF AUTHORITY AND

1 **ANY APPLICABLE LATE FEES FOR THE PREVIOUS YEAR.**

2 (4) Except as ~~in this section~~ otherwise provided **IN THIS**
3 **SECTION**, the provisions in this act voiding a certificate ~~or a~~
4 ~~permit~~ for cause shall be **ARE** self-executing and shall **DO** not
5 require any affirmative act on the part of the commission, and the
6 commission is ~~expressly prohibited from extending and~~ shall not
7 ~~have any power to extend the privilege or permit nor to allow the~~
8 **AN INTRASTATE-ONLY MOTOR CARRIER OF GENERAL COMMODITIES OR A MOTOR**
9 **CARRIER OF HOUSEHOLD GOODS** to engage in any operation over the
10 public highway. ~~In no case shall the~~ **THE** revocation of any **A**
11 certificate ~~or a permit~~ **DOES NOT** release any **A** motor carrier from
12 liability for accrued fees.

13 (5) Upon full compliance with the requirements ~~with respect to~~
14 **OF THIS ACT FOR** the filing of the application, the **COMMISSION SHALL**
15 **ISSUE A** certificate ~~or permit~~ shall ~~issue~~ for the succeeding
16 calendar year, subject to all the provisions of this act.

17 (6) The holder of a certificate ~~or permit~~ under this act may
18 add equipment at any time, but when adding equipment subject to a
19 privilege fee prescribed by this act, the holder shall file an ~~ex~~
20 ~~parte~~ application in the form as **REQUIRED BY** the commission
21 ~~requires~~ and pay for each unit of equipment added, the fee
22 ~~prescribed~~ **REQUIRED** in section 2 of article IV. ~~A notice of hearing~~
23 ~~on the application shall not be required and a public hearing shall~~
24 ~~not be held thereon. When~~ **IF** the holder of any **A** certificate ~~or~~
25 ~~permit, excepting~~ **OTHER THAN** a certificate ~~or permit~~ that
26 authorizes the transportation of household goods while ~~such~~ **THOSE**
27 household goods are being transported, by lease, contract, or any

1 arrangement other than outright purchase, augments his or her
 2 equipment, the lease, contract, or arrangement shall be in writing
 3 and ~~of such a character so as to~~ **SHALL** vest in the holder exclusive
 4 possession and control of the vehicle under the lease or
 5 arrangement for the entire term of the lease or arrangement. Any
 6 operation of the vehicle shall be conducted under the exclusive
 7 supervision, direction, and control of the holder.

8 (7) ~~A certificated or permitted unit of equipment~~ **USING A FORM**
 9 **PRESCRIBED BY THE COMMISSION, A CERTIFIED MOTOR CARRIER** may be
 10 ~~withdrawn~~ **WITHDRAW EQUIPMENT** from service at any time **WITHOUT**
 11 **REFUND** by surrendering to the commission the identification
 12 allocated to the unit at the time it was certificated. ~~or~~
 13 ~~permitted.~~

14 Sec. 10a. (1) The lease, contract, or arrangement under which
 15 a holder augments his or her equipment shall specify the period for
 16 which the equipment is to be operated, which shall not be less than
 17 30 days, and shall include a provision that the vehicle has, within
 18 the immediately preceding 12 months, passed an inspection pursuant
 19 ~~to the requirements of~~ **UNDER** the motor carrier safety act, Act No.
 20 ~~181 of the Public Acts of 1963, being sections 480.11 to 480.21 of~~
 21 ~~the Michigan Compiled Laws, 1963 PA 181, MCL 480.11 TO 480.25, and~~
 22 ~~49 C.F.R.~~ **CFR** part 396.

23 (2) The lease, contract, or arrangement shall specify the
 24 compensation to be paid by the lessee or party to the contract or
 25 arrangement for the rental or use of the equipment.

26 (3) The lease, contract, or arrangement shall specify the time
 27 and date or the circumstance on which the contract, lease, or other

1 arrangement begins, and the time or circumstance on which it ends.

2 (4) The lease, contract, or arrangement shall vest in the
3 holder of the vehicle exclusive possession and control of the
4 vehicle for the entire term of the lease, contract, or arrangement.

5 (5) The lease, contract, or arrangement shall provide that any
6 operation of the vehicle shall be conducted under the exclusive
7 supervision, direction, and control of the holder.

8 (6) The lease, contract, or arrangement shall provide that the
9 vehicle, at all times ~~while~~ being operated under the lease,
10 contract, or arrangement, shall be operated only by ~~persons who are~~
11 ~~employees of the holder. who stand in relation to the holder as~~
12 ~~employee to employer.~~

13 (7) The lease, contract, or arrangement shall be in the
14 manner, form, and further content as the commission **REQUIRES** by
15 rule. ~~provides.~~

16 (8) The lease, contract, or arrangement shall be executed in
17 quadruplicate, ~~AND~~ the original shall be filed with the
18 commission. One copy shall be retained by the authorized motor
19 carrier in whose service the equipment is to be operated, 1 copy
20 shall be retained by the owner of the equipment, and 1 copy shall
21 be carried on the equipment specified in the lease, contract, or
22 arrangement during the entire period of the contract, lease, or
23 other arrangement.

24 ~~Nothing in this section shall apply to the interchange~~
25 ~~with other certificated motor common carriers or the multiple~~
26 ~~certification of motor carrier equipment when specific approval and~~
27 ~~authority to interchange the equipment has been or is granted by~~

1 ~~the commission.~~

2 (9) ~~(10)~~—The provisions of subsection (1) ~~shall~~**DO** not apply
3 to ~~or be~~**AND ARE NOT** required of or between movers of household
4 goods, when the equipment is used to transport household goods as
5 defined by the commission.

6 Sec. 11. (1) The commission may examine all records, books,
7 accounts, and files of each ~~A~~**A** motor carrier to whom a certificate
8 ~~or permit~~ has been issued under this act ~~,~~ having to do with the
9 business of transportation conducted by the **MOTOR** carrier. ~~The~~**IF**
10 **ORDERED BY THE COMMISSION, THE MOTOR CARRIER SHALL PRODUCE AT ANY**
11 **HEARING OR PROCEEDING BEFORE THE COMMISSION THE** records, books,
12 accounts, and files or other data or information ~~,~~ ~~by order of the~~
13 ~~commission, shall be produced at any hearing or proceeding before~~
14 ~~the commission~~ for use at the hearing or proceeding. ~~The~~**A MOTOR**
15 **CARRIER SHALL PRESERVE THE** records, books, accounts, and files
16 ~~shall be preserved~~**FOR** at least 3 years, except that **A MOTOR**
17 **CARRIER SHALL PRESERVE** delivery receipts, ~~and~~ delivery records, and
18 bills of lading ~~shall be preserved~~**FOR** at least 1 year. The
19 commission may compel the attendance and testimony of witnesses and
20 do all things necessary to carry out and enforce ~~all the provisions~~
21 ~~of~~ this act.

22 (2) ~~A~~**EXCEPT AS OTHERWISE PROVIDED BY LAW, A** member of the
23 commission, clerk, officer, or employee of ~~the~~**THIS** state shall not
24 divulge or make known ~~,~~ ~~in any manner whatsoever not provided by~~
25 ~~law,~~ to any person the operations, style of work, or any other
26 information regarding the operations of ~~carriers~~**A MOTOR CARRIER**
27 visited or inspected by him or her in the discharge of his or her

1 official duties, or ~~to~~ permit any report, books, documents,
 2 accounts, files, or other data examined or inspected by him or her
 3 to be seen or examined by any person. ~~, except as provided by law.~~
 4 The information ~~as may be obtained under this section shall be and~~
 5 ~~remain~~ **IS** inviolate, except for the purposes of carrying out the
 6 provisions of this act. ~~, it being~~ **IT IS** the express legislative
 7 intent to permit the use of the information by the commission, but
 8 to prevent its publication in any manner, except when lawfully
 9 presented in open hearings either before the commission or ~~some~~ **A**
 10 member of the commission, or before a court of law. ~~Nothing in this~~
 11 **THIS** section ~~shall be construed to~~ **DOES NOT** apply to ~~the~~ public
 12 files of the commission pertaining to the application for and the
 13 certificate ~~or permit~~ of any motor carrier, or to quarterly or
 14 other reports, which ~~files and reports~~ shall **BE OPEN TO INSPECTION**
 15 during office hours ~~be open to inspection by~~ any motor carrier,
 16 shipper, or consignee.

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

19 Sec. 14. (1) Upon complaint in writing by any person, firm,
 20 corporation, association, mercantile, agricultural or manufacturing
 21 society, or by any body politic, municipal organization, ~~common~~
 22 ~~carrier,~~ or motor carrier, that any of ~~the~~ **A** motor ~~common~~
 23 **OF HOUSEHOLD GOODS'** rates, fares, charges, or classifications, or
 24 any joint rate or rates of any motor ~~common~~ carrier **OF HOUSEHOLD**
 25 **GOODS** are ~~, in any respect~~ unreasonable or unjustly discriminatory
 26 or otherwise in violation of this act, or that any practice
 27 ~~whatsoever~~ affecting the transportation of property by any ~~such~~ **A**

1 motor ~~common~~ carrier or any service in connection therewith **WITH**
2 **THE TRANSPORTATION OF PROPERTY** is ~~in any respect~~ unreasonable or
3 unjustly discriminatory, or that any service of ~~such~~ **A** motor ~~common~~
4 carrier **OF HOUSEHOLD GOODS** is inadequate, or that this act or any
5 order, rule, or practice established by the commission applicable
6 to ~~the~~ **A** motor ~~common~~ carrier **OF HOUSEHOLD GOODS**, or ~~motor common~~
7 ~~carrier~~ charges filed with the commission by ~~the~~ **A** motor ~~common~~
8 carrier **OF HOUSEHOLD GOODS**, ~~in any respect~~ has been violated or
9 deviated from, or is being violated or deviated from by ~~such~~ **A**
10 motor ~~common~~ carrier; or upon a complaint against ~~any~~ **A** motor
11 ~~contract~~ carrier **OF HOUSEHOLD GOODS** that this act or any order,
12 rule, or practice established by the commission applicable to the
13 motor ~~contract~~ carrier **OF HOUSEHOLD GOODS** has been violated or
14 deviated from, or is being violated or deviated from, the
15 commission shall notify the parties complained of that **A** complaint
16 has been made, and shall furnish a copy of the complaint with the
17 notice, and 20 days after the notice has been given, the commission
18 may proceed to investigate the complaint as provided in this
19 section. Only the commission, on its motion, may bring a complaint
20 against a ~~contract~~ **MOTOR** carrier **OF HOUSEHOLD GOODS** for predatory
21 rates, practices, or rules ~~pursuant to~~ **UNDER** section ~~6(2)~~ **6(1)** of
22 article III. Before ~~proceeding to make the investigation,~~
23 **INVESTIGATING A COMPLAINT**, the commission shall give the motor
24 carrier and the complainants at least 10 days' notice of the time
25 and place when and where the matters will be considered and
26 determined, and the parties ~~shall be~~ **ARE** entitled to be heard and
27 shall have process to enforce the attendance of witnesses. If, upon

1 investigation of a motor ~~common~~ carrier **OF HOUSEHOLD GOODS**, any
2 matters complained of are found to be in violation of this act, the
3 commission shall determine and by order fix ~~and order substituted~~
4 ~~therefor~~ the practice, service, or charges as ~~shall conform~~ **AND**
5 **SHALL ORDER A SUBSTITUTE PRACTICE, SERVICE, OR CHARGE THAT CONFORM**
6 to this act and the rules of the commission applicable to the motor
7 ~~common~~ carrier **OF HOUSEHOLD GOODS**. ~~If upon investigation of a motor~~
8 ~~contract carrier, any matters complained of are found to be in~~
9 ~~violation of this act, the commission shall determine and by order~~
10 ~~fix and order substituted therefor the practice, service, or~~
11 ~~minimum rate as shall conform to this act and the rules of the~~
12 ~~commission applicable to the motor contract carrier. The order~~
13 shall further ~~provide that~~ **DIRECT** the parties complained of shall
14 **TO** cease and desist from the violation and conform to the terms of
15 the order. The commission shall ~~cause~~ **DELIVER** a certified copy of
16 each ~~THE~~ order ~~to be delivered to the~~ **AFFECTED** parties. ~~affected~~
17 ~~thereby, which. THE~~ order shall of its own force take effect and
18 become operative 20 days after ~~the service. of the order.~~ All motor
19 ~~common~~ carriers **OF HOUSEHOLD GOODS** to which the order applies
20 shall, on or before the date ~~when~~ the order becomes effective, make
21 changes in schedules on file as ~~shall be necessary to make the same~~
22 **AND MAKE CHANGES IN THEIR PRACTICES, SERVICES, OR MINIMUM RATES AS**
23 **NECESSARY TO** conform to the order. ~~All motor contract carriers to~~
24 ~~which the order applies shall, on or before the date the order~~
25 ~~becomes effective, conform their practice, service, or minimum rate~~
26 ~~to the order.~~ Certified copies of all other orders of the
27 commission shall be delivered to the parties affected in like

1 manner ~~and~~, unless otherwise prescribed in this act, shall take
2 effect ~~within~~ **AT** the time ~~thereafter~~ as the commission prescribes.

3 (2) ~~When~~ **IF** the commission believes that ~~any provision in this~~
4 act or any rule or order of the commission made ~~in pursuance of~~
5 **UNDER** this act ~~has~~ been or is being violated, or that any charges
6 have been made or collected or service performed in violation
7 ~~thereof~~ **OF THIS ACT OR ANY RULE OR ORDER OF THE COMMISSION MADE**
8 **UNDER THIS ACT**, and that an investigation relating ~~thereto~~, **TO THE**
9 **VIOLATION** should be made, the commission may on its own motion or
10 on the application of anyone investigate the suspected violation.
11 Before making the investigation, the commission shall present to
12 the parties alleged to be guilty of the violations a **WRITTEN**
13 statement ~~in writing~~ setting forth the matters to be investigated.
14 ~~Thereafter~~, **AFTER THE COMMISSION HAS PRESENTED THE WRITTEN**
15 **STATEMENT DESCRIBED IN THIS SUBSECTION**, on 10 days' notice to the
16 parties of the time and place of the investigation, the commission
17 may ~~proceed to~~ investigate the matters complained of **AND ENTER**
18 **ORDERS** ~~in the same manner, and make like orders, as if the~~
19 ~~investigation had been made upon complaint.~~ **PROVIDED FOR AN**
20 **INVESTIGATION UPON COMPLAINT UNDER SUBSECTION (1)**. An
21 investigation, inquiry, or hearing ~~which~~ **THAT** the commission has
22 power to undertake or to hold may be undertaken or held by or
23 before any commissioner or any employee of the commission when ~~so~~
24 directed by the commission or its chairperson. The commissioner or
25 employee shall submit findings of fact and conclusions of law to
26 the commission. If the findings of fact and conclusions of law are
27 approved and confirmed by the commission and ordered filed in its

1 office, they shall be the decision and the order of the commission.
 2 All investigations, inquiries, or hearings of a commissioner or an
 3 employee are considered as the investigation, inquiry, and hearing
 4 of the commission.

5 Sec. 14a. ~~(1) A motor common carrier may not commence~~
 6 ~~operations under permanent authority granted to it by the~~
 7 ~~commission for 20 days after issuance of the order, nor before a~~
 8 ~~certificate has been issued.~~

9 ~~——(2) A motor contract carrier may not commence operations under~~
 10 ~~permanent authority granted to it by the commission before a permit~~
 11 **CERTIFICATE** has been issued.

12 Sec. 18. (1) The commission may, upon application of any
 13 person or any motor carrier, or upon its own motion, and upon at
 14 least 10 days' notice ~~to~~ **SERVED PERSONALLY, BY MAIL, OR**
 15 **ELECTRONICALLY ON** the **AFFECTED** parties, ~~affected thereby,~~ for good
 16 cause ~~and after an opportunity to be heard,~~ **SHOW COMPLIANCE WITH**
 17 **THE REQUIREMENTS OF THIS ACT REGARDING A CERTIFICATE OF AUTHORITY,**
 18 revoke, suspend, alter, amend, or modify any of its findings or
 19 orders. ~~However, a~~ **THE COMMISSION MAY REVOKE A** certificate ~~or~~
 20 ~~permit shall only be amended, altered, modified, revoked, or~~
 21 ~~suspended~~ after like notice and opportunity to be heard and upon
 22 clear proof of good, just, and sufficient cause. **A SUSPENSION OF A**
 23 **FINDING OR ORDER UNDER THIS SUBSECTION REMAINS IN EFFECT UNTIL THE**
 24 **MOTOR CARRIER COMPLIES WITH THE REQUIREMENTS OF THIS ACT OR THE**
 25 **COMMISSION MOVES TO REVOKE THE MOTOR CARRIER'S CERTIFICATE.** In
 26 addition, ~~beginning January 1, 1989,~~ a person or motor carrier may
 27 also be subject to an assessment of **ASSESSED AN AMOUNT** not to

1 exceed \$500.00 for each violation of this act, a rule promulgated
2 or an order issued under this act, or a term or condition of a
3 certificate ~~or permit~~. **OF AUTHORITY.**

4 (2) The commission may grant ~~rehearings~~ **A REHEARING** in all
5 ~~proceedings~~ **A PROCEEDING** before it upon petition filed within the
6 time allowed by law to bring proceedings for review. All orders
7 entered ~~pursuant to~~ **UNDER** this section shall be served and take
8 effect as provided in this act for original orders, and the time
9 allowed by law to bring proceedings to review any order of the
10 commission shall continue after the order denying the hearing or
11 after the order made upon a rehearing. The commission shall keep a
12 docket of all causes and proceedings under this act and, upon
13 request ~~, upon~~ **AND** payment of a reasonable fee, shall furnish any
14 interested party ~~fair~~ copies of ~~any~~ **AN** application, answer,
15 petition, motion, order, finding, certificate, or permit on file
16 with, or made or issued by it in any proceeding.

17 (3) The assessments collected ~~pursuant to~~ **UNDER** this section
18 shall be deposited in the truck safety fund established in section
19 25 of 1951 PA 51, MCL 247.675.

20 (4) This chapter ~~shall be~~ **IS** applicable and uniform throughout
21 this state and in all political subdivisions and local units of
22 government in this state. A local unit of government shall not
23 adopt, enact, or enforce a local law that is in conflict with this
24 act.

25 (5) A local law or a portion of a local law that imposes a
26 criminal penalty for an act or omission that is a civil infraction
27 under this act, or that imposes a criminal penalty or civil

1 sanction in excess of that prescribed in this act, is in conflict
2 with this act and is void to the extent of the conflict.

3 (6) Except for a case in which the citation is dismissed
4 ~~pursuant to~~ **UNDER** subsection (7), proceeds of a civil fine imposed
5 by a local unit of government for violation of a local law
6 regulating the operation of for-hire motor vehicles and
7 corresponding to this act shall be paid to the county treasurer and
8 ~~shall be~~ allocated as follows:

9 (a) Seventy percent to the local unit of government in which
10 the citation is issued.

11 (b) Thirty percent for library purposes as provided by law.

12 (7) The owner or operator of a commercial motor vehicle shall
13 not be issued more than 1 citation for each violation of a code or
14 ordinance regulating the operation of a commercial motor vehicle
15 and substantially corresponding to a provision of sections 683 to
16 725a of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to
17 257.725a, within a 24-hour period. If the owner or operator of a
18 commercial motor vehicle is issued a citation for an equipment
19 violation that does not result in the vehicle being placed out of
20 service, the court shall dismiss the citation if the owner or
21 operator of that commercial motor vehicle provides written proof to
22 the court within 14 days after the citation is issued showing that
23 the defective equipment indicated in the citation has been
24 repaired.

25 (8) In order to be classified as a motor carrier enforcement
26 officer, a police officer must have training equal to the minimum
27 training requirements, including any annual training updates,

1 established by the department of state police for an officer of the
2 motor carrier division of the department of state police. A police
3 officer who has received training equal to these minimum training
4 requirements before the effective date of this section is
5 considered a motor carrier enforcement officer for purposes of this
6 act.

7 (9) As used in this section:

8 (a) "Local law" ~~includes~~ **MEANS** a local charter provision,
9 ordinance, rule, or regulation.

10 (b) "Out of service" means that process established under the
11 motor carrier safety act **OF 1963**, 1963 PA 181, MCL 480.11 to
12 ~~480.22-480.25~~.

13 ARTICLE VI

14 Sec. 2. ~~Upon~~ **NO LATER THAN 60 DAYS AFTER RECEIVING A** request
15 ~~of~~ **FROM** the commission, the department of state police shall
16 **COMPLETE A** review **OF** the operation of an intrastate motor carrier
17 to determine whether the carrier is in compliance with applicable
18 safety related laws and rules and issue a report within 60 days
19 after completion of its review to the commission.

20 Enacting section 1. Section 5 of article I, sections 4, 6, 7,
21 7a, 7b, 7c, and 11 of article II, section 5a of article III,
22 section 1a of article IV, section 4 of article V, and section 3 of
23 article VI of the motor carrier act, 1933 PA 254, MCL 475.5, 476.4,
24 476.6, 476.7, 476.7a, 476.7b, 476.7c, 476.11, 477.5a, 478.1a,
25 479.4, and 479.43, are repealed.