THE MOTOR CARRIER ACT
Act 254 of 1933

AN ACT to promote safety upon the public highways of 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 jurisdiction and authority to prevent evasion of this act through any device or arrangement; to insure adequate transportation service; to give the commission jurisdiction and authority to fix, alter, regulate, and determine rates, fares, charges, classifications, and practices of motor carriers of household goods for such purposes; to give the commission jurisdiction and authority to require registration, conduct audits, and assess fees for motor carriers for unified carrier registration and to authorize the commission to prescribe minimum rates, fares, and charges, and to require the observance thereof; to prevent unjust discrimination; to prescribe the powers and duties of the public service commission; to provide for appeals from the orders of the commission; to confer jurisdiction upon the circuit court for the county of Ingham for such appeals; to provide for the levy and collection of certain privilege fees and taxes for motor carriers and the disposition of those fees and taxes; to provide for the enforcement of this act; and to prescribe penalties for its violations.

History: 1933, Act 254, Eff. Oct. 17, 1933;—Am. 1956, Act 164, Imd. Eff. Apr. 16, 1956;—Am. 1957, Act 173, Eff. Sept. 27, 1957;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2008, Act 584, Imd. Eff. Jan. 16, 2009;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

The People of the State of Michigan enact:

ARTICLE I
GENERAL DEFINITIONS AND PURPOSE

475.1 Definitions.

Sec. 1. As used in this act:

(a) "Base rate, fare, or charge" means the nondiscounted rate, fare, or charge specified in a carrier's rate schedule on file with the commission.

(b) "Broker" means that term as defined in 49 USC 13102.

(c) "Certificate of authority" means a certificate issued under this act to a motor carrier authorizing a transportation service.

(d) "Commercial motor vehicle" means that term as defined in 49 USC 14504a.

(e) "Commission" means the Michigan public service commission.

(f) "Emergency" means that term as defined in 49 CFR 390.5(1).

(g) "Fit", as applied to a proposed motor carrier service, means safe, suitable, and financially responsible as determined by the commission.

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

(i) "Freight forwarder" means that term as defined in 49 USC 13102.

(j) "General commodity" means any property other than household goods, hazardous materials, or passengers.

(k) "General rate" means a rate applicable to 2 or more motor carriers that is filed under section 6b of article V.

(*l*) "Household goods" means personal effects and property used or to be used in a dwelling when a part of the equipment or supply of that dwelling. Household goods do not include property moving from a factory or store, unless the property was purchased by the householder with intent to use the property in his or her dwelling, the property is transported at the request of the householder, and the householder pays the carrier's transportation charges either directly or indirectly.

(m) "Intrastate motor vehicle" means a motor vehicle that is operated by 1 of the following:

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

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

(n) "Intrastate-only motor carrier of property" means a motor carrier of property that is not a UCR motor carrier.

(o) "Leasing company" means that term as defined in 49 USC 14504a.

(p) "Local move" means a household goods shipment of 40 miles or less, from point of origin to point of destination, as determined by actual miles traveled by the motor carrier and verifiable by odometer reading or

CAUTION! This document is from an archive and may contain outdated information.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

mileage guide in general public use.

(q) "Motor carrier" means a motor carrier of general commodities or a motor carrier of household goods.

(r) "Motor carrier of general commodities" means a person that is an authorized for-hire motor carrier, either directly or through any device or arrangement, of property other than household goods upon or over a public highway.

(s) "Motor carrier of household goods" means a person that, either directly or through any device or arrangement, packs, loads, unloads, or transports household goods upon or over a public highway for the general public in exchange for payment.

(t) "Motor private carrier" means that term as defined in 49 USC 13102.

(u) "Motor vehicle" means an automobile, truck, trailer, semitrailer, truck tractor, road tractor, or a self-propelled or motor or mechanically driven vehicle, or a vehicle attached to, connected with, or drawn by a self-propelled or motor or mechanically driven vehicle, used upon a public highway of this state.

(v) "Person" means an individual, partnership, association, or corporation, and their lessees, trustees, or receivers appointed by a court.

(w) "Predatory rate" means a rate that is either below its fully allocated costs or in excess of reasonable industry standards. As used in this subdivision, "fully allocated costs" means total costs, including variable costs, plus an allocation of fixed costs.

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

(y) "The public" means the part or portion of the general public that a motor carrier is ready, able, willing, and equipped to serve.

(z) "Through any device or arrangement" means any and all methods, means, agreements, circumstances, operations, or subterfuges under which a person undertakes for hire to conduct, direct, control, or otherwise perform the transportation by motor vehicle of property upon the public highways of this state.

(aa) "UCR motor carrier" means a person that is required to pay fees and file information under section 14504a of the federal unified carrier registration act of 2005, 49 USC 14504a.

(bb) "Unified carrier registration agreement" means the interstate agreement developed under the unified carrier registration plan governing the collection and distribution of registration and financial responsibility information provided and fees paid by UCR motor carriers, motor private carriers, brokers, freight forwarders, and leasing companies under section 14504a of the federal unified carrier registration act of 2005, 49 USC 14504a.

(cc) "Unified carrier registration plan" means the organization of state, federal, and industry representatives responsible for developing, implementing, and administering the unified carrier registration agreement under section 14504a of the federal unified carrier registration act of 2005, 49 USC 14504a.

History: 1933, Act 254, Eff. Oct. 17, 1933;—Am. 1945, Act 264, Eff. Sept. 6, 1945;—CL 1948, 475.1;—Am. 1957, Act 173, Eff. Sept. 27, 1957;—Am. 1959, Act 232, Imd. Eff. Aug. 12, 1959;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 1993, Act 352, Imd. Eff. Jan. 13, 1994;—Am. 2007, Act 33, Imd. Eff. July 10, 2007;—Am. 2008, Act 584, Imd. Eff. Jan. 16, 2009;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

Former law: See Act 209 of 1923, being CL 1929, §§ 11342 to 11352; Act 212 and Act 312 of 1931.

Compiler's note: For transfer of powers and duties of public service commission, department of licensing and regulatory affairs under the motor carrier act, 1933 PA 254, to Michigan state police, see E.R.O. No. 2015-3, compiled at MCL 460.21.

475.1a Motor carrier act; short title.

Sec. 1a. This act shall be known and may be cited as "The motor carrier act".

History: Add. 1943, Act 244, Imd. Eff. Apr. 22, 1943;—CL 1948, 475.1a.

Compiler's note: For transfer of powers and duties of public service commission, department of licensing and regulatory affairs under the motor carrier act, 1933 PA 254, to Michigan state police, see E.R.O. No. 2015-3, compiled at MCL 460.21.

475.2 Legislative purpose and policy.

Sec. 2. It is hereby declared to be the purpose and policy of the legislature in enacting this law to confer upon the commission the power and authority and to make it its duty to supervise and regulate the transportation of property by motor vehicle for hire upon and over the public highways of this state in all matters whether specifically mentioned herein or not, so as to do all of the following:

(a) Protect the safety and welfare of the traveling and shipping public in their use of the highways.

(b) Promote competitive and efficient transportation services.

(c) Meet the needs of motor carriers, shippers, receivers, and consumers.

(d) Allow a variety of quality, price, and service options to meet changing market demands and the diverse requirements of the shipping public.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

(e) Allow the most productive use of equipment and energy resources.

(f) Provide the opportunity for efficient and well-managed motor carriers to earn adequate profits and attract capital.

(g) Promote intermodal transportation.

(h) Prevent unjust discrimination.

(i) Promote greater participation by minorities in the motor carrier system.

(j) Provide and maintain service to small communities and small shippers.

(k) Prevent evasion of this act through any device or arrangement.

(*l*) Promote entrepreneurship in the motor carrier industry by allowing greater contract carrier economic and entry flexibility.

(m) Promote the use of jointly considered and initiated rates, classifications, divisions, allowances, charges, or rules of motor carriers under commission approved agreements.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 475.2;—Am. 1957, Act 173, Eff. Sept. 27, 1957;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 1993, Act 352, Imd. Eff. Jan. 13, 1994;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: For transfer of powers and duties of public service commission, department of licensing and regulatory affairs under the motor carrier act, 1933 PA 254, to Michigan state police, see E.R.O. No. 2015-3, compiled at MCL 460.21.

475.3 Temporary authority for service by motor carrier; validity; duration; presumption not created; applicable law and rules.

Sec. 3. (1) The commission may, in its discretion and upon a proper application that includes a specific definition of the authority sought, and without hearings or other proceedings, grant temporary authority for service by a motor carrier by motor vehicle. The commission may grant temporary authority unless a safety or fitness-related issue exists. The temporary authority, unless suspended or revoked for good cause, shall be valid for not more than 60 days after the date of issuance. The grant of temporary authority does not create a presumption that the commission will grant corresponding permanent authority.

(2) Transportation service rendered under a temporary authority is subject to all applicable provisions of this act and to the rules of the commission.

History: Add. 1943, Act 244, Imd. Eff. Apr. 22, 1943;—CL 1948, 475.3;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 1993, Act 352, Imd. Eff. Jan. 13, 1994;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

Former law: See Act 261 of 1939, which was repealed by Act 211 of 1941.

475.4 Matters under articles II, III, or V to which section applicable; commission or employee delegated authority to make initial decision; duties; extension of time period.

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

(2) The commission or an employee with the authority to make an initial decision in a matter related to a motor carrier shall do all of the following:

(a) In a case in which an oral hearing is held, complete all evidentiary proceedings related to the matter not later than 180 days following institution of the proceeding, issue in writing the proposal for decision not later than 270 days following institution of the proceeding, and issue in writing the final decision not later than 300 days following institution of the proceeding.

(b) In all other proceedings subject to this section, issue in writing the proposal for decision not later than 120 days following institution of the proceeding and issue in writing the final decision not later than 180 days following institution of the proceeding.

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

History: Add. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 1993, Act 352, Imd. Eff. Jan. 13, 1994;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

475.5 Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to jurisdiction of the commission.

ARTICLE II
MOTOR CARRIERS OF GENERAL COMMODITIES

476.1 Operation of motor vehicle by motor carrier of general commodities; certificate of authority.

Sec. 1. A motor carrier of general commodities shall not operate any motor vehicle in for-hire

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

transportation on any public highway in this state except in accordance with this act. A motor carrier of general commodities shall not operate upon any public highway without first having obtained a certificate of authority from the commission.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 476.1;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

476.2 Certificate of authority; application; determination; issuance.

Sec. 2. The commission, upon the filing of an application for a certificate of authority, shall ascertain and determine, under reasonable rules as it promulgates, whether to issue the certificate of authority.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 476.2;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982.

476.3 Application for certificate of authority; form; contents; fees; proof of insurance; failure of applicant to comply with application instructions.

Sec. 3. (1) An application for a certificate of authority shall be on a form prescribed by the commission and signed by the owner or an officer of the applicant, stating the ownership and condition of the equipment and physical property of the applicant proposed to be used, that the vehicles of the applicant have passed an inspection within the immediately preceding 12 months under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25, and shall contain other information as the commission requires. The commission may request supplemental information from an applicant regarding accident records and citations issued to the applicant or drivers of the applicant within the immediately preceding 12 months when that information is considered necessary to make findings regarding the fitness of the applicant. Each application shall be accompanied by the required fees, proof of insurance before operations are commenced, and all other things required by law and the rules of the commission.

(2) The commission may reject, dismiss, or deny an application if the applicant fails to comply with instructions on the application form described in subsection (1).

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 476.3;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 1993, Act 352, Imd. Eff. Jan. 13, 1994;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

476.4 Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to publication of a notice of filing a certificate of authority application.

476.5 Issuance of certificate of authority; findings.

Sec. 5. Except as provided in this section, the commission shall issue a certificate of authority to an applicant authorizing it to provide transportation subject to the jurisdiction of the commission under this article as a motor carrier of general commodities if the commission finds all of the following:

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

(b) The applicant is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this act and rules and regulations of the commission.

(c) The service proposed is consistent with the transportation policy set forth in section 2 of article I.

(d) The applicant has the required insurance in place to insure the protection of the public.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 476.5;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 1993, Act 352, Imd. Eff. Jan. 13, 1994;—Am. 2007, Act 33, Imd. Eff. July 10, 2007;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

476.6 Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to schedule of rates, fares, and charges.

476.7 Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to requirement that rates, fares, and charges be just, reasonable, and nondiscriminatory.

476.7a Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to investigation, suspension, revision, or revocation of proposed rate, fare, or charge.

476.7b Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to motor carrier establishing a through route with another carrier.

476.7c Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to transportation of household goods by a motor common carrier.

CAUTION! This document is from an archive and may contain outdated information.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

476.8 Prohibited conduct; violation as misdemeanor; penalty.

Sec. 8. A motor carrier, shipper, broker, or consignee, or any officer, employee, agent, or representative of a motor carrier, shipper, broker, or consignee, that operates without the authority required under this act, advertises its services without first obtaining the authority required under this act, acts as a broker of household goods, or that knowingly offers, grants, or gives, or solicits, accepts, or receives any rebate, concession, or discrimination in violation of this act, or that, by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device, knowingly and willfully assists, suffers, or permits a person to obtain transportation of property subject to this article, or that knowingly and willfully, by any means, fraudulently seeks to evade or defeat rules as promulgated under this act for motor carriers of general commodities, is guilty of a misdemeanor punishable by a fine of not more than $1,000.00 or imprisonment for not more than 6 months, or both.

History: 1933, Act 254, Eff. Oct. 17, 1933;—Am. 1945, Act 264, Eff. Sept. 6, 1945;—CL 1948, 476.8;—Am. 1959, Act 114, Eff. Mar. 19, 1960;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

476.9 Liability of motor carrier of general commodities; recovery.

Sec. 9. If a motor carrier of general commodities does, causes, or permits to be done any act or thing in this act prohibited or declared to be unlawful, or omits to do any act or thing required to be done by the motor carrier of general commodities under this act or under any lawful order made by the commission, the motor carrier of general commodities is liable to the person injured to the extent of the actual amount of damages sustained in consequence of the violation. A recovery under this section does not affect a recovery by this state of the penalty prescribed for the violation.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 476.9;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

476.10 Powers and duties of commission.

Sec. 10. The commission shall supervise and regulate all motor carriers of general commodities and regulate the service and safety of operations of each motor carrier of general commodities. The commission may do any of the following:

(a) Require the filing of annual and other reports, tariffs, schedules, and other data by motor carriers of general commodities where that information is considered by the commission to be necessary for the administration or enforcement, or both, of this act.

(b) Supervise and regulate motor carriers of general commodities in all matters affecting the relation between the motor carriers and the public and between motor carriers.

(c) Promulgate rules to promote safety upon the highways and the conservation of their use and to ensure that the provisions of this act are fully and completely carried out. The commission, by general order or otherwise, may promulgate rules in conformity with this act applicable to all motor carriers of general commodities, and do all things necessary to carry out and enforce this act.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 476.10;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2007, Act 33, Imd. Eff. July 10, 2007;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

476.11 Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to interchanging equipment and furnishing through service.

476.12 Interstate commerce.

Sec. 12. Interstate commerce. This act shall apply to persons and motor vehicles engaged in interstate commerce, except only insofar as it may be inconsistent with, or shall contravene, the constitution or the laws of the United States.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 476.12.

476.13 Discontinuance of service; written notice; order; revocation of certificate.

Sec. 13. A motor carrier of general commodities authorized by this act to operate shall not discontinue any service established under this act without an order of the commission. A motor carrier of general commodities shall provide written notice of discontinuance to the commission in accordance with the rules of the commission. A certificate of authority under which service is discontinued for more than 30 days without the previous order of the commission authorizing the discontinuance may be revoked after notice.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 476.13;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

476.14 Emergency temporary motor carrier authority; validity; time period; manner of applying; revocation by commission; presumption not created.

Sec. 14. (1) The commission may issue an emergency temporary motor carrier authority valid for a time period specified by the commission but not to exceed 60 days to authorize transportation service for which there is an actual and immediate emergency. A motor carrier of general commodities may apply for an emergency temporary motor carrier authority under this section, without paying a filing fee, in person, in writing, by telephone, or by electronic mail.

(2) The commission may revoke an emergency temporary motor carrier authority issued under subsection (1) if the transportation service is no longer necessary or for other good cause.

(3) A grant of emergency temporary motor carrier authority does not create a presumption that the commission will grant permanent authority to a motor carrier of general commodities.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 476.14;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

ARTICLE III
MOTOR CARRIERS OF HOUSEHOLD GOODS

477.1 Operation of motor vehicle by motor carrier of household goods; certificate of authority.

Sec. 1. A motor carrier of household goods shall not operate any motor vehicle for the transportation of property for hire on any public highway in this state except in accordance with this act. A motor carrier of household goods shall not operate within this state without first having obtained from the commission a certificate of authority for the operation.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 477.1;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

477.2 Certificate of authority; application; determination by commission; issuance.

Sec. 2. The commission, upon the filing of an application by a motor carrier of household goods for a certificate of authority, shall ascertain and determine, under rules promulgated by the commission, whether to issue the certificate of authority.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 477.2;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 1993, Act 352, Imd. Eff. Jan. 13, 1994;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

477.3 Repealed. 1982, Act 399, Imd. Eff. Dec. 28, 1982.

Compiler's note: The repealed section pertained to the character of operation proposed by common or contract motor carrier.

477.4 Application for certificate of authority; form; contents; fees; proof of insurance; failure of applicant to comply with application instructions.

Sec. 4. (1) An application for a certificate of authority shall be on a form prescribed by the commission and signed by the owner or an officer of the applicant, stating the ownership and condition of the equipment and physical property of the applicant proposed to be used, that the vehicles of the applicant have passed an inspection within the immediately preceding 12 months, and shall contain other information as the commission requires. The commission may request supplemental information from an applicant regarding accident records and citations issued to the applicant or drivers of the applicant, if that information is considered necessary to make findings regarding the fitness of the applicant. Each application shall be accompanied by the required fees, proof of insurance before operations are commenced, and all other things required by law and the rules of the commission.

(2) The commission may reject, dismiss, or deny an application if the applicant fails to comply with instructions on the application form described in subsection (1).

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 477.4;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 1993, Act 352, Imd. Eff. Jan. 13, 1994;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

477.4a Issuance of certificate of authority; findings.

Sec. 4a. The commission shall issue a certificate of authority to an applicant authorizing it to provide transportation as a motor carrier of household goods, subject to the jurisdiction of the commission, if the commission finds all of the following:

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

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

(b) The applicant is fit, willing, and able to provide the transportation to be authorized by the certificate of authority and to comply with this act and rules and regulations of the commission.

(c) The service proposed is consistent with the transportation policy set forth in section 2 of article I.

(d) The applicant has the required insurance in place to insure the protection of the public.

History: Add. 2014, Act 493, Eff. Apr. 1, 2015.

477.5 Rates, fares, and charges; printing and filing schedules; availability; predatory rate prohibited; compliance with section; inapplicability of section to local move.

Sec. 5. (1) Except as otherwise provided in subsection (4), before engaging in business, a motor carrier of household goods subject to this act shall print and file with the commission and have available upon request schedules showing all rates, fares, and charges for transportation of household goods, and shall keep its facilities and the schedules described in this subsection open for public inspection.

(2) A motor carrier of household goods that obtains a certificate of authority under this act shall not charge a predatory rate. The commission shall determine whether a motor carrier of household goods charges a predatory rate before issuing a certificate of authority and before the motor carrier of household goods commences operations. As used in this subsection, "predatory rate" is a rate found by the commission to be below its fully allocated cost.

(3) A motor carrier of household goods shall not receive or accept any person or property for transportation upon the highways of this state until it has complied with this section.

(4) This section does not apply to a local move.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 477.5;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

477.5a Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to protesting application to provide transportation.

477.6 Submission of contract to commission; approval; disclosure; determination of predatory filings; filing statement of charges with commission; inapplicability of section to local move.

Sec. 6. (1) A motor carrier of household goods operating under a contract with a manufacturer, store, or any other organization shall submit the contract to the commission for approval. A member of the commission, or a clerk, officer, or employee of this state shall not divulge or make known, in any manner whatsoever not provided by this section, to any person the rate filings of a motor carrier of household goods unless a complaint has been brought by order of the commission against a motor carrier of household goods alleging that a rate of the motor carrier of household goods or practice or rule of the motor carrier of household goods related to the rate or value of service under that rate is predatory. Rate filings of a motor carrier of household goods operating under a contract with a manufacturer, store, or any other organization are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, unless a complaint has been brought by order of the commission under this section. The commission shall review all rate filings to determine if they are predatory. If the commission finds that a rate of a motor carrier of household goods or practice or rule of a motor carrier of household goods related to the rate or the value of service under that rate is predatory, the commission shall prescribe the minimum rate, practice, or rule. In making a predatory rate determination and when prescribing a minimum rate, practice, or rule related to a rate for a motor carrier of household goods, the commission shall consider all of the following:

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

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

(c) Other matters as the commission considers necessary.

(2) A motor carrier of household goods shall not receive or accept property for transportation upon the highways until it has filed the statement of charges with the commission.

(3) This section does not apply to a local move.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 477.6;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 1993, Act 352, Imd. Eff. Jan. 13, 1994;—Am. 2007, Act 33, Imd. Eff. July 10, 2007;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

477.7 Rate, fare, or charge as just and reasonable; unjust discrimination, prejudice, or preference prohibited; remuneration; limitation; refund or remittance; other contract; inapplicability of section to local move.

Sec. 7. (1) A rate, fare, or charge made by a motor carrier of household goods shall be just and reasonable and shall not be unjustly discriminatory, prejudicial, or preferential. A rate, fare, or charge made by a motor

CAUTION! This document is from an archive and may contain outdated information.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

carrier of household goods under a contract with a manufacturer, store, or other entity shall not be considered unjustly discriminatory, prejudicial, or preferential in determining whether a motor carrier of household goods has complied with this subsection.

(2) A motor carrier of household goods shall not charge, demand, collect, or receive remuneration for the transportation of household goods or any service connected with the transportation of household goods that is greater than, less than, or different from the rates, fares, and charges that have been legally established and filed with the commission.

(3) A motor carrier of household goods shall not refund or remit in any manner or by any device a portion of the rates, fares, or charges that are required to be collected by the tariffs on file with the commission or ordered by the commission.

(4) This article does not prohibit a motor carrier of household goods from having an approved certificate of authority to operate as a motor carrier of household goods or as a motor carrier of household goods under a contract with a manufacturer, store, or any other entity, or as a general commodities carrier.

(5) This section does not apply to a local move.

History: Add. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: Former MCL 477.7, which pertained to prohibited unfair competition, was repealed by Act 399 of 1982, Imd. Eff. Dec. 28, 1982.

477.7a Investigation, suspension, revision, or revocation prohibited; grounds; protest prohibited.

Sec. 7a. (1) Notwithstanding any other provision of this act, the commission shall not investigate, suspend, revise, or revoke a rate, fare, or charge proposed by a motor carrier of household goods on the grounds that the rate, fare, or charge is unreasonably high or low if all of the following requirements are met:

(a) The motor carrier of household goods notifies the commission that it wishes the commission to consider the rate, fare, or charge under this section.

(b) The rate, fare, or charge is the product of independent action on the part of the motor carrier of household goods proposing the rate, fare, or charge.

(c) The aggregate of increases and reductions in the rate, fare, or charge is not more than 20% above or below the base rate, fare, or charge in effect 1 year before the effective date of the proposed rate, fare, or charge.

(2) A motor carrier of household goods may not protest a rate, fare, or charge proposed by that motor carrier of household goods under this section.

History: Add. 2014, Act 493, Eff. Apr. 1, 2015.

477.7b Statewide and local moves; nonbinding estimate of transportation cost; collect on delivery shipment; payment; deferring payment of balance of remaining charges.

Sec. 7b. (1) A motor carrier of household goods that transports household goods in both statewide and local moves shall provide a nonbinding estimate of the approximate cost of the transportation. A nonbinding estimate described in this subsection shall be reasonably accurate and is not binding on the motor carrier of household goods. For a move of greater than 40 miles, the final charge for a shipment for which a nonbinding estimate has been prepared under this subsection shall be that appearing in the motor carrier of household goods tariffs applicable to the transportation. A motor carrier of household goods shall furnish a nonbinding estimate without charge and in writing to the shipper or other person responsible for payment of the freight charges. For a move of household goods, the motor carrier of household goods shall retain a copy of the nonbinding estimate as an addendum to the bill of lading. A motor carrier of household goods shall clearly indicate on the face of a nonbinding estimate prepared under this subsection that the estimate is nonbinding and that the charges shown are the approximate charges that will be assessed for the services identified in the estimate, and shall clearly describe the shipment and all services to be provided.

(2) A motor carrier of household goods furnishing a nonbinding estimate under subsection (1) shall enter the estimated charges on the bill of lading.

(3) At the time of delivery of a collect on delivery shipment for which a motor carrier of household goods has furnished a nonbinding estimate under subsection (1), the shipper may request delivery of the shipment upon payment in a form acceptable to the motor carrier of household goods of an amount not exceeding 110% of the estimated charges. Upon request of the shipper, the motor carrier of household goods shall relinquish possession of the shipment upon payment of not more than 110% of the estimated charges and shall defer a demand for payment of the balance of any remaining charges for a period of 30 days after the date of delivery. This subsection does not apply to a shipment that is delivered to a warehouse for storage at the request of a shipper. Notwithstanding any other provision of this section, a motor carrier of household goods may collect

CAUTION! This document is from an archive and may contain outdated information.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

payment in excess of 110% of the estimated charges if payment is tendered by the shipper within 30 days after the date of delivery.

History: Add. 2014, Act 493, Eff. Apr. 1, 2015.

477.8 Prohibited conduct; penalty.

Sec. 8. A person, whether motor carrier, shipper, or consignee, or any officer, employee, agent, or representative of a motor carrier, shipper, or consignee, who knowingly offers, grants, or gives, or solicits, accepts, or receives any rebate, concession, or discrimination in violation of this act, or who, by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device, knowingly and wilfully assists, suffers, or permits a person to obtain transportation of property subject to this article for less than the applicable rate, fare, or charge, or who knowingly and wilfully, by any means, fraudulently seeks to evade or defeat rules as promulgated under this act for motor contract carriers, is guilty of a misdemeanor, punishable by a fine of not more than $500.00, or imprisonment for not more than 6 months, or both.

History: 1933, Act 254, Eff. Oct. 17, 1933;—Am. 1945, Act 264, Eff. Sept. 6, 1945;—CL 1948, 477.8;—Am. 1959, Act 114, Eff. Mar. 19, 1960;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982.

477.9 Liability of motor carrier of household goods; limitation; recovery.

Sec. 9. (1) If a motor carrier of household goods does or causes or permits to be done any act or thing in this act prohibited or declared to be unlawful, or omits to do any act or thing required to be done under this act or under any lawful order made under this act by the commission, the carrier is liable to the person, firm, or corporation injured to the extent of the actual amount of damages sustained in consequence of the violation, except when liability of the carrier is limited to a value established by written agreement between the carrier and the shipper.

(2) Unless the liability of a motor carrier of household goods is limited as provided in subsection (1), the maximum liability of a motor carrier of household goods for household goods that are lost, damaged, destroyed, or otherwise not delivered to their final destination is equal to the replacement value of those goods, not to exceed a maximum of the declared value of the shipment and the applicable tariff.

(3) A recovery as provided in this section does not affect a recovery by this state of the penalty prescribed for the violation.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 477.9;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

477.9a Powers and duties of commission.

Sec. 9a. (1) Except as provided in subsection (3), the commission shall do all of the following:

(a) Supervise and regulate all motor carriers of household goods.

(b) Regulate and determine reasonable and sufficient rates, fares, charges, and classifications.

(c) Regulate the service and safety of operations of each motor carrier of household goods.

(2) Except as provided in subsection (3), the commission may do all of the following:

(a) Require the filing of annual and other reports, tariffs, schedules, and other data by motor carriers of household goods if that information is necessary for the administration or enforcement of this act.

(b) Supervise and regulate motor carriers of household goods in all matters affecting the relation between motor carriers of household goods and the public, and between motor carriers of household goods.

(c) Promulgate rules to promote safety on the highways of this state.

(d) By general order or otherwise, promulgate rules in conformity with this act applicable to all motor carriers of household goods.

(e) Do all things necessary to carry out and enforce this act.

(3) The commission shall not regulate or determine reasonable and sufficient rates, fares, charges, or classifications, or require the filing of tariffs and schedules, for local moves.

History: Add. 2014, Act 493, Eff. Apr. 1, 2015.

477.10 Interstate commerce.

Sec. 10. Interstate carriers. This act shall apply to persons and motor vehicles engaged in interstate commerce, except only insofar as it may be inconsistent with, or shall contravene, the constitution or the laws of the United States.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 477.10.

477.11 Cessation of operations or abandonment of rights under authority; written notice;

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

revocation.

Sec. 11. Each motor carrier of household goods that ceases operations or abandons its rights under the authority issued shall notify the commission in writing in accordance with the rules of the commission within 30 days of the cessation or abandonment. The commission may, after notice and a hearing, revoke a certificate of authority under which service is discontinued for more than 30 days without the previous order of the commission authorizing the discontinuance.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 477.11;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

477.12 Emergency temporary authority; issuance; manner of filing application.

Sec. 12. An emergency temporary authority may be issued to a motor carrier of household goods for a time specified by the commission but not to exceed 60 days, to authorize transportation service for which there is an actual and immediate emergency. An application filed under this section does not require filing fees and may be made in person, in writing, by telephone, or by electronic mail. All of the following apply to an emergency temporary authority issued under this section:

(a) The commission shall determine the tariff requirements for an emergency temporary authority under this section.

(b) The commission may revoke an emergency temporary authority if it determines that the transportation service is no longer required or for other good cause.

(c) A grant of emergency temporary authority does not establish a presumption that the commission will grant permanent authority to provide transportation in a subsequent application.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 477.12;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

CAUTION! This document is an archive and may contain outdated information.

ARTICLE IV
FEES

478.1 Application for certificate of authority or renewal; fee; disposition.

Sec. 1. An application filed with the commission for a certificate of authority under this act shall be accompanied by a fee of $100.00. An application filed with the commission for the renewal of a certificate shall be accompanied by a fee of $50.00 for the administration of this act, which shall be in addition to all other fees and shall be retained by the commission and deposited with the state treasurer, whether or not the certificate or the renewal of the certificate is granted.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 478.1;—Am. 1953, Act 170, Eff. Oct. 2, 1953;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

478.1a Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to submission of filing fee to protest certificate of authority.

478.2 Annual fee for administration of act; replacement identification fee; revocation of intrastate authority of UCR carrier; temporary permit; fee; operation of motor vehicle while fees unpaid prohibited.

Sec. 2. (1) In addition to the license fees or taxes otherwise imposed upon motor carriers, the commission shall assess against and collect from each motor carrier for the administration of this act an annual fee of $100.00 for each self-propelled intrastate motor vehicle operated by or on behalf of the motor carrier, except as otherwise provided in this subsection. A motor carrier shall pay a fee of only $50.00 for each self-propelled intrastate motor vehicle operated by or on behalf of the motor carrier if the motor carrier begins operation of the vehicle after June 30 and has not previously paid a fee under this subsection for that vehicle. After payment of the $100.00 annual fee for an intrastate motor vehicle, or the $50.00 fee paid for a vehicle operated after June 30, or the $50.00 fee paid for a vehicle used for the transportation of household goods if a motor carrier seeks to begin operating a self-propelled intrastate motor vehicle in place of another motor vehicle not leased to the motor carrier by an owner operator for which a fee was paid and surrenders the identification allocated to the motor vehicle by the commission, accompanied by a fee of $10.00, the commission shall issue a replacement identification. If the owner operator replaces a vehicle while it is still leased to the same motor carrier to whom it was leased when the identification was issued, the replacement identification fee is $10.00. For each truck or tractor used exclusively for the transportation of household goods as defined by the commission or a vehicle used for intrastate nonconsensual towing operations by a UCR motor carrier subject to the requirements of section 4305 of the federal unified carrier registration act of 2005, 49 USC 14504a, the annual fee is $50.00.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

(2) The commission shall revoke the intrastate authority of a UCR carrier that fails to renew its annual UCR registration by January 1.

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

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

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 478.2;—Am. 1958, Act 84, Eff. Sept. 13, 1958;—Am. 1961, Act 85, Eff. Sept. 8, 1961;—Am. 1964, Act 26, Eff. Aug. 28, 1964;—Am. 1966, Act 162, Imd. Eff. July 1, 1966;—Am. 1968, Act 120, Imd. Eff. June 11, 1968;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 1984, Act 151, Eff. Jan. 1, 1985;—Am. 1988, Act 347, Imd. Eff. Oct. 25, 1988;—Am. 1989, Act 221, Imd. Eff. Dec. 13, 1989;—Am. 1993, Act 352, Imd. Eff. Jan. 13, 1994;—Am. 2008, Act 584, Imd. Eff. Jan. 16, 2009;—Am. 2014, Act 493, Eff. Apr. 1, 2015;—Am. 2020, Act 5, Imd. Eff. Jan. 27, 2020.

Compiler's note: Enacting section 2 of Act 347 of 1988, which provided as follows: "Section 2. This amendatory act shall take effect January 1, 1989." was repealed by enacting section 2 of Act 369 of 1988, Imd. Eff. Dec. 21, 1988.

478.2a, 478.3 Repealed. 1966, Act 162, Eff. Jan. 1, 1967.

Compiler's note: The repealed sections pertained to motor vehicles with dump type equipment and provided for annual fees, transfer fees, and records and reports.

478.4-478.5 Repealed. 1963, Act 182, Eff. Sept. 6, 1963;—1966, Act 162, Eff. Jan. 1, 1967.

Compiler's note: The repealed sections provided for daily mileage record, required payment of fees.

478.5a Repealed. 1966, Act 162, Eff. Jan. 1, 1967.

Compiler's note: The repealed section required privilege fee for operation of motor vehicle.

478.6 Disposition of money received; appropriation; manner.

Sec. 6. All money received under the provisions of this act shall be placed to the credit of the commission. The legislature shall appropriate such money to the commission and the department of state police in a manner that is consistent with the requirement of section 4305 of the unified carrier registration act of 2005, 49 USC 14504a, that a state demonstrate that it uses an amount at least equal to the revenue derived from its participation in the unified carrier registration agreement for motor carrier safety programs, enforcement, and the administration of the uniform carrier registration plan and agreement.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 478.6;—Am. 1951, Act 52, Imd. Eff. May 23, 1951;—Am. 1959, Act 180, Imd. Eff. July 22, 1959;—Am. 2008, Act 584, Imd. Eff. Jan. 16, 2009.

478.7 Conduct of operations by UCR motor carrier, broker, freight forwarder, leasing company, or other person subject to federal unified carrier registration act of 2005; meeting obligations of unified carrier registration plan and agreement required; deposit in truck safety fund.

Sec. 7. (1) A UCR motor carrier, motor private carrier, broker, freight forwarder, leasing company, or other person subject to the requirements of section 4305 of the federal unified carrier registration act of 2005, 49 USC 14504a, shall not conduct operations or otherwise provide transportation services in this state without first having registered under, and met the obligations imposed by, the unified carrier registration plan and agreement.

(2) Not less than $750,000.00 or 10% of the fees collected pursuant to this section, whichever is greater, shall be deposited in the truck safety fund established in section 25 of 1951 PA 51, MCL 247.675.

History: Add. 1988, Act 347, Imd. Eff. Oct. 25, 1988;—Am. 1989, Act 221, Imd. Eff. Dec. 13, 1989;—Am. 2008, Act 584, Imd. Eff. Jan. 16, 2009.

Compiler's note: Enacting section 2 of Act 347 of 1988, which provided as follows:
"Section 2. This amendatory act shall take effect January 1, 1989."
was repealed by enacting section 2 of Act 369 of 1988, Imd. Eff. Dec. 21, 1988.

478.8 Effective date of increased annual fee and new registration procedure.

Sec. 8. The increase in the annual fee from $50.00 to $100.00 in section 2 of this article provided by 1988 PA 347 for a motor carrier licensed in this state and the new registration procedure instituted in section 7 of this article by 1988 PA 347 shall take effect January 1, 1990.

History: Add. 1988, Act 369, Imd. Eff. Dec. 21, 1988;—Am. 2020, Act 5, Imd. Eff. Jan. 27, 2020.

ARTICLE V

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

479.1 Repealed. 1982, Act 399, Imd. Eff. Dec. 28, 1982.

Compiler's note: The repealed section contained a declaration of public interest and statement of public policy.

479.2 Exemptions; "corporate family" defined; applicability of exemptions.

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

(a) A vehicle owned or operated by this state or the United States, or by a state or federal corporation, agency, or instrumentality.

(b) A vehicle owned or operated by an incorporated city, village, or school district, or by a county or township in this state or by a corporation, agency, or instrumentality of this state, for governmental purposes.

(c) A vehicle used exclusively for carrying United States mail.

(d) A vehicle used for the transportation of farm products, including livestock, when transported by a person other than the owner, from the farm to the market in the raw state, or used for the transportation of milk from the farm to milk stations, or a truck owned by a farmer bearing a farm truck license issued under section 801(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.801, when being used by the farmer in hauling farm produce, livestock, or farm equipment, and supplies for other farmers for remuneration in kind or in labor, but not for money.

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

(f) A vehicle used for occasional accommodative service of seasonal transportation of perishable commodities even though the cost of the accommodative service and seasonal transportation of perishable commodities may be paid by the person accommodated.

(g) A dump truck having not more than 4 axles or any dump vehicle moving directly to and from a public highway, airport, or railroad or bridge construction site, when used for the transportation of sand, gravel, slag, stone, limestone, crushed stone, marl, pebbles, cinders, bituminous aggregates, asphalt, blacktop, dirt, or fill material, or any dump vehicle transporting commodities generally transported in the dump vehicle operating within an 8-mile radius of a city having a population of 500,000 or more and including all other cities or villages, any part of which is located within the 8-mile radius.

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

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

(j) A vehicle used in the transportation of livestock, poultry feed, chemicals, pesticides, or fertilizers on movements directly to a farm for use in agricultural production.

(k) A vehicle used for the transportation of property for compensation provided by a person who is a member of a corporate family for other members of the corporate family, if all of the following conditions are met:

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

(*ii*) The notice described in subparagraph (*i*) contains a list of participating subsidiaries and an affidavit that the parent corporation owns directly or indirectly a 100% interest in each of the subsidiaries.

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

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

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

(m) A vehicle transporting recyclable materials to or from a resource recovery facility. As used in this subdivision, "recyclable materials" and "resource recovery facility" mean those terms as defined in part 115 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11501 to 324.11550, except that the term recyclable materials does not include industrial scrap metal. This subdivision does not exempt a vehicle transporting new products from this act.

(n) A vehicle transporting property for, or on behalf of, a nonprofit charitable institution or for a house of public worship.

(2) As used in subsection (1)(k), "corporate family" means a group of corporations consisting of a parent

This document is for archive and may contain outdated information.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

corporation and all subsidiaries in which the parent corporation owns directly or indirectly a 100% interest.

(3) The exemptions in this section do not apply to a vehicle entering this state from another state, foreign country, or subdivision of a state or foreign country that does not extend similar exemptions to vehicles from this state entering the state, foreign country, or subdivision of the state or foreign country.

History: 1933, Act 254, Eff. Oct. 17, 1933;—Am. 1941, Act 211, Imd. Eff. June 16, 1941;—Am. 1943, Act 41, Imd. Eff. Mar. 29, 1943;—Am. 1948, 1st Ex. Sess., Act 36, Imd. Eff. May 10, 1948;—CL 1948, 479.2;—Am. 1954, Act 127, Eff. Aug. 13, 1954;—Am. 1956, Act 164, Imd. Eff. Apr. 16, 1956;—Am. 1957, Act 150, Eff. Sept. 27, 1957;—Am. 1965, Act 37, Imd. Eff. May 19, 1965;—Am. 1971, Act 194, Imd. Eff. Dec. 20, 1971;—Am. 1978, Act 558, Imd. Eff. Dec. 22, 1978;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 1984, Act 94, Imd. Eff. Apr. 20, 1984;—Am. 1986, Act 153, Imd. Eff. July 3, 1986;—Am. 1989, Act 249, Imd. Eff. Dec. 21, 1989;—Am. 1993, Act 352, Imd. Eff. Jan. 13, 1994;—Am. 1996, Act 76, Imd. Eff. Feb. 26, 1996;—Am. 2007, Act 33, Imd. Eff. July 10, 2007;—Am. 2008, Act 584, Imd. Eff. Jan. 16, 2009;—Am. 2011, Act 111, Eff. Jan. 1, 2012;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

Constitutionality: Subdivision (a) of this section, exempting from provisions of the motor carrier act carriers of property whose operations may extend to an area not exceeding statutory 8 miles beyond city or village boundary, is not so clear that an ordinary person can tell what he may or may not do thereunder, and is therefore invalid. People v Wiegand, 369 Mich 204; 119 NW2d 545 (1963).

479.3 Control by cities and villages; local business.

Sec. 3. Cities and villages, control of streets. Nothing herein contained shall be construed to interfere with the right of any city or village to the reasonable control by general regulation applicable to all motor vehicles of its streets, alleys and public places; or to authorize a motor carrier to do a local business without the consent of the municipality in which such local business is wholly carried on.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 479.3.

479.4 Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to duties of highway commission.

479.5 Certificate; transfer.

Sec. 5. Except as otherwise provided in this section, a certificate issued under this act is not a franchise and is not irrevocable, and shall not be assigned or otherwise transferred without the approval of the commission. Upon the death or bankruptcy of an individual holding a currently valid certificate, the commission shall authorize the transfer of the certificate to the legal representative of that individual upon due proof of his or her death or bankruptcy and upon due proof of the qualifications of the legal representative to act in the matter. This section does not abrogate the provisions of sections 10, 14 and 18 of this article, section 13 of article II, or section 11 of article III.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 479.5;—Am. 1956, Act 164, Imd. Eff. Apr. 16, 1956;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

479.6 Commission; forms; rules.

Sec. 6. The commission shall prescribe the forms of applications for certificates and permits, and promulgate rules regarding the contents and filing of applicants, and is empowered to administer and enforce this act, and to establish and enforce rules affecting the operations of all motor carriers subject to this act affecting their use of the highways, and affecting the conduct of investigations and hearings authorized in this act, and also with respect to all matters pertaining to the proper enforcement of this act. The rules shall be promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. The rules may be rescinded, suspended, modified, and amended at any time in the discretion of the commission and as provided in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to effectuate the purposes of this act. All rules promulgated by the commission shall have the force and effect of law.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 479.6;—Am. 1954, Act 28, Imd. Eff. Mar. 31, 1954;—Am. 1967, Act 27, Imd. Eff. June 2, 1967;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

Administrative rules: R 460.15001 et seq. of the Michigan Administrative Code.

479.6a Applicability of section; change in rate, fare, charge, classification, rule, or practice; notice; effective date; investigation; petition for suspension; order; hearing.

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

(2) A motor carrier of household goods shall not change any general rate or change any rate, fare, charge, or classification, or any rule or practice affecting the rate, fare, charge, or classification, or the value of the service thereunder, specified in any effective tariff of any motor carrier for hire, unless it has given 30 days' notice, or 45 days' notice in a general rate increase or reduction, to the commission and to the public, filed and posted as provided in section 6 of article III except that changes in rates, fares, charges, or classifications or

CAUTION! This document is from an archive and may contain outdated information.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

the value of service thereunder made under section 7a of article III shall be made on 10 days' notice. The notice shall plainly state the change proposed to be made and the time when the change will take effect. The commission may, in its discretion and after good cause shown, allow changes upon less time than the notice specified in this subsection or modify the requirements in this section regarding publishing, posting, and filing of tariffs, either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

(3) Upon the filing with the commission by any motor carrier of household goods of any tariff or supplement showing a change in rates, fares, charges, or classification, or a rule or practice affecting the rate, fare, charge, or classification, or the value of the service thereunder, the commission, upon notice to the motor carrier of household goods, may postpone the date when the new rate, fare, charge, classification, rule, or practice becomes effective to a time not to exceed 60 days to give the commission opportunity to investigate the reasonableness of the proposed rate, fare, charge, classification, rule, or practice. The commission may proceed with an investigation upon at least 10 days' notice to the motor carrier of household goods as to the reasonableness of the rate, fare, charge, classification, rule, or practice. The investigation takes precedence over all matters of a different nature pending before the commission under this act.

(4) Except in an emergency satisfactorily shown to the commission, the commission shall not consider a petition for suspension unless the petition was filed at least 10 days before the effective date of the proposed change in rate, charge, fare, classification, rule, or practice. The petition or order shall be definite and specific and a copy shall be served upon all motor carriers of household goods affected at the time of filing or issuance. However, service upon an agent who has issued and filed a tariff or schedule on behalf of a motor carrier of household goods shall be considered due and sufficient service upon the motor carrier of household goods. The petition or order must recite the specific facts relied upon to establish that failure to postpone will work a special hardship on the petitioner that cannot otherwise be avoided.

(5) At a hearing involving a change in a rate, fare, charge, classification, rule, or practice, the burden of proof is on the motor carrier of household goods to show that the proposed changed rate, fare, charge, classification, rule, or practice is just and reasonable.

History: Add. 1943, Act 244, Imd. Eff. Apr. 22, 1943;—CL 1948, 479.6a;—Am. 1954, Act 28, Imd. Eff. Mar. 31, 1954;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 1993, Act 352, Imd. Eff. Jan. 13, 1994;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

479.6b Applicability of section; joint consideration and initiation of rates, fares, classifications, divisions, allowances, charges, or rules; agreement; approval; maintenance of accounts, records, files, and memoranda of organization; inspection; statement of motor carrier; definitions; meeting; notice and minutes; disapproval of certain agreements; order to cease and desist from violation of agreement.

Sec. 6b. (1) This section applies to all matters before the commission for which the commission has jurisdiction under article III. If 2 or more motor carriers of household goods desire to jointly consider and initiate rates, fares, classifications, divisions, allowances, charges, or rules, those joint considerations and initiations shall only be conducted under an agreement that is submitted to, and approved by, the commission under rules promulgated by the commission. The commission shall by order approve the agreement if it finds that the agreement conforms with subsections (2) to (9). The commission shall not eliminate collective rate-making by application of its authority under this section.

(2) Motor carriers of household goods that are parties to an agreement approved by the commission under this section shall submit proposed rates, fares, classifications, divisions, allowances, charges, or rules to the commission. The proposed rates, fares, classifications, divisions, allowances, charges, or rules are not effective unless they are submitted to the commission and are permitted under this act and the rules promulgated under this act.

(3) A conference, bureau, committee, or other organization established under an agreement approved by the commission under this section shall maintain its accounts, records, files, and memoranda and shall submit to the commission information and reports as prescribed by the commission. All the accounts, records, files, and memoranda are subject to inspection by the commission or its authorized representative.

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

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

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

another person.

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

(5) A meeting of a conference, bureau, committee, or other organization established under an agreement approved by the commission under this section that includes tariffs, rates, fares, or charges as matters of discussion or decision shall be open and all persons shall be allowed to attend meetings.

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

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

(8) The commission shall not approve under this section an agreement between or among motor carriers of household goods of different modes unless the agreement is limited to matters relating to transportation under joint rates or over through routes.

(9) The commission shall not approve under this section any agreement that establishes a procedure for the determination of any matter through joint consideration unless it finds that under the agreement each party has the free and unrestrained right to take independent action after a determination is arrived at through the procedure.

(10) The commission, upon complaint by a shipper or receiver of freight transported under jointly considered and initiated rates and charges or by a motor carrier of household goods that is party to an agreement approved by the commission under this section, may investigate and determine whether an agreement previously approved by it under this section has been violated in a manner contrary to the transportation policy set forth in section 2 of article I. After investigation, the commission shall, by order, direct the parties to the agreement to cease and desist from violations of that agreement and this section if it finds the action necessary to assure conformity with the transportation policy. The effective date of a cease and desist order shall be postponed for a period that the commission determines to be reasonably necessary to avoid undue hardships. A commission decision issued after December 28, 1982 that has terminated a previously approved agreement for reasons or on terms inconsistent with this section shall be null and void.

(11) The commission shall not enter an order under this section unless interested parties have been afforded reasonable notice and opportunity for hearing.

History: Add. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 1993, Act 352, Imd. Eff. Jan. 13, 1994;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

479.7 Transportation of household goods; issuance of receipt or bill of lading; liability; filing of claim; disallowance.

Sec. 7. (1) A motor carrier of household goods subject to this act shall issue a receipt or bill of lading for property it receives for transportation under this article. That carrier, as well as any other motor carrier of household goods that delivers the property subject to this act, is liable to the person entitled to recover under the receipt or bill of lading. The liability imposed under this subsection is for the actual loss or injury to the property caused by the carrier over whose line or route the property is transported in this state and applies to property reconsigned or diverted by a tariff under this act. Failure to issue a receipt or bill of lading does not affect the liability of the carrier.

(2) A motor carrier of household goods may not provide, by rule, contract, or otherwise, a period of less than 3 months for filing a claim against it under this section and a period of less than 2 years for bringing a civil action against it under this section. The period for bringing a civil action is computed from the date the carrier gives a claimant written notice that the carrier has disallowed any part of the claim specified in the notice.

(3) For purposes of this subsection, both of the following apply:

(a) An offer of compromise is not a disallowance of any part of the claim unless the carrier, in writing, informs the claimant that the part of the claim is disallowed and provides reasons for the disallowance.

(b) Communications received from a carrier's insurer are not a disallowance of any part of the claim unless the insurer, in writing, informs the claimant that the part of the claim is disallowed, provides reason for the

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

disallowance, and informs the claimant that the insurer is acting on behalf of the carrier.

History: Add. 2007, Act 33, Imd. Eff. July 10, 2007;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: Former MCL 479.7, which pertained to accident reports, was repealed by 1982 PA 399, Imd. Eff. Dec. 28, 1982.

479.8 Furnishing decal and cab card for vehicle; removal; compliance by UCR motor carrier operating intrastate.

Sec. 8. (1) The commission shall furnish a decal and cab card for each vehicle that an intrastate-only motor carrier of general commodities is authorized to operate or that a motor carrier of household goods is authorized to operate under this act, in addition to the regular registration or license plates required by law. A cab card shall be carried in the vehicle for which it was issued. A decal shall be attached to a conspicuous location on the vehicle for which it was issued as directed by the commission. The commission may remove and take custody of a decal found attached to a motor vehicle for which it was not issued, or when the holder of the decal has made or is making unlawful use of the decal.

(2) A motor carrier granted intrastate authority under this act, including a UCR motor carrier operating intrastate, shall comply with all of the following:

(a) Before commencing service, the name, city, and state of the motor carrier or the registered logo or emblem of the motor carrier shall be permanently placed in a conspicuous place on both sides of all power vehicles in plain letters and in contrasting colors, with numbers not less than 3 inches in height. A vehicle that is in compliance with the requirements of the federal motor carrier safety regulations, 49 CFR parts 390 to 399, is in compliance with this subdivision.

(b) The letters "MPSC" and the account number of the motor carrier shall be placed in a conspicuous place on both sides of all power vehicles in plain letters and in contrasting colors, with numbers not less than 1.5 inches in height.

(c) Each power vehicle shall be given a separate accounting number, which shall be placed on both sides of the power vehicle in a conspicuous place in plain numbers not less than 3 inches in height and in contrasting colors.

(d) The numbers and letters described in subdivisions (a) to (c) shall remain on the vehicle only when it is operated under an active authority issued by the commission.

(e) If a motor carrier permanently removes a vehicle from operation under an authority issued by the commission, the motor carrier shall promptly remove the identification letters, numbers, and decals from the vehicle.

(f) A motor carrier that sells, trades, transfers, or otherwise disposes of an authority issued by the commission or whose authority has been denied, revoked, suspended, or temporarily discontinued shall not use its authority identification letters or numbers in advertising for its services.

(g) Except as approved by the commission, a motor carrier shall not operate a self-propelled motor vehicle under a certificate or permit issued by the commission unless there is an approved summary of the motor carrier's operating authority. A motor carrier shall keep the summary described in this subdivision clean and legible at all times.

(h) A motor carrier shall not operate added equipment until the identification information described in subsection (1) has been issued and attached to the vehicle.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 479.8;—Am. 1971, Act 82, Eff. Mar. 30, 1972;—Am. 2008, Act 584, Imd. Eff. Jan. 16, 2009;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

479.9 Insurance; bonds; compliance with worker's disability compensation act of 1969.

Sec. 9. (1) The commission has full power and authority to make and shall make insurance or bond requirements for intrastate-only motor carriers of general commodities and motor carriers of household goods as it deems necessary to protect the interests of the public.

(2) A motor carrier subject to this act must demonstrate compliance with the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941, and shall demonstrate compliance to the commission under the following circumstances:

(a) Upon initial application for operating authority under this act.

(b) Upon request of the commission, if the motor carrier's worker's compensation insurance has lapsed.

(3) The commission shall work with the worker's compensation agency to implement the requirements of subsection (2).

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 479.9;—Am. 2008, Act 584, Imd. Eff. Jan. 16, 2009;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

479.10 Certificate; termination; application for renewal; notice of noncompliance; effect of

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

delinquency providing documents or paying fees; period of time to comply with renewal requirements; provisions of act voiding certificate for cause self-executing; issuance of certificate; adding and withdrawing equipment.

Sec. 10. (1) A certificate granted to an intrastate-only motor carrier of general commodities or a motor carrier of household goods terminates on December 31 of the calendar year during which the certificate was issued. An intrastate-only motor carrier of general commodities or motor carrier of household goods shall apply for the renewal of its certificate no earlier than October 1 and no later than December 1 of the year in which its current certificate expires. A certificate holder that does not apply by December 1 shall be assessed a penalty of $50.00 per month for each month or partial month that the application is late. The renewal application shall be accompanied with the required fees, proof of insurance, and all other things required to be filed with the commission by law or by the rules and orders of the commission. If the commission determines that a renewal application received before December 1 is incomplete, the commission shall send a notice of noncompliance to the motor carrier. The commission shall not assess the late fee described in this subsection against a motor carrier that complies with the terms of the notice of noncompliance by December 31 of the year in which the application is required to be made.

(2) The certificate of an intrastate-only motor carrier of general commodities or motor carrier of household goods who is delinquent in providing required documents or payment of the fees required by this act at the time of renewal of the certificate shall be canceled and terminated on and after January 1 of the year for which application should have been made under this section. Upon expiration, an intrastate-only motor carrier of general commodities is prohibited from operating any of its vehicles and a motor carrier of household goods is prohibited from operating any vehicle to transport household goods or engage in any other service subject to renewal of the certificate, upon or over the highways of this state. All privileges granted under an expiring certificate cease.

(3) The commission shall give an applicant whose certificate was canceled or terminated for failure to renew on January 1 of the year for which an application should have been made until December 31 to comply with the renewal requirements of subsection (1). Upon receipt of a properly completed application, fee, proof of insurance, and a satisfactory safety review, the commission shall grant a 60-day temporary authority to an intrastate-only motor carrier of general commodities or a motor carrier of household goods that applies for renewal of a certificate that has been expired for less than 1 year. An intrastate-only motor carrier of general commodities or a motor carrier of household goods that does not comply with the renewal requirements of this section before January 1 of the next renewal year for which it should have applied for renewal shall apply for an original certificate of authority, and shall pay the fee for an original certificate of authority and any applicable late fees for the previous year.

(4) Except as otherwise provided in this section, the provisions in this act voiding a certificate for cause are self-executing and do not require any affirmative act on the part of the commission, and the commission shall not extend the privilege or allow an intrastate-only motor carrier of general commodities or a motor carrier of household goods to engage in any operation over the public highway. The revocation of a certificate does not release a motor carrier from liability for accrued fees.

(5) Upon full compliance with the requirements of this act for the filing of the application, the commission shall issue a certificate for the succeeding calendar year, subject to all the provisions of this act.

(6) The holder of a certificate under this act may add equipment at any time, but when adding equipment subject to a privilege fee prescribed by this act, the holder shall file an application in the form required by the commission and pay for each unit of equipment added, the fee required in section 2 of article IV. If the holder of a certificate other than a certificate that authorizes the transportation of household goods while those household goods are being transported, by lease, contract, or any arrangement other than outright purchase, augments his or her equipment, the lease, contract, or arrangement shall be in writing and shall vest in the holder exclusive possession and control of the vehicle under the lease or arrangement for the entire term of the lease or arrangement. Any operation of the vehicle shall be conducted under the exclusive supervision, direction, and control of the holder.

(7) Using a form prescribed by the commission, a certified motor carrier may withdraw equipment from service at any time without refund by surrendering to the commission the identification allocated to the unit at the time it was certificated.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 479.10;—Am. 1956, Act 118, Imd. Eff. Apr. 13, 1956;—Am. 1959, Act 232, Imd. Eff. Aug. 12, 1959;—Am. 1963, Act 156, Eff. Sept. 6, 1963;—Am. 1966, Act 162, Imd. Eff. July 1, 1966;—Am. 1967, Act 27, Imd. Eff. June 2, 1967;—Am. 1969, Act 149, Eff. Mar. 20, 1970;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2008, Act 584, Imd. Eff. Jan. 16, 2009;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

479.10a Lease, contract, or arrangement under which holder augments equipment.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

Sec. 10a. (1) The lease, contract, or arrangement under which a holder augments his or her equipment shall specify the period for which the equipment is to be operated, which shall not be less than 30 days, and shall include a provision that the vehicle has, within the immediately preceding 12 months, passed an inspection under the motor carrier safety act, 1963 PA 181, MCL 480.11 to 480.25, and 49 CFR part 396.

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

(3) The lease, contract, or arrangement shall specify the time and date or the circumstance on which the contract, lease, or other arrangement begins, and the time or circumstance on which it ends.

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

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

(6) The lease, contract, or arrangement shall provide that the vehicle, at all times while being operated under the lease, contract, or arrangement, shall be operated only by employees of the holder.

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

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

(9) The provisions of subsection (1) do not apply to and are not required of or between movers of household goods, when the equipment is used to transport household goods as defined by the commission.

History: Add. 1959, Act 232, Imd. Eff. Aug. 12, 1959;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 1993, Act 352, Imd. Eff. Jan. 13, 1994;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

479.11 Records, books, accounts, and files of motor carrier; examination, production, and preservation; witnesses; divulging of information; public files and reports; inspection; violation as misdemeanor.

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

(2) Except as otherwise provided by law, a member of the commission, clerk, officer, or employee of this state shall not divulge or make known to any person the operations, style of work, or any other information regarding the operations of a motor carrier visited or inspected by him or her in the discharge of his or her official duties, or permit any report, books, documents, accounts, files, or other data examined or inspected by him or her to be seen or examined by any person. The information obtained under this section is inviolate, except for the purposes of carrying out the provisions of this act. It is the express legislative intent to permit the use of the information by the commission, but to prevent its publication in any manner, except when lawfully presented in open hearings either before the commission or a member of the commission, or before a court of law. This section does not apply to public files of the commission pertaining to the application for and the certificate of any motor carrier, or to quarterly or other reports, which shall be open to inspection during office hours by any motor carrier, shipper, or consignee.

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

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 479.11;—Am. 1954, Act 28, Imd. Eff. Mar. 31, 1954;—Am. 1962, Act 17, Eff. Mar. 28, 1963;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 1994, Act 176, Imd. Eff. June, 20, 1994;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

479.12 Impounding of motor vehicles, release.

Sec. 12. Impounding. In order to prevent continued unlawful operation over the highways, the commission may direct the impounding of any motor vehicle of any motor carrier who fails or refuses to comply with all applicable law, the provisions of this act, and any lawful rule or regulation or order of the commission. Any inspector or any peace officer shall be empowered, upon an order of the commission, to impound such

CAUTION! This document is from an archive and may contain obsolete information.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

vehicles at the expense of the owner. Such vehicles may be released only upon order of the commission and payment by the owner of the reasonable impounding expenses.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 479.12.

479.13 Enforcement of act, rules and regulations; assistance.

Sec. 13. Enforcement and assistance. The commission may use any and all available legal and equitable remedies of a civil nature to enforce the provisions of this act or any lawful order, rule or regulation made in pursuance thereof. The commission is empowered to employ and appoint from time to time such experts, assistants, inspectors and other help as may be deemed necessary with the aid of the enforcing agencies of this state, to enable it at all times properly to administer and enforce this act. The inspectors so appointed by the commission shall have all the powers conferred upon peace officers by the general laws of this state. A record shall be kept by the commission showing the daily activities, violations found, and arrests made as to each inspector. No employee of the commission shall ask or receive any fee from any person for the taking of acknowledgements or any other service. It shall be the duty of the law enforcement department or agency of every division, branch or commission of the state government, and of every county and municipality within the state, to see that the provisions of this act, and the orders, rules and regulations of the commission thereunder are enforced; and every peace officer shall arrest, on sight or upon warrant, any person found violating or having violated, any provision of this act, or any order, rule or regulation of the commission; and it shall be the duty of the attorney general of the state and of the prosecuting attorneys of the counties of the state to prosecute all violations of this act, or any order, rule or regulation of the commission thereunder.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 479.13.

Constitutionality: Provision of this section giving inspectors appointed by the commission "all the powers conferred upon peace officers by the general laws of this state" exceeds the permitted scope of the title under which it appears and constitutes an object in addition to the singular object of the act, in violation of Const 1963, art IV, § 24. People v Carey, 382 Mich 285; 170 NW2d 145 (1969).

479.14 Complaints and investigations; notice; commission determination and order; making certain changes to conform to order; investigation, inquiry, or hearing; findings of fact and conclusions of law.

Sec. 14. (1) Upon complaint in writing by any person, firm, corporation, association, mercantile, agricultural or manufacturing society, or by any body politic, municipal organization, or motor carrier, that any of a motor carrier of household goods' rates, fares, charges, or classifications, or any joint rate or rates of any motor carrier of household goods are unreasonable or unjustly discriminatory or otherwise in violation of this act, or that any practice affecting the transportation of property by a motor carrier or any service in connection with the transportation of property is unreasonable or unjustly discriminatory, or that any service of a motor carrier of household goods is inadequate, or that this act or any order, rule, or practice established by the commission applicable to a motor carrier of household goods, or charges filed with the commission by a motor carrier of household goods, has been violated or deviated from, or is being violated or deviated from by a motor carrier; or upon a complaint against a motor carrier of household goods that this act or any order, rule, or practice established by the commission applicable to the motor carrier of household goods has been violated or deviated from, or is being violated or deviated from, the commission shall notify the parties complained of that a complaint has been made, and shall furnish a copy of the complaint with the notice, and 20 days after the notice has been given, the commission may proceed to investigate the complaint as provided in this section. Only the commission, on its motion, may bring a complaint against a motor carrier of household goods for predatory rates, practices, or rules under section 6(1) of article III. Before investigating a complaint, the commission shall give the motor carrier and the complainants at least 10 days' notice of the time and place when and where the matters will be considered and determined, and the parties are entitled to be heard and shall have process to enforce the attendance of witnesses. If, upon investigation of a motor carrier of household goods, any matters complained of are found to be in violation of this act, the commission shall determine and by order fix the practice, service, or charges and shall order a substitute practice, service, or charge that conform to this act and the rules of the commission applicable to the motor carrier of household goods. The order shall further direct the parties complained of to cease and desist from the violation and conform to the terms of the order. The commission shall deliver a certified copy of the order to the affected parties. The order shall of its own force take effect and become operative 20 days after service. All motor carriers of household goods to which the order applies shall, on or before the date the order becomes effective, make changes in schedules on file as necessary and make changes in their practices, services, or minimum rates as necessary to conform to the order. Certified copies of all other orders of the commission shall be delivered to the parties affected in like manner and, unless otherwise prescribed in this act, shall take effect at the time the commission prescribes.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

(2) If the commission believes that this act or any rule or order of the commission made under this act has been or is being violated, or that any charges have been made or collected or service performed in violation of this act or any rule or order of the commission made under this act, and that an investigation relating to the violation should be made, the commission may on its own motion or on the application of anyone investigate the suspected violation. Before making the investigation, the commission shall present to the parties alleged to be guilty of the violations a written statement setting forth the matters to be investigated. After the commission has presented the written statement described in this subsection, on 10 days' notice to the parties of the time and place of the investigation, the commission may investigate the matters complained of and enter orders as provided for an investigation upon complaint under subsection (1). An investigation, inquiry, or hearing that the commission has power to undertake or to hold may be undertaken or held by or before any commissioner or any employee of the commission when directed by the commission or its chairperson. The commissioner or employee shall submit findings of fact and conclusions of law to the commission. If the findings of fact and conclusions of law are approved and confirmed by the commission and ordered filed in its office, they shall be the decision and the order of the commission. All investigations, inquiries, or hearings of a commissioner or an employee are considered as the investigation, inquiry, and hearing of the commission.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 479.14;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 1993, Act 352, Imd. Eff. Jan. 13, 1994;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

479.14a Commencement of operations by motor carrier.

Sec. 14a. A motor carrier may not commence operations under permanent authority granted to it by the commission before a certificate has been issued.

History: Add. 1943, Act 244, Imd. Eff. Apr. 22, 1943;—CL 1948, 479.14a;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 1993, Act 352, Imd. Eff. Jan. 13, 1994;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

479.15 Powers of commissioners; disobedience of or wilful failure to comply with order or subpoena; refusal of witness to testify; witness fees and mileage; depositions; record of proceedings.

Sec. 15. (1) Each of the commissioners, for the purposes mentioned in this act, shall have power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses, and the production of papers, waybills, books, accounts, documents, and testimony. In case of disobedience on the part of any person or persons, or wilful failure to comply with any order of the commission or any commissioner or any subpoena, or upon the refusal of any witness to testify regarding any matter upon which the witness may be lawfully interrogated, or to produce any books or papers in the witness's custody or control which the witness shall have been required by any commissioner to produce, a judge of the circuit court, upon application of a commissioner, shall compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court, or a refusal to testify in the court.

(2) Each witness who appears before the commission by its order shall receive for his or her attendance the fees and mileage now provided for witnesses in civil cases in circuit court, which shall be audited and paid by the state in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers sworn to by the witnesses and approved by the chairperson of the commission. A witness subpoenaed at the instance of parties other than the commission, shall not be entitled to compensation from the state for attendance and travel, unless the commission certifies that his or her testimony was material and necessary to the matter investigated.

(3) The commission or any party, in any investigation, may cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the circuit courts.

(4) A full and complete record of all proceedings had before the commission on any investigation upon complaint, or upon its own motion, shall be kept.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 479.15;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982.

479.16 Violation of act or failure to obey order, decision, or rule of commission; misdemeanor; penalty; prosecution.

Sec. 16. Each person to whom this act applies, who violates or who procures, aids, or abets, in the violation of this act, or who fails to obey an order, decision, or rule of the commission, or who procures or aids or abets a person in his or her failure to obey an order, decision, or rule, for which a penalty is not otherwise provided in this act, is guilty of a misdemeanor, punishable by a fine of not exceeding $500.00, or imprisonment for not more than 90 days, or both. When this act, or an order or decision of the commission has been violated, the

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

offense may be prosecuted in any county, city, or jurisdiction in or through which any motor vehicle implicated was present at the time of the violation.

History: 1933, Act 254, Eff. Oct. 17, 1933;—Am. 1945, Act 264, Eff. Sept. 6, 1945;—CL 1948, 479.16;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982.

479.17 Repealed. 1982, Act 399, Imd. Eff. Dec. 28, 1982.

Compiler's note: The repealed section pertained to certificates and permits issued under authority of previous acts.

479.18 Finding, order, or certificate; revocation, suspension, alteration, amendment, or modification; hearing; notice; assessment for violation; rehearing; service, effect, and review of orders; docket of causes and proceedings; copies; disposition of assessments; applicability and uniformity of chapter; conflicting laws; payment and allocation of local civil fines; more than 1 citation; equipment violation; training requirements as motor carrier enforcement officer; definitions.

Sec. 18. (1) The commission may, upon application of any person or any motor carrier, or upon its own motion, and upon at least 10 days' notice served personally, by mail, or electronically on the affected parties, for good cause and after an opportunity to show compliance with the requirements of this act regarding a certificate of authority, revoke, suspend, alter, amend, or modify any of its findings or orders. The commission may revoke a certificate only after like notice and opportunity to be heard and upon clear proof of good, just, and sufficient cause. A suspension of a finding or order under this subsection remains in effect until the motor carrier complies with the requirements of this act or the commission moves to revoke the motor carrier's certificate. In addition, a person or motor carrier may be assessed an amount not to exceed $500.00 for each violation of this act, a rule promulgated or an order issued under this act, or a term or condition of a certificate of authority.

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

(3) The assessments collected under this section shall be deposited in the truck safety fund established in section 25 of 1951 PA 51, MCL 247.675.

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

(5) A local law or a portion of a local law that imposes a criminal penalty for an act or omission that is a civil infraction under this act, or that imposes a criminal penalty or civil sanction in excess of that prescribed in this act, is in conflict with this act and is void to the extent of the conflict.

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

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

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

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

(8) In order to be classified as a motor carrier enforcement officer, a police officer must have training equal to the minimum training requirements, including any annual training updates, established by the department of state police for an officer of the motor carrier division of the department of state police. A police officer who has received training equal to these minimum training requirements before the effective date of this section is considered a motor carrier enforcement officer for purposes of this act.

(9) As used in this section:

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

(a) "Local law" means a local charter provision, ordinance, rule, or regulation.

(b) "Out of service" means that process established under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 479.18;—Am. 1988, Act 355, Eff. Apr. 1, 1989;—Am. 2000, Act 96, Imd. Eff. May 15, 2000;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

479.19 Injunctive relief.

Sec. 19. Injunction. Upon the violation of any provision of this act or upon the violation of any rule, regulation, or order of the commission, any judge of the circuit court of any county where such violation occurs shall have the power to restrain and enjoin the person from further violating any of the said rules, regulations, and orders. Such injunctive relief may be granted upon the application of the commission, the attorney general, the prosecuting attorney of any county, or any person, or any mercantile, agricultural, or manufacturing society or other organization, or any body politic or municipal organization, or any motor carrier aggrieved. No bond shall be required when such injunctive relief is sought upon the application of the commission, the attorney general, or the prosecuting attorney of any county.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 479.19.

479.20 Review of order or decree.

Sec. 20. Any order or decree of the commission shall be subject to review in the manner provided for in section 26 of Act No. 300 of the Public Acts of 1909, being section 462.26 of the Michigan Compiled Laws.

History: 1933, Act 254, Eff. Oct. 17, 1933;—Am. 1939, Act 261, Eff. Jan. 10, 1942;—Am. 1943, Act 244, Imd. Eff. Apr. 22, 1943;—CL 1948, 479.20;—Am. 1951, Act 150, Eff. Sept. 28, 1951;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 1987, Act 9, Eff. Apr. 1, 1987.

479.21 Motor carrier transportation contract; certain provisions, clauses, covenants, or agreements void and unenforceable; certain agreements exempt; definitions.

Sec. 21. (1) A provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract that purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless, the promisee from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of the promisee is against the public policy of this state and is void and unenforceable.

(2) This section does not apply to the uniform intermodal interchange and facilities access agreement administered by the intermodal association of North America or other agreements providing for the interchange, use, or possession of intermodal chassis or other intermodal equipment.

(3) As used in this section:

(a) "Motor carrier transportation contract" means a contract, agreement, or understanding for any of the following:

(*i*) The transportation of property for compensation or hire by a motor carrier.

(*ii*) Entrance on property by a motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire.

(*iii*) A service incidental to activity described in subparagraphs (*i*) and (*ii*), including, but not limited to, the storage of property.

(b) "Promisee" means a party to a motor carrier transportation contract who is not a motor carrier or, if the promisee is a motor carrier, a party to a motor carrier transportation contract who is not transporting property for compensation or hire. Promisee includes agents, employees, servants, and independent contractors who are directly responsible to the promisee.

History: Add. 2012, Act 480, Eff. Mar. 28, 2013.

ARTICLE VI

479.41 Duties of commission; rules.

Sec. 1. The commission shall supervise and regulate the safety of operations of each motor carrier. The commission may promulgate rules for the purpose of promoting safety upon the highways and the conservation of their use.

History: Add. 1993, Act 352, Imd. Eff. Jan. 13, 1994.

Compiler's note: Former MCL 479.41, which pertained to commercial zone registration, was repealed by Act 399 of 1982, Imd. Eff. Dec. 28, 1982.

479.42 Review by department of state police; determination of compliance; report.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

Sec. 2. No later than 60 days after receiving a request from the commission, the department of state police shall complete a review of the operation of an intrastate motor carrier to determine whether the carrier is in compliance with applicable safety related laws and rules and issue a report within 60 days after completion of its review to the commission.

History: Add. 1993, Act 352, Imd. Eff. Jan. 13, 1994;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: Former MCL 479.42, which pertained to application for registration, was repealed by Act 399 of 1982, Imd. Eff. Dec. 28, 1982.

479.43 Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to development and implementation by rule or order of motor carrier safety rating system.

479.44-479.49 Repealed. 1982, Act 399, Imd. Eff. Dec. 28, 1982.

Compiler's note: The repealed sections pertained to granting or denial of application, fees, rates, combining operations under commercial zone registration, renewal of operations, and applicability of article.

CAUTION! This document is from an archive and may contain outdated information.

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov