

RAILROADS (EXCERPT)
Act 300 of 1909

462.28 Common carriers; authority of commission; blanks; inspection; order to produce books; penalty.

Sec. 28. (a) The commission shall have authority to inquire into the management of the business of any common carrier and shall keep itself informed as to the manner and shall have the right to obtain from any common carrier all necessary information to enable the commission to perform the duties and carry out the objects for which it is created;

(b) The commission shall cause to be prepared for the purposes designated in this act blanks which shall conform as nearly as practicable to the forms prescribed by the interstate commerce commission, and shall when necessary furnish such blanks to each common carrier. Any common carrier receiving from the commission any such blanks shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and in case it is unable to answer any question it shall give a full and sufficient reason for such failure; and said answer shall be verified under oath by the proper officer of said common carrier and returned to the commission at its office within the time fixed by the commission. The making of a false affidavit or the filing of the same shall be deemed perjury and punishable as such under the statutes of Michigan defining perjury;

(c) The commission or any commissioner, or any person or persons employed by the commission for that purpose, shall, upon demand, have the right to inspect the books and papers of any common carrier, and to examine under oath any officer, agent or employe of such common carrier in relation to any matter which is the subject of complaint or investigation: Provided, That any person other than 1 of said commissioners who shall make such demand shall produce his authority to make such inspection under the hand of the commission or its secretary, and under the seal of said commission;

(d) The commission may require by order or subpoena, to be served upon any common carrier in the same manner that a subpoena is served in a law action in the circuit court, the production within this state, at such time and place as it may designate, any books, papers or accounts relating to any matter which is the subject of complaint or investigation, kept by such railroad in any office or place without the state of Michigan, or verified copies in lieu thereof, if the commission shall so order, in order that an examination thereof shall be made by the commission or under its direction, and such subpoena may issue to any sheriff in any county of the state. Any common carrier failing or refusing to comply with such order or subpoena within a reasonable time shall for each day it shall so fail or refuse, forfeit and pay into the state treasury a sum of not less than 100 dollars nor more than 1,000 dollars, to be recovered in an action at law brought in the name of the Michigan railroad commission.

History: 1909, Act 300, Eff. Sept. 1, 1909;—CL 1915, 8136;—CL 1929, 11044;—CL 1948, 462.28.