

THE MOTOR CARRIER ACT (EXCERPT)
Act 254 of 1933

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:

(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.