

THE MOTOR CARRIER ACT (EXCERPT)
Act 254 of 1933

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 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.