TELEPHONE AND MESSENGER SERVICE COMPANIES

Act 129 of 1883

AN ACT for the organization of telephone and messenger service companies.

History: 1883, Act 129, Imd. Eff. May 31, 1883

The People of the State of Michigan enact:

484.1 Incorporators; signing, filing, form, and contents of articles of incorporation; provisions governing corporation.

Sec. 1.

(1) One or more persons may be the incorporators of a corporation under this act by signing in ink and filing articles of incorporation for the corporation which shall be in the form prescribed by section 202 of Act No. 284 of the Public Acts of 1972, being section 450.1202 of the Michigan Compiled Laws. The articles shall specify that the purpose is to form a telephone corporation for profit and to engage in the telephone business.

(2) A corporation organized under this act shall be governed by Act No. 284 of the Public Acts of 1972, as amended, being sections 450.1101 to 450.2099 of the Michigan Compiled Laws.

History: 1883, Act 129, Imd. Eff. May 31, 1883 ;-- How. 3718a ;-- CL 1897, 6688 ;-- CL 1915, 8788 ;-- CL 1929, 11690 ;-- CL 1948, 484.1 ;-- Am. 1959, Act 194, Eff. Mar. 19, 1960 ;-- Am. 1978, Act 63, Imd. Eff. Mar. 14, 1978

484.2, 484.3 Repealed. 1978, Act 63, Imd. Eff. Mar. 14, 1978.

Compiler's Notes: The repealed sections pertained to powers, election, term, and qualifications of directors, and to shares of stock.

484.4 Construction of line; restrictions; condemnation; purchase of stock; holding of realty.

Sec. 4.

Every such corporation shall have power to construct and maintain lines of wire or other material, for use in the transmission of telephonic messages along, over, across, or under any public places, streets and highways, and across or under any of the waters in this state, with all necessary erections and fixtures therefor: Provided, That the same shall not injuriously interfere with other public uses of the said places, streets and highways, or injure any trees located along the line of such streets or highways nor shall the same interfere with the navigation of said waters, or the running of railway trains; to construct, provide and furnish instruments, devices, and facilities for use in the transmission of such messages, and to construct, maintain and operate telephone exchanges and stations, and generally to conduct and carry on the business of providing and supervising communication by telephone, and also the business of furnishing messenger service in cities and towns: Provided further, That whenever any corporation organized under the provisions of this act for the purpose of

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constructing any public telephone line in the upper peninsula of this state finds it impracticable to construct its said lines upon any of the public places, streets and highways and across or under any waters in this state, on account of which it may desire to acquire any right of way for its said lines over, through, under and across any lands needed therefor, and is unable to agree with the owner of such lands for the purchase of said right of way, such corporation shall have the right to acquire the title to said right of way, outside of the corporate limits of cities and villages, upon making just compensation to the owner of such lands, in the same manner and by the same proceedings as provided for in chapter 164 of the Compiled Laws of 1897 of this state for the condemnation of lands for right of way by railway companies: Provided further, that whenever the owner of any lands which are not traversed by any railway objects to having any telephone company run its line of right of way across his lands at any point, then the said telephone company shall confine its line of right of way to established subdivision lines. Whenever the owner of any lands which are traversed by any railway shall object to having any telephone company run its line of right of way across his lands at any point then the said telephone company shall confine its line of right of way to established subdivision lines or immediately adjoining and along the right of way of said railway. And it shall be lawful for any such corporation to purchase and hold a portion of the stock of any corporation owning or controlling by patent, or otherwise, the use of any instrument or device necessary or convenient for use, in the transmission or reception of telephonic messages, and to purchase and hold all real property necessary to carry out the purposes of its organization.

History: 1883, Act 129, Imd. Eff. May 31, 1883 ;-- How. 3718d ;-- CL 1897, 6691 ;-- Am. 1899, Act 16, Imd. Eff. Mar. 9, 1899 ;-- CL 1915, 8791 ;-- CL 1929, 11693 ;-- CL 1948, 484.4
Compiler's Notes: For provisions of chapter 164, referred to in this section, see MCL 463.1 et seq.

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484.6 Injury to property; penalty.

Sec. 6.

Any person who shall unlawfully injure or molest any line of wire or property of any such corporation, appurtenant thereto, or any of the instruments or apparatus of such corporation, shall on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding 100 dollars, or imprisonment in the county jail not exceeding 3 months, or both, in the discretion of the court in which such conviction shall be had.

History: 1883, Act 129, Imd. Eff. May 31, 1883 ;-- How. 3718f ;-- CL 1897, 6693 ;-- CL 1915, 8792 ;-- CL 1929, 11694 ;-- CL 1948, 484.6

484.7 Conversion into limited liability company; requirements; "business organization" defined.

Sec. 7.

(1) A telephone corporation formed under this act may convert into a domestic limited liability company if the telephone corporation satisfies the requirements applicable to the conversion of a business organization into a domestic limited liability company under section 709 of the Michigan limited liability company act, 1993 PA 23, MCL 450.4709. A telephone corporation that converts into a domestic limited liability company under this subsection is treated as a corporation for state income tax filing purposes as provided under section 339 of the income tax act of 1967, 1967 PA 281, MCL 206.339, unless that converted entity is a

disregarded entity for federal income tax filing purposes under the internal revenue code and its regarded owner is treated as a corporation for state and federal income tax purposes.

(2) As used in this section, "business organization" means that term as defined in section 705a of the Michigan limited liability company act, 1993 PA 23, MCL 450.4705a.

History: Add. 2024, Act 174, Imd. Eff. Dec. 23, 2024
Compiler's Notes: Former MCL 484.7, which pertained to stockholder's liability for corporate debts, was repealed by Act 63 of 1978, Imd. Eff. Mar. 14, 1978.

484.8 Governing laws.

Sec. 8.

Every corporation organized hereunder shall be subject to the provisions of chapter 130 of the Compiled Laws of 1871, so far as applicable, and of Act No. 168 of the session laws of 1881, approved May 26, 1881, entitled "An act to provide for the assessment of and taxation of telegraph and telephone lines within the state of Michigan and to repeal Act No. 77 of the session laws of 1879, approved May twentieth, 1879."

History: 1883, Act 129, Imd. Eff. May 31, 1883 ;-- How. 3718h ;-- CL 1897, 6695 ;-- CL 1915, 8794 ;-- CL 1929, 11696 ;-- CL 1948, 484.8
Compiler's Notes: Chapter 130, referred to in this section, contained the following provisions which have not been repealed or reenacted: MCL 450.504 to 450.525. Act 168 of 1881, referred to in this section, was superseded by MCL 207.1 et seq.

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484.9 Lines in lower peninsula; location.

Sec. 9.

Whenever any corporation organized under the provisions of this act shall desire to construct a line of public telephones in the lower peninsula of this state, the same shall in all cases, when not located upon the public places, streets and highways of the said lower peninsula, or within the corporate limits of cities and villages, be located along side of and adjacent to the railway right of way in cases where the railway right of way lies adjacent to the lands sought to be acquired.

History: Add. 1899, Act 93, Imd. Eff. May 31, 1899 ;-- CL 1915, 8795 ;-- CL 1929, 11697 ;-- CL 1948, 484.9

484.10 Condemnation; procedure, restrictions.

Sec. 10.

Whenever any such corporation shall desire to acquire a right of way over, through, under or across any lands which may be adjacent to the right of way of any railway operated by steam power, and is unable to agree with the owner or owners of such lands for the purchase of said right of way such corporation shall have the right to acquire the title of said right of way, outside the corporate limits of cities and villages, in the same manner and by the same proceedings as are provided for in chapter 164 of the Compiled Laws of 1897 of this state, providing for the condemnation of lands for right of way by railroad companies: Provided, That the owner or owners of the lands over which any such right of way shall be acquired shall

have the right to occupy and use the same, but such occupancy and use shall not be to the injury of the property of such corporation situated upon such right of way: Provided, The strip of land so condemned shall not exceed 10 feet in width, together with the right to set and maintain outside of the same guy posts and anchors reasonably requisite to the proper construction and maintenance of a pole line thereon: Provided further, however, That the right to set guy posts and anchors outside such 10 foot strip shall be acquired in the manner hereinbefore described: Provided further, That the provisions of this act will not apply to such land located within 5 miles of the corporate limits of any city having a population of 250,000 or more.

History: Add. 1899, Act 93, Imd. Eff. May 31, 1899 ;-- CL 1915, 8796 ;-- Am. 1923, Act 125, Eff. Aug. 30, 1923 ;-- CL 1929, 11698 ;-- CL 1948, 484.10
Compiler's Notes: For provisions of chapter 164, referred to in this section, see MCL 463.1 et seq.

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