

THE MOTOR CARRIER ACT (EXCERPT)
Act 254 of 1933

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 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.
- (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.