

THE MOTOR CARRIER ACT (EXCERPT)

Act 254 of 1933

ARTICLE II

MOTOR CARRIERS OF GENERAL COMMODITIES

476.1 Operation of motor vehicle by motor carrier of general commodities; certificate of authority.

Sec. 1. A motor carrier of general commodities shall not operate any motor vehicle in for-hire transportation on any public highway in this state except in accordance with this act. A motor carrier of general commodities shall not operate upon any public highway without first having obtained a certificate of authority from the commission.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 476.1;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

476.2 Certificate of authority; application; determination; issuance.

Sec. 2. The commission, upon the filing of an application for a certificate of authority, shall ascertain and determine, under reasonable rules as it promulgates, whether to issue the certificate of authority.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 476.2;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982.

476.3 Application for certificate of authority; form; contents; fees; proof of insurance; failure of applicant to comply with application instructions.

Sec. 3. (1) An application for a certificate of authority shall be on a form prescribed by the commission and signed by the owner or an officer of the applicant, stating the ownership and condition of the equipment and physical property of the applicant proposed to be used, that the vehicles of the applicant have passed an inspection within the immediately preceding 12 months under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25, and shall contain other information as the commission requires. The commission may request supplemental information from an applicant regarding accident records and citations issued to the applicant or drivers of the applicant within the immediately preceding 12 months when that information is considered necessary to make findings regarding the fitness of the applicant. Each application shall be accompanied by the required fees, proof of insurance before operations are commenced, and all other things required by law and the rules of the commission.

(2) The commission may reject, dismiss, or deny an application if the applicant fails to comply with instructions on the application form described in subsection (1).

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 476.3;—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.

476.4 Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to publication of a notice of filing a certificate of authority application.

476.5 Issuance of certificate of authority; findings.

Sec. 5. Except as provided in this section, the commission shall issue a certificate of authority to an applicant authorizing it to provide transportation subject to the jurisdiction of the commission under this article as a motor carrier of general commodities if the commission finds all of the following:

(a) The character and condition of the vehicles proposed to be operated by the applicant is such that they may be operated safely upon the public highways.

(b) The applicant is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this act and rules and regulations of the commission.

(c) The service proposed is consistent with the transportation policy set forth in section 2 of article I.

(d) The applicant has the required insurance in place to insure the protection of the public.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 476.5;—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. 2014, Act 493, Eff. Apr. 1, 2015.

476.6 Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to schedule of rates, fares, and charges.

476.7 Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to requirement that rates, fares, and charges be just, reasonable, and nondiscriminatory.

476.7a Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to investigation, suspension, revision, or revocation of proposed rate, fare, or charge.

476.7b Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to motor carrier establishing a through route with another carrier.

476.7c Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to transportation of household goods by a motor common carrier.

476.8 Prohibited conduct; violation as misdemeanor; penalty.

Sec. 8. A motor carrier, shipper, broker, or consignee, or any officer, employee, agent, or representative of a motor carrier, shipper, broker, or consignee, that operates without the authority required under this act, advertises its services without first obtaining the authority required under this act, acts as a broker of household goods, or that knowingly offers, grants, or gives, or solicits, accepts, or receives any rebate, concession, or discrimination in violation of this act, or that, by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device, knowingly and willfully assists, suffers, or permits a person to obtain transportation of property subject to this article, or that knowingly and willfully, by any means, fraudulently seeks to evade or defeat rules as promulgated under this act for motor carriers of general commodities, is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 or imprisonment for not more than 6 months, or both.

History: 1933, Act 254, Eff. Oct. 17, 1933;—Am. 1945, Act 264, Eff. Sept. 6, 1945;—CL 1948, 476.8;—Am. 1959, Act 114, Eff. Mar. 19, 1960;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

476.9 Liability of motor carrier of general commodities; recovery.

Sec. 9. If a motor carrier of general commodities does, causes, or permits to be done any act or thing in this act prohibited or declared to be unlawful, or omits to do any act or thing required to be done by the motor carrier of general commodities under this act or under any lawful order made by the commission, the motor carrier of general commodities is liable to the person injured to the extent of the actual amount of damages sustained in consequence of the violation. A recovery under this section does not affect a recovery by this state of the penalty prescribed for the violation.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 476.9;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

476.10 Powers and duties of commission.

Sec. 10. The commission shall supervise and regulate all motor carriers of general commodities and regulate the service and safety of operations of each motor carrier of general commodities. The commission may do any of the following:

(a) Require the filing of annual and other reports, tariffs, schedules, and other data by motor carriers of general commodities where that information is considered by the commission to be necessary for the administration or enforcement, or both, of this act.

(b) Supervise and regulate motor carriers of general commodities in all matters affecting the relation between the motor carriers and the public and between motor carriers.

(c) Promulgate rules to promote safety upon the highways and the conservation of their use and to ensure that the provisions of this act are fully and completely carried out. The commission, by general order or otherwise, may promulgate rules in conformity with this act applicable to all motor carriers of general commodities, and do all things necessary to carry out and enforce this act.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 476.10;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2007, Act 33, Imd. Eff. July 10, 2007;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

476.11 Repealed. 2014, Act 493, Eff. Apr. 1, 2015.

Compiler's note: The repealed section pertained to interchanging equipment and furnishing through service.

476.12 Interstate commerce.

Sec. 12. Interstate commerce. This act shall apply to persons and motor vehicles engaged in interstate commerce, except only insofar as it may be inconsistent with, or shall contravene, the constitution or the laws of the United States.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 476.12.

476.13 Discontinuance of service; written notice; order; revocation of certificate.

Sec. 13. A motor carrier of general commodities authorized by this act to operate shall not discontinue any service established under this act without an order of the commission. A motor carrier of general commodities shall provide written notice of discontinuance to the commission in accordance with the rules of the commission. A certificate of authority under which service is discontinued for more than 30 days without the previous order of the commission authorizing the discontinuance may be revoked after notice.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 476.13;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2014, Act 493, Eff. Apr. 1, 2015.

476.14 Emergency temporary motor carrier authority; validity; time period; manner of applying; revocation by commission; presumption not created.

Sec. 14. (1) The commission may issue an emergency temporary motor carrier authority valid for a time period specified by the commission but not to exceed 60 days to authorize transportation service for which there is an actual and immediate emergency. A motor carrier of general commodities may apply for an emergency temporary motor carrier authority under this section, without paying a filing fee, in person, in writing, by telephone, or by electronic mail.

(2) The commission may revoke an emergency temporary motor carrier authority issued under subsection (1) if the transportation service is no longer necessary or for other good cause.

(3) A grant of emergency temporary motor carrier authority does not create a presumption that the commission will grant permanent authority to a motor carrier of general commodities.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 476.14;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2014, Act 493, Eff. Apr. 1, 2015.