

RAILROAD CODE OF 1993 (EXCERPT)
Act 354 of 1993

462.153 Orders; oaths; official acts; subpoenas; witnesses; production of documents; contempt; witness fees and mileage; depositions; record of proceedings; copy of transcript.

Sec. 153. (1) The department, for the purposes mentioned in this act, may issue orders, may administer oaths, certify to official acts, issue subpoenas, and compel the attendance of witnesses and the production of books, papers, and other related documents. If a person refuses or willfully fails to comply with an order of the department or a subpoena, or upon the refusal of any witness to testify regarding any matter upon which he or she may be lawfully interrogated, or to produce any books or papers in his or her custody or control which he or she was required by the department to produce, the court, upon application of the department, may compel obedience by proceedings for contempt, in the same manner as a case of disobedience of the requirements of a subpoena issued from that court.

(2) A witness subpoenaed by the department shall receive for his or her attendance the fees and mileage now provided for witnesses in civil cases in circuit court, which shall be audited and paid by the state in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers sworn to by the witness and approved by the department. A witness subpoenaed at the instance of a party other than the department shall not be entitled to compensation from the state for attendance and travel unless the department certifies that his or her testimony was material and necessary to the matter investigated.

(3) The department or any party may cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for depositions in civil actions in the circuit courts.

(4) A full and complete record shall be kept of all proceedings held before an administrative law judge on any investigation under this act and all testimony shall be taken down by a certified court reporter appointed by the department. When a complaint is served upon the department to appeal a department order, the department, before the action is reached for trial, shall cause the certified transcript of proceedings and testimony to be filed with the clerk of the circuit court of the county where the action is pending. A transcribed copy of the evidence and proceedings, or any specific part thereof, or any investigation, taken by the certified court reporter, certified by him or her to be a true and correct transcript of all the testimony of a particular witness, or of any specific part thereof, carefully compared by him or her with his or her original notes, and to be a correct statement of the evidence and proceedings had on the investigation shall be received in evidence with the same effect as if the certified court reporter were present and testified to the facts certified. A copy of the transcript shall be furnished upon demand, free of cost, to any party to an investigation, and to all other persons on payment of a reasonable amount for that purpose.

History: 1993, Act 354, Imd. Eff. Jan. 14, 1994.