

THE MOTOR CARRIER ACT (EXCERPT)
Act 254 of 1933

***** 475.1.amended THIS AMENDED SECTION IS EFFECTIVE APRIL 1, 2015 *****

475.1.amended 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.