

THE MOTOR CARRIER ACT (EXCERPT)
Act 254 of 1933

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

479.10.amended Certificate; termination; application for renewal; notice of noncompliance; effect of delinquency providing documents or paying fees; period of time to comply with renewal requirements; provisions of act voiding certificate for cause self-executing; issuance of certificate; adding and withdrawing equipment.

Sec. 10. (1) A certificate granted to an intrastate-only motor carrier of general commodities or a motor carrier of household goods terminates on December 31 of the calendar year during which the certificate was issued. An intrastate-only motor carrier of general commodities or motor carrier of household goods shall apply for the renewal of its certificate no earlier than October 1 and no later than December 1 of the year in which its current certificate expires. A certificate holder that does not apply by December 1 shall be assessed a penalty of \$50.00 per month for each month or partial month that the application is late. The renewal application shall be accompanied with the required fees, proof of insurance, and all other things required to be filed with the commission by law or by the rules and orders of the commission. If the commission determines that a renewal application received before December 1 is incomplete, the commission shall send a notice of noncompliance to the motor carrier. The commission shall not assess the late fee described in this subsection against a motor carrier that complies with the terms of the notice of noncompliance by December 31 of the year in which the application is required to be made.

(2) The certificate of an intrastate-only motor carrier of general commodities or motor carrier of household goods who is delinquent in providing required documents or payment of the fees required by this act at the time of renewal of the certificate shall be canceled and terminated on and after January 1 of the year for which application should have been made under this section. Upon expiration, an intrastate-only motor carrier of general commodities is prohibited from operating any of its vehicles and a motor carrier of household goods is prohibited from operating any vehicle to transport household goods or engage in any other service subject to renewal of the certificate, upon or over the highways of this state. All privileges granted under an expiring certificate cease.

(3) The commission shall give an applicant whose certificate was canceled or terminated for failure to renew on January 1 of the year for which an application should have been made until December 31 to comply with the renewal requirements of subsection (1). Upon receipt of a properly completed application, fee, proof of insurance, and a satisfactory safety review, the commission shall grant a 60-day temporary authority to an intrastate-only motor carrier of general commodities or a motor carrier of household goods that applies for renewal of a certificate that has been expired for less than 1 year. An intrastate-only motor carrier of general commodities or a motor carrier of household goods that does not comply with the renewal requirements of this section before January 1 of the next renewal year for which it should have applied for renewal shall apply for an original certificate of authority, and shall pay the fee for an original certificate of authority and any applicable late fees for the previous year.

(4) Except as otherwise provided in this section, the provisions in this act voiding a certificate for cause are self-executing and do not require any affirmative act on the part of the commission, and the commission shall not extend the privilege or allow an intrastate-only motor carrier of general commodities or a motor carrier of household goods to engage in any operation over the public highway. The revocation of a certificate does not release a motor carrier from liability for accrued fees.

(5) Upon full compliance with the requirements of this act for the filing of the application, the commission shall issue a certificate for the succeeding calendar year, subject to all the provisions of this act.

(6) The holder of a certificate under this act may add equipment at any time, but when adding equipment subject to a privilege fee prescribed by this act, the holder shall file an application in the form required by the commission and pay for each unit of equipment added, the fee required in section 2 of article IV. If the holder of a certificate other than a certificate that authorizes the transportation of household goods while those household goods are being transported, by lease, contract, or any arrangement other than outright purchase, augments his or her equipment, the lease, contract, or arrangement shall be in writing and shall vest in the holder exclusive possession and control of the vehicle under the lease or arrangement for the entire term of the lease or arrangement. Any operation of the vehicle shall be conducted under the exclusive supervision, direction, and control of the holder.

(7) Using a form prescribed by the commission, a certified motor carrier may withdraw equipment from service at any time without refund by surrendering to the commission the identification allocated to the unit at the time it was certificated.

History: 1933, Act 254, Eff. Oct. 17, 1933;—CL 1948, 479.10;—Am. 1956, Act 118, Imd. Eff. Apr. 13, 1956;—Am. 1959, Act 232, Imd. Eff. Aug. 12, 1959;—Am. 1963, Act 156, Eff. Sept. 6, 1963;—Am. 1966, Act 162, Imd. Eff. July 1, 1966;—Am. 1967, Act 27, Imd. Eff. June 2, 1967;—Am. 1969, Act 149, Eff. Mar. 20, 1970;—Am. 1982, Act 399, Imd. Eff. Dec. 28, 1982;—Am. 2008, Act 584, Imd. Eff. Jan. 16, 2009;—Am. 2014, Act 493, Eff. Apr. 1, 2015.