

CARRIERS BY WATER
Act 246 of 1921

AN ACT to regulate the service, rates, fares and charges of carriers by water within this state.

History: 1921, Act 246, Imd. Eff. May 18, 1921.

The People of the State of Michigan enact:

***** 460.201 THIS SECTION IS AMENDED EFFECTIVE MARCH 21, 2018: See 460.201.amended *****

460.201 Carriers by water; rates; filing, fixing by commission, exception.

Sec. 1. Any and all persons, firms and corporations engaged in the transportation of freight, passengers, or express, by water, wholly within this state shall, within 30 days after this act shall take effect, make and file with the Michigan public utilities commission in such form as it shall prescribe, its schedule of rates, fares, and charges for the carrying of freight, passengers, and express; which said rates, fares and charges shall continue in force until superseded by other schedules, filed in the manner above prescribed, by said carrier, with the Michigan public utilities commission: Provided, however, That said Michigan public utilities commission may, either upon request, or upon its own motion, suspend the operation of any rate, fare, charge, or tariff filed as aforesaid, for a period not exceeding 30 days; and in case any such rate, fare, charge, or tariff shall be suspended by said Michigan public utilities commission, it shall give the interested carrier immediate notice thereof, and, within 10 days from the date of such suspension, shall fix a date of hearing, not more than 20 days from the date of said suspension, and shall give notice thereof to said carrier and to other persons in interest, who may be heard; and after said hearing said commission shall fix the rate, fare, charge, or tariff in the matter complained of; and such rate, fare, charge or tariff, when so fixed, shall continue to be the legal rate, fare, charge, or tariff in force until superseded as provided by law: Provided, That any ferry company operating within any municipality under an agreement with such municipality shall not be affected either as to fares or operation by this act.

History: 1921, Act 246, Imd. Eff. May 18, 1921;—CL 1929, 11071;—CL 1948, 460.201.

Compiler's note: The public utilities commission, referred to in this section, was abolished and its powers and duties transferred to the public service commission by MCL 460.4.

***** 460.201.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 21, 2018 *****

460.201.amended Carriers by water; schedule of rates, fares, and charges filing; decision by department of state police; suspension of operation; hearing date; notice; setting by department.

Sec. 1. Any persons, firms, and corporations engaged in the transportation of freight, passengers, or express, by water, wholly within this state, shall, within 30 days after this act takes effect, make and file, in the form prescribed, its schedule of rates, fares, and charges for the carrying of freight, passengers, and express. The filed rates, fares, and charges continue in force until superseded by other schedules filed with the department of state police as provided in this section. The department of state police shall make a decision on all filed rates, fares, and charges within 30 days after the rates, fares, and charges are filed. The department of state police may, either upon request or upon its own motion, suspend the operation of any filed rate, fare, charge, or tariff for a period not exceeding 30 days. If a filed rate, fare, charge, or tariff is suspended by the department of state police, the department shall give the interested carrier immediate notice of the suspension and shall, within 10 days from the date of the suspension, set a hearing date not more than 20 days from the date of the suspension. The department of state police shall give notice of the hearing date to the carrier and to other interested persons. After the hearing, the department of state police shall set the rate, fare, charge, or tariff in the matter complained of, and that rate, fare, charge, or tariff continues to be the legal rate, fare, charge, or tariff in force until superseded as provided by law. Any ferry company operating within any municipality under an agreement with that municipality is not affected either as to fares or as to operation by this act.

History: 1921, Act 246, Imd. Eff. May 18, 1921;—CL 1929, 11071;—CL 1948, 460.201;—Am. 2017, Act 240, Eff. Mar. 21, 2018.

Compiler's note: The public utilities commission, referred to in this section, was abolished and its powers and duties transferred to the public service commission by MCL 460.4.

***** 460.202 THIS SECTION IS AMENDED EFFECTIVE MARCH 21, 2018: See 460.202.amended *****

460.202 Carriers by water; audit of books by commission; duty to furnish data.

Sec. 2. The Michigan public utilities commission may examine any and all books, accounts, records, and papers of any such carrier by water, and audit the same; and it shall be the duty of any such carrier by water, to furnish to said Michigan public utilities commission, its proper officers, and employees, any and all data in relation to its investment, income, operating expenses, and such other statistical data as it may require.

History: 1921, Act 246, Imd. Eff. May 18, 1921;—CL 1929, 11072;—CL 1948, 460.202.

***** 460.202.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 21, 2018 *****

460.202.amended Carriers by water; examination and audit of books by department of state police; duty to furnish data.

Sec. 2. Except as otherwise provided in section 7, the department of state police may examine and audit any and all books, accounts, records, and papers of a carrier by water. A carrier by water shall furnish to the department of state police, its proper officers, and employees, any and all data in relation to its investment, income, operating expenses, and other statistical data as the department may require.

History: 1921, Act 246, Imd. Eff. May 18, 1921;—CL 1929, 11072;—CL 1948, 460.202;—Am. 2017, Act 240, Eff. Mar. 21, 2018.

***** 460.203 THIS SECTION IS AMENDED EFFECTIVE MARCH 21, 2018: See 460.203.amended *****

460.203 Carriers by water; rules of commission.

Sec. 3. The Michigan public utilities commission is hereby authorized, empowered and directed to make all needful rules and regulations governing its investigations of the affairs of such carriers by water, and to prescribe the form of all reports required from such carriers.

History: 1921, Act 246, Imd. Eff. May 18, 1921;—CL 1929, 11073;—CL 1948, 460.203.

***** 460.203.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 21, 2018 *****

460.203.amended Carriers by water; rules.

Sec. 3. The department of state police is authorized, empowered, and directed to make all necessary rules and regulations governing its investigations of the affairs of carriers by water and to prescribe the form of all reports required from those carriers.

History: 1921, Act 246, Imd. Eff. May 18, 1921;—CL 1929, 11073;—CL 1948, 460.203;—Am. 2017, Act 240, Eff. Mar. 21, 2018.

***** 460.204 THIS SECTION IS AMENDED EFFECTIVE MARCH 21, 2018: See 460.204.amended *****

460.204 Carriers by water; investigation, regulation of service and fixing of rates.

Sec. 4. Whenever any complaint shall be made to said Michigan public utilities commission by any person, firm, or corporation against any rate, fare, charge, or tariff of any carrier by water within this state, or against any rule, regulation, or service of such carrier, or against the neglect, failure, or refusal of any such carrier to make, observe or perform any rate, fare, charge, or tariff, or any rule, regulation, or service, said Michigan public utilities commission shall investigate the same, and it may regulate the performance or observance of any rate, fare, charge, or tariff, and any rule, regulation, or service, and may prescribe the same to be observed by such carrier: Provided, That such carrier shall in all cases be entitled to reasonable notice and an opportunity to be heard on such investigation before any rate, fare, charge, or tariff, or any rule, regulation, or service shall be prescribed, established, or imposed by said commission, in accordance with the terms of this section, and when any rate, fare, charge, or tariff, or any rule, regulation, or service shall be prescribed, established, or imposed by said commission, it shall thereafter be the duty of said carrier to observe and obey the same.

History: 1921, Act 246, Imd. Eff. May 18, 1921;—CL 1929, 11074;—CL 1948, 460.204.

***** 460.204.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 21, 2018 *****

460.204.amended Carriers by water; complaint; investigation; regulation.

Sec. 4. If any complaint is made to the department of state police by any person, firm, or corporation against any rate, fare, charge, or tariff of any carrier by water within this state, or against any rule or

regulation of a carrier by water or against the neglect, failure, or refusal of a carrier by water to make, observe, or perform any rate, fare, charge, or tariff, or any rule or regulation, the department of state police shall investigate the matter, and the department may regulate the performance or observance of any rate, fare, charge, or tariff, and any rule or regulation, and may require the carrier to observe the rate, fare, charge, or tariff and any rule or regulation. A carrier by water is in all cases entitled to reasonable notice and an opportunity to be heard on an investigation before any rate, fare, charge, or tariff, or any rule or regulation is prescribed, established, or imposed by the department of state police as provided in this section, and if any rate, fare, charge, or tariff, or any rule or regulation is prescribed, established, or imposed by the department of state police, the carrier by water shall observe and obey the same.

History: 1921, Act 246, Imd. Eff. May 18, 1921;—CL 1929, 11074;—CL 1948, 460.204;—Am. 2017, Act 240, Eff. Mar. 21, 2018.

***** 460.205 THIS SECTION IS AMENDED EFFECTIVE MARCH 21, 2018: See 460.205.amended *****

460.205 Carriers by water; review of orders of regulation.

Sec. 5. Any order made by the Michigan public utilities commission prescribing or affecting any rate, fare, charge, or tariff, or any rule, regulation, or service of any carrier by water within this state, shall be subject to review in the same manner as is now provided by law for the review of orders made by said Michigan public utilities commission.

History: 1921, Act 246, Imd. Eff. May 18, 1921;—CL 1929, 11075;—CL 1948, 460.205.

***** 460.205.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 21, 2018 *****

460.205.amended Carriers by water; appeal of order or decision.

Sec. 5. A carrier by water may appeal any order or decision made by the department of state police prescribing or affecting any rate, fare, charge, or tariff, or any rule or regulation of any carrier by water within this state, in the same manner as is now provided by law for the appeal of orders under section 26 of 1909 PA 300, MCL 462.26.

History: 1921, Act 246, Imd. Eff. May 18, 1921;—CL 1929, 11075;—CL 1948, 460.205;—Am. 2017, Act 240, Eff. Mar. 21, 2018.

***** 460.206 THIS SECTION IS AMENDED EFFECTIVE MARCH 21, 2018: See 460.206.amended *****

460.206 Penalty.

Sec. 6. Any person, firm, or corporation violating any of the provisions of this act, or any order of the Michigan public utilities commission made in pursuance thereof, shall be punishable by a fine not to exceed 100 dollars for each violation, and any officer or director of any corporation violating the provisions of this act, or any of the orders of the Michigan public utilities commission made in pursuance thereof, shall be punishable by a fine not exceeding 100 dollars for each such violation, or by imprisonment in the county jail for not more than 3 months, or by both such fine and punishment, in the discretion of the court.

History: 1921, Act 246, Imd. Eff. May 18, 1921;—CL 1929, 11076;—CL 1948, 460.206.

***** 460.206.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 21, 2018 *****

460.206.amended Violation; penalty.

Sec. 6. Any person, firm, or corporation violating any of the provisions of this act, or any order of the department of state police made pursuant to this act, shall be punished by a fine of not more than \$100.00 for each violation. Any officer or director of any corporation violating the provisions of this act, or any of the orders of the department of state police made pursuant to this act, shall be punished by a fine of not more than \$100.00 for each violation, or by imprisonment in the county jail for not more than 3 months, or by both fine and punishment, in the discretion of the court.

History: 1921, Act 246, Imd. Eff. May 18, 1921;—CL 1929, 11076;—CL 1948, 460.206;—Am. 2017, Act 240, Eff. Mar. 21, 2018.

***** 460.207.added THIS ADDED SECTION IS EFFECTIVE MARCH 21, 2018 *****

460.207.added Proposed rate, fare, charge, or tariff of carrier; authority and duties of department of state police.

Sec. 7. (1) The department of state police shall compare the proposed rate, fare, charge, or tariff of any carrier by water that primarily transports vehicles directly between 2 state highways to the rates, fares,

charges, or tariffs charged by comparable carriers by water. The department of state police shall automatically approve any proposed rate, fare, charge, or tariff of any carrier by water that primarily transports vehicles directly between 2 state highways that is less than the rates, fares, charges, or tariffs charged by comparable carriers by water. The department of state police shall not audit any carrier by water whose proposed rate, fare, charge, or tariff is less than the rates, fares, charges, or tariffs charged by comparable carriers by water. The department of state police may approve a proposed rate, fare, charge, or tariff of any carrier by water that primarily transports vehicles directly between 2 state highways that is more than the rates, fares, charges, or tariffs charged by comparable carriers by water if, based on justification submitted by the carrier by water, the department of state police finds the rate, fare, charge, or tariff is reasonable. If the department of state police determines that a rate, fare, charge, or tariff is not reasonable, the department of state police shall, within 15 days after that determination, meet with the carrier by water and explain the reasons for its determination. Any carrier by water that meets the criteria of this section is deemed an instrumentality of the state.

(2) This section does not apply to a carrier by water that is operating within any municipality under an agreement with that municipality.

History: Add. 2017, Act 240, Eff. Mar. 21, 2018.

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