

THE MOTOR CARRIER ACT (EXCERPT)
Act 254 of 1933

***** 479.6a.amended THIS AMENDED SECTION IS EFFECTIVE APRIL 1, 2015 *****

479.6a.amended Applicability of section; change in rate, fare, charge, classification, rule, or practice; notice; effective date; investigation; petition for suspension; order; hearing.

Sec. 6a. (1) This section applies to all matters before the commission for which the commission has jurisdiction under article III.

(2) A motor carrier of household goods shall not change any general rate or change any rate, fare, charge, or classification, or any rule or practice affecting the rate, fare, charge, or classification, or the value of the service thereunder, specified in any effective tariff of any motor carrier for hire, unless it has given 30 days' notice, or 45 days' notice in a general rate increase or reduction, to the commission and to the public, filed and posted as provided in section 6 of article III except that changes in rates, fares, charges, or classifications or the value of service thereunder made under section 7a of article III shall be made on 10 days' notice. The notice shall plainly state the change proposed to be made and the time when the change will take effect. The commission may, in its discretion and after good cause shown, allow changes upon less time than the notice specified in this subsection or modify the requirements in this section regarding publishing, posting, and filing of tariffs, either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

(3) Upon the filing with the commission by any motor carrier of household goods of any tariff or supplement showing a change in rates, fares, charges, or classification, or a rule or practice affecting the rate, fare, charge, or classification, or the value of the service thereunder, the commission, upon notice to the motor carrier of household goods, may postpone the date when the new rate, fare, charge, classification, rule, or practice becomes effective to a time not to exceed 60 days to give the commission opportunity to investigate the reasonableness of the proposed rate, fare, charge, classification, rule, or practice. The commission may proceed with an investigation upon at least 10 days' notice to the motor carrier of household goods as to the reasonableness of the rate, fare, charge, classification, rule, or practice. The investigation takes precedence over all matters of a different nature pending before the commission under this act.

(4) Except in an emergency satisfactorily shown to the commission, the commission shall not consider a petition for suspension unless the petition was filed at least 10 days before the effective date of the proposed change in rate, charge, fare, classification, rule, or practice. The petition or order shall be definite and specific and a copy shall be served upon all motor carriers of household goods affected at the time of filing or issuance. However, service upon an agent who has issued and filed a tariff or schedule on behalf of a motor carrier of household goods shall be considered due and sufficient service upon the motor carrier of household goods. The petition or order must recite the specific facts relied upon to establish that failure to postpone will work a special hardship on the petitioner that cannot otherwise be avoided.

(5) At a hearing involving a change in a rate, fare, charge, classification, rule, or practice, the burden of proof is on the motor carrier of household goods to show that the proposed changed rate, fare, charge, classification, rule, or practice is just and reasonable.

History: Add. 1943, Act 244, Imd. Eff. Apr. 22, 1943;—CL 1948, 479.6a;—Am. 1954, Act 28, Imd. Eff. Mar. 31, 1954;—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.