

**DEPARTMENT OF STATE POLICE**  
**COMMERCIAL VEHICLE ENFORCEMENT DIVISION**  
**MOTOR CARRIERS**

(By authority conferred on the department of state police by section 6 of article V of the motor carrier act, 1933 PA 254, MCL 479.6, and Executive Reorganization Order No. 2015-3, MCL 460.21)

**PART 1. GENERAL PROVISIONS**

**R 460.18101. Definitions.**

Rule 101. (1) As used in these rules:

(a) "Able" means the ability to currently provide, or the presentation of a reasonable plan to provide, service commensurate with the extent of the application for authority.

(b) "Act" means the motor carrier act, 1933 PA 254, MCL 475.1 to 479.42.

(c) "Amendment" means any change, including additions, in a tariff, or cancellation from a tariff.

(d) "Department" means the department of state police.

(e) "CVED" means the Commercial Vehicle Enforcement Division of the department.

(f) "CVED number" means department issued authority number.

(g) "Intrastate" means the transportation of property moving between 2 points that are within the boundaries of this state, other than traffic that is determined to be interstate and foreign.

(h) "Michigan motor carrier operation" means the physical plant and equipment of an intrastate business enterprise engaged in the transportation for hire of commodities by motor vehicle from place to place upon the public highways of this state.

(i) "Post" means the maintenance of a file of tariffs that the public may inspect.

(j) "Shipper" means one who ships or receives goods from one place to another.

(k) "Tariff" means a publication containing 1 or more rates, charges, rules, regulations, or other provisions, or any combination thereof, of 1 or more carriers together with the publication's supplements or loose-leaf page amendments, if any.

(2) Terms defined in the act have the same meanings when used in these rules.

History: 1984 AACCS; 1988 AACCS; 2018 AACCS.

**R 460.18105. Motor carrier advisory board.**

Rule 105. (1) A motor carrier advisory board is created to facilitate a continuing and meaningful exchange between the transportation industry, consumers, and the department staff. The board shall consist of 15 members comprising a representative

cross section of the transportation industry and the shipping public and shall be appointed by the department. The term of office of each member of the advisory board shall be 12 calendar months, commencing in January each year. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the unexpired term. The advisory board shall meet bimonthly or at the call of the chairperson of the board. Members of the advisory board shall receive no compensation and shall not be reimbursed for any expenses incurred in carrying out their advisory functions.

(2) The advisory board shall provide a forum to discuss generic issues, foreseeable problems, and potential resolutions of matters affecting the motor carrier industry and the public. The board shall not undertake discussions as to cases pending before the department or the courts. Board recommendations are not binding and are advisory in nature and are not binding upon the department.

(3) The board shall establish procedures for the orderly conduct of its activities.

History: 1984 AACS; 2018 AACS.

**R 460.18106. Meetings; motor carrier advisory board; posting of notice; minutes.**

Rule 106. (1) All meetings of the motor carrier advisory board shall be open to the public and all persons shall be allowed to attend and to address a meeting. The conditions under which a member of the public is allowed to address the meeting shall be reasonable, flexible, and designed to encourage public expression.

(2) Notice of the date of the meeting shall be communicated electronically to all board members. The notice shall contain the date, time, and place of the meeting, and a statement that the meeting is open to the public.

(3) A special meeting may be called by the chairperson of the board. Not less than 2 business days before the date of a special meeting, notice shall be posted on the department's website and shall either be mailed electronically to the board members or provided by telephone. A written notice shall contain the date, time, and place of the meeting, and a statement that the meeting is open to the public. A telephone notice shall provide the date, time, and place of the meeting.

(4) Minutes of each meeting shall be kept and shall be open to public inspection.

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.18199 Rescinded.**

History: 1984 AACS; 2018 AACS.

**PART 2. APPLICATION FOR CARRIER CERTIFICATE OF AUTHORITY**

**R 460.18201. Information to be submitted.**

Rule 201. (1) A person shall apply for temporary authority or a certificate of authority on forms prescribed by the department and accompanied by the fee prescribed in section 1 of article IV of the act, MCL 478.1. The motor carrier shall complete all required information on the electronic application and submit required documentation.

(2) In addition to the requirements in subrule (1) of the rule, a person applying for a certificate of authority as a motor carrier of household goods under contract shall also file a copy of all current complete contracts with the department.

(3) Failure to comply with the instructions on the application form may result in the rejection, dismissal, or denial of the application.

(4) An applicant whose application for a certificate of authority was denied in whole or in part shall request a review of the decision by the director of the department or his or her designee before making an appeal pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 1984 AACCS; 1988 AACCS; 2018 AACCS.

#### **R 460.18202 Rescinded.**

History: 1984 AACCS; 1988 AACCS; 2018 AACCS.

#### **R 460.18203. Determination of Fitness.**

Rule 203. (1) In evaluating an applicant's fitness and suitability for temporary authority or a certificate of authority, the department may consider, based upon the evidence presented, all of the following criteria:

(a) Compliance with the requirements of R 460.18201(1) and the nature of the information provided.

(b) The nature and extent of past violations of the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25; the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923; orders of the department; and all statutes or administrative rules governing the operation of motor carriers.

(c) Whether the conduct has exhibited a knowing disregard for the act or department directives.

(d) Whether the applicant has corrected the cause of any violations and is in compliance with the act and department directives.

(e) Mitigating circumstances, if any.

(2) Based upon the information provided, the department shall consider whether the service proposed is consistent with the purpose and policy of section 2 of article I of the act, MCL 475.2.

History: 1984 AACCS; 1988 AACCS; 2018 AACCS.

#### **R 460.18204 Rescinded.**

History: 1984 AACCS; 2018 AACCS.

**R 460.18205 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18206 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18207 Rescinded.**

History: 1984 AACS; 1988 AACS.

**R 460.18208 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18209 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18212 Rescinded.**

History: 1984 AACS; 2018 AACS.

**PART 3. MODIFIED PROCEDURE**

**R 460.18301 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18302 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18303 Rescinded.**

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.18304 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18307 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18308 Rescinded.**

History: 1984 AACS; 2018 AACS.

**PART 4. AUTHORITY AND PERMITS**

**R 460.18401. Change of names.**

Rule 401. A motor carrier shall not change its name without filing the proper application and receiving department approval.

History: 1984 AACS; 2018 AACS.

**R 460.18402 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18403. Limitations imposed by authority; new or amended.**

Rule 403. (1) A motor carrier's authority is limited to the specific service authorized by it.

(2) A motor carrier of household goods authorized to transport property under contract with a manufacturer, store, or other entity shall be issued authority containing the names of all shippers. A motor carrier of household goods under contract shall not engage in any other or different operations or transport for any other or additional shippers than those named in its authority without having obtained a new or amended authority covering the new operation or shippers. A new or amended authority shall be obtained in the manner prescribed for procurement of an original authority. Motor carriers of household goods under contract shall file all current complete contracts with the department.

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.18404 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18405. Primary business.**

Rule 405. A person engaged in any other business or enterprise who transports property by motor vehicle for business purposes, unless the transportation is within the scope, and in the furtherance, of the person's primary business enterprise, which is not transportation, is deemed to be conducting a motor-carrier-for-hire operation in evasion of the act, unless the transportation has been authorized by the department pursuant to the act and these rules or is exempt under the act.

History: 1984 AACS; 2018 AACS.

**R 460.18406. Leasing.**

Rule 406. The leasing of a motor vehicle to be operated by an employee of the lessor for transportation of property to a person other than to a regulated carrier is prohibited as what is defined as "through any device or arrangement" as defined in section 1(z) of article I of the act, MCL 475.1, which shall constitute an evasion of the act unless the parties to the lease conduct their operation according to the terms of the lease agreement, which shall be in writing and provide that the vehicle shall be operated by the lessee or an employee of the lessor and the operation and use of the vehicle shall be subject to lessee's supervision, direction, and control for the full period of the lease. The lessor or any employee of the lessor shall not qualify as an employee of the lessee.

History: 1984 AACS; 2018 AACS.

**R 460.18407 Subleasing, leasing, or rental of certificate or permit prohibited.**

Rule 407. Any subleasing, leasing, or rental of a certificate or permit in whole or in part is prohibited.

History: 1984 AACS.

**R 460.18408 Rescinded.**

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.18409. Discontinuance of service.**

Rule 409. (1) An application for temporary or permanent discontinuance of service shall be submitted on forms prescribed by the department.

(2) An authorized temporary discontinuance of service shall not extend beyond 3 years. After service has been discontinued pursuant to this rule for a total of 3 years, a further discontinuance shall not be granted. While in temporary discontinuance, an authority shall be renewed annually in the same manner as an active authority, pursuant to section 10 of article V of the act, MCL 479.10.

(3) A motor carrier shall apply for reinstatement on forms prescribed by the department. Any discontinued authority not reinstated by the end of 3 years shall be revoked. A motor carrier must complete a new application to establish active operating authority.

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.18410 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18411 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18412. Emergency substitution of equipment.**

Rule 412. (1) For the purpose of this rule, an emergency is considered to exist when, by reason of breakdown or an unusual temporary demand for transportation, a motor carrier finds it necessary to provide additional motor vehicles for a limited period.

(2) Upon request by a motor carrier, accompanied by payment of \$10.00 for each permit, the department may issue a temporary 72-hour permit to the carrier. A permit shall not be used for more than 72 consecutive hours from issuance. If the emergency requires the use of the equipment for a longer period, a new permit shall be issued for each additional 72 hours the vehicle is in use.

(3) The department is the sole judge of the extent to which a motor carrier may use emergency equipment and a temporary 72-hour permit and reserves the power to deny or curtail their use and to require the motor carrier to register additional vehicles.

(4) A vehicle operating under a temporary 72-hour permit shall be under the control and direction of the motor carrier issued the permit and shall be used only within the scope of the authority of that motor carrier.

(5) A vehicle operating under a temporary 72-hour permit is exempt from the provisions of sections 10(6) and 10a(1) of article V of the act, MCL 479.10 and 479.10a.

History: 1984 AACS; 2018 AACS.

**R 460.18413. Business address and telephone number; need to maintain current information.**

Rule 413. A motor carrier holding authority shall maintain on file with the department its current principal business address and telephone number and the name of an officer or business agent at that place of business.

History: 1988 AACCS; 2018 AACCS.

## **PART 5. IDENTIFICATION OF VEHICLE**

### **R 460.18501. Issuance and attachment of vehicle identification.**

Rule 501. (1) Except as otherwise provided in this rule, upon issuance of a certificate of authority and payment of the appropriate fees, the department shall issue an identification decal for each self-propelled motor vehicle covered by the certificate of authority. The identification decal shall be attached in a conspicuous location on the motor vehicle as directed by the department. The identification shall remain on the motor vehicle for which it was issued at all times, unless application has been made to the department for permanent retirement of the motor vehicle from operation or when the motor vehicle is undergoing repairs necessitating removal of the identification decal.

(2) The identification decal shall expire automatically on December 31 of the year for which it was issued, unless the date of expiration is extended by the department.

(3) The loss or destruction of an identification shall be reported to the department. A replacement identification decal may be obtained upon making proper application on forms furnished by the department and payment of a fee of \$5.00 for the replacement identification decal.

(4) This rule does not apply to a UCR motor carrier of general commodities.

History: 1988 AACCS; 2018 AACCS.

### **R 460.18502. Cab Cards.**

Rule 502. (1) Except as otherwise provided in this rule, a cab card shall be issued for each self-propelled motor vehicle covered by a certificate of authority. The cab card shall be carried with the motor vehicle for which it is issued to permit it to be easily inspected.

(2) In case of loss or destruction of a cab card, a replacement card may be obtained upon making proper application on forms furnished by the department and payment of a fee of \$5.00.

(3) This rule does not apply to a UCR motor carrier of general commodities.

History: 1984 AACCS; 2018 AACCS.

### **R 460.18503. Names and accounting numbers.**

Rule 503. (1) Within 30 days of commencing service, the name and address of the motor carrier shall be permanently placed in a conspicuous place on both sides of all



power vehicles in contrasting colors with plain letters and numbers not less than 3 inches in height.

(2) All power vehicles shall be given separate unit numbers, which shall be placed on both sides of the power vehicles in a conspicuous place in plain numbers not less than 3 inches in height and in contrasting colors.

(3) The letters CVED and the CVED number of the motor carrier shall be placed in a conspicuous place on both sides of all power vehicles in plain letters and in contrasting colors, and with numbers not less than 1 1/2 inches in height.

(4) The numbers and letters shall remain on the motor vehicle only when operated under an active authority issued by the department.

(5) If any motor carrier removes any motor vehicle permanently from operation or transfer, or otherwise dispose of any department-issued authority, the CVED number shall be promptly removed from that vehicle.

(6) Any motor carrier that transfers or otherwise disposes of any department-issued authority, or possesses any authority that has been revoked or placed into temporary discontinuance, shall not use the CVED number, in any manner whatsoever, in any advertising for that carrier's services.

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.18504. Authority document.**

Rule 504. Except on approval of the department, a motor carrier's self-propelled motor vehicle shall not be operated unless the motor vehicle at all times has in the cab the motor carrier's department-issued authority. The authority document shall be kept in a clean and legible condition at all times.

History: 1984 AACS; 2018 AACS.

**R 460.18505. Identification decal and cab card required.**

Rule 505. Unless otherwise provided in the certificate of authority, a self-propelled motor vehicle shall not be operated until a department-issued identification decal and cab card have been issued and attached to the motor vehicle.

History: 1984 AACS; 1988 AACS; 2018 AACS.

**PART 6. TRANSFER OF AUTHORITY**

**R 460.18601 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18602 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18603 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18604 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18605 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18606 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18607 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18609 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18610 Rescinded.**

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.18611 Rescinded.**

History: 1984 AACS; 1988 AACS; 2018 AACS.

**PART 7. SHIPPING DOCUMENTS AND PAYMENT OF FREIGHT  
CHARGES**

**R 460.18701 Rescinded.**

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.18703 Rescinded.**

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.18705 Rescinded.**

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.18706 Rescinded.**

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.18707 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18708 Rescinded.**

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.18710 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18711 Rescinded.**

History: 1984 AACS; 2018 AACS.

**PART 8. ACCOUNTING AND REPORTING PROCEDURES**

**R 460.18801. Annual reports.**

Rule 801. (1) Before April 30 of each year, or not later than 4 months after the close of its fiscal year, the department may require a motor carrier of household goods to file an annual financial report in a manner prescribed by the department. The report shall be prepared from the carrier's books, which shall be kept strictly in accordance with generally accepted accounting principles. The report shall cover the last preceding

calendar or fiscal year of the carrier. One copy shall be filed with the department and 1 copy shall be retained by the carrier as part of its permanent records. The annual report shall be filed and verified by a responsible officer having control of the accounts of the carrier.

(2) The annual financial report for a carrier holding both household goods and general commodity authorities shall also include the revenues and expenses generated by its general commodities operations.

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.18802 Rescinded.**

History: 1984 AACS; 1988 AACS; 2018 AACS.

**PART 9. EMERGENCY-TEMPORARY AND TEMPORARY AUTHORITY**

**R 460.18901 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18902 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18903 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18904 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18906 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18907 Rescinded.**

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.18909 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18910 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18911 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.18912 Rescinded.**

History: 1984 AACS; 2018 AACS.

**PART 10. COLLECTIVE RATE MAKING BETWEEN OR AMONG  
CARRIERS**

**R 460.19001 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19002 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19003 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19004 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19005 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19006 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19007 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19008 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19009 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19010 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19011 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19012 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19013 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19014 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19016 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19018 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19019 Rescinded.**

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.19020 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19021 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19022 Rescinded.**

History: 1984 AACS; 2018 AACS.

**PART 11. INSURANCE**

**R 460.19101 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19102 Rescinded.**

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.19103 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19104 Rescinded.**

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.19105 Rescinded.**

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.19106**

History: 1984 AACS; 2018 AACS.

**PART 12. RATES AND TARIFFS**

**R 460.19201. Definitions.**

Rule 1201. As used in this part:

(a) "Agent" means a person or corporation duly authorized by a carrier to publish rates and provisions for that carrier's account in tariffs published in the name of the agent.

(b) "Aggregate" means the net rate or charge increases or decreases of the carrier filing the proposed rate change within the year since the effective date of the proposed rate.

(c) "Amendment" means any change to a tariff, including additions or cancellations.

(d) "Capital structure ratio" means the sum of a carrier's debt due after 1 year divided by shareholder's equity plus the debt due after 1 year.

(e) "Cost evidence" means those financial schedules, statements, and reports which are submitted to the department in supportive justification of a proposed rate increase or decrease.

(f) "Current ratio" means current assets divided by current liabilities.

(g) "Expense ratio" means the sum of expenses plus interest on long-term debt divided by revenue.

(h) "Expenses" means those financial charges or costs incurred for hire upon the public highways of, and between points within this state.

(i) "Financial schedules, statements, and reports" means evidence presented in the form of charts, balance sheets, ledgers, graphs, tables, computer printouts, or narrative account that serves to illustrate, explain, justify, and identify the revenues and expenditures realized by a particular motor carrier operation.

(j) "Fixed or constant costs" means those costs that do not change as a result of changes in the volume of business.

(k) "Foreseeable future cost" means a new cost, an increase or decrease in wage-related costs, a non-labor expense, or a cost attributable to fuel and fuel-related expenses. These costs shall not be merely speculative, but shall have a high probability of occurring



within a period of time not longer than 6 months from the effective date of the rate proposal to which foreseeable future costs are applied.

(l) "Fully allocated costs" means total costs, including variable costs plus an allocation of fixed costs.

(m) "Item" means a tariff provision of any kind bearing an item number designation.

(n) "Labor expenses" means charges or costs incurred by a motor carrier enterprise in payment for all wages and expenses incidental to employment.

(o) "Long-term debt" means debt due after 1 year.

(p) "Loose-leaf tariff" means a tariff, not a bound tariff, consisting of loose-leaf pages.

(q) "Operating ratio" means the quotient of a carrier's operating expenses divided by its operating revenues.

(r) "Post" refers to the maintenance of a file of tariffs which the public may inspect.

(s) "Predatory rate" means a rate that is below or in excess of its fully allocated cost. Fully allocated costs are total costs, including variable costs plus an allocation of fixed costs.

(t) "Producer price index" means the producer price index of industrial commodities, less fuels and related products and power, as published by and available from the United States Department of Labor, Bureau of Labor Statistics, Washington, D.C. 20212.

(u) "Rate proposal" means a formal request made to establish a rate or rule before publication in a tariff to be filed with the department.

(v) "Return on transportation investment" means that formula used to determine the amount of income a carrier is receiving as compared to the carrier's investment.

(w) "Revenue need" means the demonstrated need of a motor carrier of household goods for a change in rates.

(x) "Statutory notice" means 30 days' notice or 45 days' notice, as the case may be, as set forth in the act.

(y) "Supplement" means a publication, indicated as a supplement, consisting of a single sheet, or 2 or more sheets bound at the left edge in pamphlet or book form, issued to amend or cancel the tariff.

(z) "Tariff" means a publication containing 1 or more rates, charges, rules, regulations, or other provisions, or any combination thereof, of 1 or more motor carriers of household goods, together with its supplements or loose-leaf page amendments thereto, if any.

(aa) "Tariff identification designation" means an approved consecutive number system used to identify tariffs filed with the department.

(bb) "Variable costs" means those business-related costs that vary with changes in the volume of business.

History: 1984 AACS; 2018 AACS.

## **R 460.19202. Necessity for nonpredatory rates.**

Rule 1202. Following the granting of a new or temporary authority to a motor carrier of household goods, but before the issuance of the authority that authorizes commencement of operations, the department shall determine that the rates charged under the new authority are nonpredatory.

History: 1984 AACS; 2018 AACS.

**R 460.19203 Rescinded.**

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.19204 Rescinded.**

History: 1984 AACS; 2018 AACS.

## **RATE JUSTIFICATION**

**R 460.19205. Rate justification; accompanying statements or schedules.**

Rule 1205. (1) A rate proposal filed with the department by 1 or more motor carriers of household goods may be required to be accompanied by detailed statements or schedules of their revenues and expenditures in the form, and according to the directions, that the department may prescribe.

(2) The statements or schedules shall indicate and specify changes, and the extent of those changes, in the incurred costs cited by a carrier as justification for the rate proposal.

(3) A statement attesting to the validity of cost evidence shall be included with the rate proposal attesting that the evidence is true and accurate to the best of the motor carrier's knowledge. The statement shall be signed and submitted simultaneously with any cost evidence filed with the department.

History: 1984 AACS; 2018 AACS.

**R 460.19206 Rescinded.**

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.19207 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19209 Rescinded.**

History: 1984 AACCS; 2018 AACCS.

**R 460.19210. Statement of authorized representation.**

Rule 1210. (1) An agent representing a motor carrier or carriers of household goods who files a tariff, or any other supplemental information as referred to in these rules, and that has been charged with the responsibility for preparing cost evidence filings by a carrier or carriers, shall prepare and submit a statement of authorized representation to the department.

(2) The statement of authorized representation shall be submitted with the represented carrier's cost evidence filings and shall contain all of the following:

- (a) The name of the filing agent.
- (b) The domicile of the filing agent.
- (c) The signature of the filing agent.

(3) The signature of an agent responsible for the preparation of a cost evidence filing shall serve as a statement of record that the agent is the authorized representative of the carrier or carriers and that the cost evidence filings are accurate and true to the best of the agent's knowledge.

History: 1984 AACCS; 2018 AACCS.

**R 460.19211 Rescinded.**

History: 1984 AACCS; 1988 AACCS; 2018 AACCS.

**R 460.19212 Rescinded.**

History: 1984 AACCS; 2018 AACCS.

**R 460.19213. Financial and cost criteria.**

Rule 1213. (1) In determining the revenue need of a motor carrier or carriers of household goods pursuant to a cost evidence evaluation, the department may require the carrier or carriers to prepare and submit information pertaining to any of the following:

- (a) Return on equity.
- (b) Return on transportation investment.
- (c) Operating ratio.
- (d) Expense ratio.
- (e) Current ratio.
- (f) Capital structure ratio.

(g) Any other reasonable cost center criteria that may be useful to the department in assessing the financial structure and needs of the carrier operations.

(2) The department may reject the cost evidence filings of a motor carrier of household goods when it determines that there is reason to believe that the filings do not sufficiently provide that information that may be deemed necessary for the accurate review and determination of the carrier's financial structure.

History: 1984 AACS; 2018 AACS.

**R 460.19214. Labor expenses.**

Rule 1214. (1) The labor costs presented in the cost evidence filings of a motor carrier or carriers of household goods which are submitted to the department pursuant to a rate proposal shall be separated into the following cost categories:

- (a) Union employees.
- (b) Nonunion employees.
- (c) Managers and executives.
- (d) Drivers, helpers, dockhands, and others.

(2) Labor cost changes may be cited by a motor carrier of household goods in cost evidence filings as expenses which may justify a rate increase or decrease.

History: 1984 AACS; 2018 AACS.

**R 460.19215. Taxes.**

Rule 1215. Costs incurred pursuant to the payment of any municipal, county, state, or federal income taxes or any penalties, judgments, liens, or assessments levied thereon shall not be included in a cost evidence filing as costs which justify a rate proposal.

History: 1984 AACS; 2018 AACS.

**R 460.19216. Economic indicators.**

Rule 1216. (1) When calculating an increase filed as an adjustment for increased operating expenses due to non-labor inflationary trends, a motor carrier or carriers of household goods may use the producer price index in addition to, or in conjunction with, any other appropriate economic indicators to estimate future foreseeable costs.

(2) Where projection of future foreseeable costs is made, the future period covered shall not extend beyond 6 months after the effective date of the rate filing.

History: 1984 AACS; 2018 AACS.

**R 460.19217. Empirical financial data.**

Rule 1217. (1) All empirical financial data or schedules describing the financial condition of a motor carrier or carriers of household goods shall reflect the most current financial data or schedules available. Empirical data are data based upon observation or experience as opposed to data derived from theory. As used in this rule, "current financial

data" includes all revenues and expenses realized within a 12-month period before the date of filing, or within any other reasonable period of time deemed appropriate by the department.

(2) Information taken from all financial schedules and reports used in the calculation of financial ratios shall be taken from a common closing date for the accumulation of that information.

History: 1984 AACS; 1988 AACS; 2018 AACS.

**R 460.19218 Calculation of return on transportation investment.**

Rule 1218. When calculating the return on transportation investment, the base income subject to calculation shall not include income paid out in taxes or interest, but shall include the total working capital provided by investors and debt financiers as follows:

Return on investment in = Net carrier operating income/ transportation property  
Average net carrier operating property plus current assets minus current liabilities

History: 1984 AACS.

**R 460.19219 Calculation of return on equity.**

Rule 1219. Return on equity is calculated as follows:

Return on equity = Net income after taxes/Average equity

History: 1984 AACS.

**R 460.19220 Calculation of operating ratio.**

Rule 1220. The operating ratio is calculated as follows:

Operating ratio = Operating expenses, not including interest or tax expenses  
Operating revenues

History: 1984 AACS.

**R 460.19221 Calculation of expense ratio.**

Rule 1221. The expense ratio is calculated as follows:

Expense ratio = Operating expenses plus interest on long-term debt  
Operating revenues

History: 1984 AACS.

**R 460.19222 Calculation of current ratio.**

Rule 1222. The current ratio is calculated as follows:

$$\text{Current ratio} = \frac{\text{Current assets, year-end}}{\text{Current liabilities, year-end}}$$

History: 1984 AACS.

**R 460.19223 Calculation of capital structure ratio.**

Rule 1223. The capital structure ratio is calculated as follows:

$$\text{Capital structure ratio} = \frac{\text{Long-term debt}}{\text{Long-term debt plus shareholders equity minus intangibles}}$$

History: 1984 AACS.

**R 460.19224. Additional cost evidence from carriers.**

Rule 1224. (1) A motor carrier or carriers of household goods that believes that the standards of cost evidence do not provide for a complete or fair analysis of its financial operations may submit any additional data or information that may be deemed necessary to explain its financial operations.

(2) Additional data or information may be submitted in the form of fiscal schedules, statements, or reports as may be deemed necessary to sufficiently clarify the carrier's financial operations.

History: 1984 AACS; 2018 AACS.

**R 460.19225. Corrections and addenda to original filings.**

Rule 1225. Cost evidence that is filed in correction of, or as an addition to, those schedules, reports, or statements originally filed pursuant to a rate proposal submitted to the department shall be filed not later than 5 days after notice has been given of the receipt of the original filings or any other reasonable period of time as may be determined by the department.

History: 1984 AACS; 2018 AACS.

**R 460.19226. Unreasonable rate adjustments.**

Rule 1226. A rate adjustment submitted by a motor carrier or carriers of household goods in a cost evidence evaluation shall be considered unreasonable under any of the following circumstances:

- (a) It does not conform to the specifications contained in these rules.

(b) It is in excess of the rate required by the carrier or carriers to assure adequate and safe service and a fair opportunity to realize a return on transportation investment and to maintain a reasonable operating ratio.

History: 1984 AACS; 2018 AACS.

**R 460.19227. Random or routine compliance audit procedures.**

Rule 1227. (1) The department shall notify those motor carrier or carriers of household goods selected for audit of the designated day or days upon which their company will be audited. This notice shall be given not less than 48 hours in advance of the scheduled audit.

(2) The department shall inform the carrier or carriers of the information that will be required by the department for the purpose of conducting the proposed audit.

History: 1984 AACS; 2018 AACS.

**R 460.19228 Rescinded.**

History: 1984 AACS; 2018 AACS.

## TARIFF COMPILATION

**R 460.19229. Tariff compilation; tariff filings; physical form.**

Rule 1229. (1) All motor carriers of household goods shall file tariffs for moves in excess of 40 miles. All tariffs and supplements thereto shall be in book, pamphlet, or loose-leaf form, the size of which shall be 8-1/2 by 11 inches, and shall be plainly machine printed by computer, or prepared by other durable process on paper of good quality. Tariffs or supplements applicable to both interstate and intrastate filings may be on paper which is 8 by 11 inches.

(2) All tariffs and supplements thereto which are filed and posted shall be clearly legible.

History: 1984 AACS; 2018 AACS.

**R 460.19230. Arrangement.**

Rule 1230. Tariffs shall be arranged in the following manner:

- (a) Title page, as set forth in R 460.19231.
- (b) All rules and regulations governing the transportation of household goods, as set forth in R 460.19234.
- (c) Rates and charges, as set forth in R 460.19235.
- (d) Explanation of abbreviations and reference marks.

History: 1984 AACS; 2018 AACS.

**R 460.19231. Title page.**

Rule 1231. All of the following provisions apply:

(a) Every tariff shall bear a CVED identification designation, as set forth in R 460.19232.

(b) The title page shall contain rules and regulations, or a combination of rules and regulations class, commodity, or a combination of these descriptions, or any other description which describes the contents of the tariff.

(c) Except as otherwise provided elsewhere for agency tariffs, the name used on a tariff or other department filing by an individual, partnership, firm, or corporation, as the case may be, shall be the same as shown on the certificate issued by the department.

(d) Every tariff shall show an issuing and effective date, as set forth in R 460.19245.

History: 1984 AACS; 2018 AACS.

**R 460.19232. Tariff identification designation.**

Rule 1232. (1) Every tariff filed with the department shall bear a tariff identification designation. Motor carrier or carriers of household goods or their agent shall use a consecutive numbering system, acceptable to the department, to establish such designations.

(2) All of the following provisions apply to tariff references to previous filings:

(a) Any tariff referring to another tariff shall identify the other tariff by its tariff identification designation.

(b) Any tariff that refers to another as a governing publication or otherwise, shall clearly spell out the name of the motor carrier or carriers or agent whose tariff it is.

(c) Rejected tariffs shall not be referred to in any subsequent tariff as having been cancelled, amended, or withdrawn. The tariff that is published to replace the rejected tariff shall bear the following notation: "Issued in lieu of (here identify the rejected tariff), rejected by the Michigan Department of State Police."

(3) All of the following provisions apply to changes of motor carrier or carriers of household goods or agent control or name:

(a) A court-appointed receiver, trustee, executor, administrator, or assignee who assumes possession and operational control of a carrier, whether in whole or in part, shall continue utilization of the carrier's tariff identification designation.

(b) Where the name of a carrier is lawfully changed or the operating control of a carrier's properties is lawfully transferred in whole or in part, to another party as approved by the department, the tariff identification designation utilized by the new carrier may be approved as an original filing.

History: 1984 AACS; 2018 AACS.

**R 460.19233 Rescinded.**



History: 1984 AACCS; 2018 AACCS.

**R 460.19234. Rules and regulations.**

Rule 1234. All rules and regulations that affect to any degree the transportation service or charge, or both, shall be shown in the tariff in explicit terms. The title of each rule and regulation shall be shown in bold type and the items in which each rule and regulation are published shall be numbered in ascending order, numbered consecutively or by increments; for example, item 5, 10, 15.

History: 1984 AACCS; 1988 AACCS; 2018 AACCS.

**R 460.19235. Rates and charges.**

Rule 1235. (1) Rates or charges, or both, shall be shown in a plain, clear, and concise manner.

(2) Rates may be named in cents or in dollars and cents per 100 pounds, per ton, per mile, per 100 gallons, per hour, per trip, or other defined measure.

(3) Where rates are in stated amounts per package or bundle, definite specifications of a package or bundle shall be shown.

(4) Rates are not to be published by rule, except upon special permission of the department.

(5) When a minimum weight is applicable or used in connection with a rate or rates, the minimum weight provision or rule shall be specifically stated in the tariff or specific reference shall be given to the tariff identification designation that contains the minimum weight, rules, and regulations.

(6) Ambiguous or misleading tariff plans or terms are not acceptable and are cause for rejection.

(7) All rates and charges applicable to the transportation of household goods shall be shown.

(8) Tariffs containing tables of rates based on the distance from point of origin to destination shall show the mileages, or acceptable substitute for mileages, for example, rate base numbers, and provide a definite method by which the distance shall be determined.

(9) Tariffs of more than 10 pages shall contain a complete index, together with reference to the item, note, rule, or section, and the page number where located.

(10) A conversion-type table or master tariff may be filed to any tariff to provide a general change in the level of all or substantially all of the rates or charges or all or substantially all of the rates or charges in a described category. Only 1 conversion may be in effect at one time and shall be filed with an expiration date not to exceed 12 months from the effective date. The conversion table or master tariff shall employ the columnar form of publication, naming each base rate or charge to be increased or reduced and, in direct connection therewith, the resulting applicable rate or charge. The supplement or conversion table shall be clear, explicit, and in simple terms and shall be free of conflict and ambiguity. If the conversion table or master tariff does not include all the tariff rates and charges to be changed, it shall provide a percentage formula or other basis for

converting rates and charges which are higher than those shown or otherwise not shown in the conversion table or master tariff and shall provide a method of disposing of resulting fractions.

History: 1984 AACCS; 2018 AACCS.

**R 460.19236. Loose-leaf tariffs.**

Rule 1236. Loose-leaf tariffs may also be filed with the department, as set forth in R 460.19247, subject to the following special requirements:

(a) Pages of loose-leaf tariffs may be printed on 1 side or on both sides of the page and shall be consecutively numbered and designated as "original title page," "original page 1," "original page 2," and consecutively numbered thereafter.

(b) Every page shall show at the top the name of the issuing motor carrier or carriers of household goods, or agent, the page number, and the tariff identification designation. The bottom of the page must show the date of issue, the effective date, and the name, title, and address of the issuing officer or agent.

History: 1984 AACCS; 2018 AACCS.

**R 460.19237. Ruling of tables.**

Rule 1237. When tables of rates, rate base numbers, charges, or numerals or letters for other purposes are used, the pages shall be vertically ruled in columns of sufficient width to accommodate the matter to be shown, including reference marks, without crowding, or shall show equivalent blank spaces. At least 1 blank space or a ruled line shall appear after every sixth horizontal line of printed matter.

History: 1984 AACCS; 2018 AACCS.

**R 460.19238. Conflicting rates.**

Rule 1238. Carriers shall not publish tariffs containing a rate or rates, rules, or regulations that duplicate or conflict with any other rate or rates, rules, or regulations published in the same or any other tariff on file with the department.

History: 1984 AACCS; 2018 AACCS.

**R 460.19239. Explanation of abbreviations or symbols.**

Rule 1239. An explanation of all abbreviations, symbols, reference marks, and explanatory statements used in tariffs shall be in clear and explicit terms regarding the rates and rules contained in the tariff as may be necessary to remove all doubt as to their proper application (see R 460.19247(8)) and shall be the last information shown in the tariff. The other pages of the tariff shall indicate the item or page number, or both, where the explanation of abbreviations will be found.

History: 1984 AACS; 2018 AACS.

**R 460.19240. Pick-up and delivery service.**

Rule 1240. It is to be understood that all rates include pick-up and delivery service. When an additional charge is made for the service, the charge shall be stated in the tariff or reference shall be made by the number to the tariff identification designation where the charges can be found.

History: 1984 AACS; 2018 AACS.

**R 460.19241 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19242 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19243. Shipping documents.**

Rule 1243. A shipper shall file a document at a motor carrier of household goods' place of business containing not less than the following information in connection with each shipment transported:

- (a) Name of carrier.
- (b) Name of shipper and point of origin.
- (c) Name of consignee and destination.
- (d) Shipper's number.
- (e) Date of shipment.
- (f) Quantity.
- (g) Description of article.
- (h) Weight.
- (i) Rates and charges.
- (j) Shipment prepaid or collect.

History: 1984 AACS; 2018 AACS.

**R 460.19244 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19245. Filing tariffs and supplements.**

Rule 1245. (1) 1 copy of every tariff, classification, supplement, or other filing by the motor carrier of household goods shall be filed with the department, unless additional copies are requested.

(2) All tariff, classification, supplement, or other filings with the department shall be accompanied by a transmittal letter listing the documents being filed.

(3) All transmittal letters shall also provide as follows:

(a) A brief explanation of the changes being made in each of the filings, for example, naming increases, naming reductions, or reissue without change in rates, as applicable.

(b) That the filing contains provisions that are being brought forward from previous filings to the same tariff, without change, for example, reissued matter, when applicable.

(c) If a receipted copy of the transmittal letter is desired, the phrase "receipted copy requested" shall be shown on the face of the original and a self-addressed, stamped envelope shall be enclosed.

(4) Every tariff or supplement or loose-leaf revised page shall be filed electronically with the department on statutory notice before the effective date shown on the title page, except as otherwise provided in R 460.19248.

(5) A tariff or supplement issued by the motor carrier or carriers of household goods without the statutory notice, may be returned as rejected by the department, or a carrier may be given the opportunity to comply with the statutory notice requirement by extending the effective date of the tariff or supplement. Except as otherwise provided in this rule, when a tariff or supplement is issued and the department is not given statutory notice, it is as if it had not been issued. If the tariff or supplement is re-issued, the departmental shall give statutory notice.

(6) Notwithstanding other subrules of this rule, when temporary authority is granted by the department, the tariff may be filed on 5 days' notice, or less than 5 days with the approval of the department. The tariff filing shall show the following statement on the title page or in the tariff publication: "Issued on \_\_\_\_\_ days' notice. Authority of CVED Rule 1245(6)."

(7) When a tariff filing is rejected, the department shall give written reasons for the rejection.

History: 1984 AACCS; 2018 AACCS.

#### **R 460.19246. Posting tariffs.**

Rule 1246. (1) Under the act, a motor carrier of household goods is required to keep open to public inspection in its principal place of business, and have available upon request, schedules, tariffs, and supplements showing all rates and charges for the transportation of household goods and all other tariffs to which the carrier is a participating carrier.

(2) The schedules, tariffs, and supplements shall be complete, accessible, and in usable form and shall be available for inspection during the ordinary business hours of the carrier. Employees of the carrier shall, with reasonable promptness, provide any requested information contained in the tariffs, assist those seeking information from the

tariffs, and afford inquirers an opportunity to examine the tariffs without requiring or requesting the inquirer to give a reason for seeking the opportunity.

(3) Each tariff publication shall be posted continuously for not less than 25 days before the effective date of a 30-day tariff filing, or at least 1 day before a filing made on less than 30-days' notice.

History: 1984 AACCS; 1988 AACCS; 2018 AACCS.

**R 460.19247. Reissuing, canceling, or changing tariffs or supplements.**

Rule 1247. (1) The department may require the reissuance of any tariff or supplement at any time, citing, in writing, the reasons for the request.

(2) When a tariff is reissued, the new tariff shall cancel the old tariff; for example, "Tariff Identification Designation No. 2 cancels Tariff Identification Designation No. 1." This information is to be placed in the top part of the title page of the new tariff.

(3) Tariff amendments shall be filed on statutory notice, except as otherwise provided in R 460.19248.

(4) Any change, including additions, to a tariff shall be made by reissuing the tariff or by issuance of a supplement to the tariff. Such supplements shall be numbered consecutively starting with No. 1, for example, "Supplement No. 1 to (here show the tariff identification designation)," and shown at the top of the page.

(5) A supplement canceling a previous supplement to the same tariff shall be accomplished as follows: "Supplement No. \_\_\_\_\_ cancels Supplement No(s). \_\_\_\_\_." This information, together with the numbers of those supplements in effect on the effective date of the supplement, shall be shown in the upper portion of the title page. Supplements of a special kind; for example, suspension, postponement, and blanket increase, shall be indicated as such on the title page.

(6) Except as otherwise authorized in subrule (7) of this rule, an item or any other unit, numbered or unnumbered, amended by a supplement shall be published in that supplement in its entirety as amended. The item, or other unit, shall be assigned numbers, and changes to or cancellation of it shall be under the same item, or other unit, number with letter suffix. For example: item 40-A cancels item 40; item 40-B cancels item 40-A, and so forth. Specific cancellation of items may be omitted if the tariff provides a rule as follows: A numbered item with a suffix shown in a supplement shall cancel, except as otherwise specifically provided, previous items bearing the same number found in the tariff or prior supplements. Letter suffixes shall be applied beginning with the letter A. For example, item 300-A shall cancel item 300, but only item 300-A need be shown. Item 300-B shall cancel item 300-A, but only item 300-B need be shown.

(7) All of the following provisions apply to loose-leaf tariffs:

(a) When a revised title page is issued the following notation shall be shown in connection with the effective date: "Original effective date \_\_\_\_\_ (here show effective date of the original tariff)."

(b) If, because of an expansion of the matter on any page, it becomes necessary to add an additional page, the additional page shall be given the same number with a letter suffix; for example, "original page 4-a," "original page 4-b," and so forth. If it becomes necessary to change the matter on "original page 4-a," it may be done by issuing "1st revised page 4-a," which shall provide for the cancellation of "original page 4-a."

(c) Unless otherwise authorized, amendment of a page must be made by reprinting the page and showing a revision number. The revision numbers must be used in consecutive numerical order beginning with "1st Revised Page." A revised page cancels any uncanceled, revised, or original pages that bear the same page number.

(8) All tariffs, supplements, and revised pages shall indicate changes from preceding issues by the use of the following symbols:

(A) to denote increases

(C) to denote changes, the result of which is neither an increase nor a reduction

(E) to denote elimination

(N) to denote new; for example, not previously shown in the tariff being amended or reissued

(R) to denote reductions

(9) When a tariff is canceled in whole or in part by a supplement, the supplement shall show where in the future the rates will be found or what rates will apply. When a tariff is canceled by another tariff that does not contain all of the rates shown in the tariff to be canceled, the canceling tariff shall show where the uncanceled rates will be found or what rates will apply.

For example:

"Rates in \_\_\_\_\_ Tariff Identification Designation No. \_\_\_\_\_ will apply," or, "class rates will apply," or "combination rates will apply."

History: 1984 AACS; 1988 AACS; 2018 AACS.

#### **R 460.19248. Filing tariffs on less than statutory notice.**

Rule 1248. (1) The department may authorize the filing of tariffs or supplements upon less than statutory notice in its discretion and for good cause shown. An original of the proposed tariff or supplement and a request for permission to publish, post, and file tariffs on less than the statutory notice, or for waiver of the provisions of these rules, shall be submitted specifying facts which present special circumstances and conditions justifying the request. The request shall bear the signature of an authorized officer or employee or duly authorized attorney or tariff publishing agent. (2) Tariffs or supplements containing provisions that are being published under an authorization by special permission of the department shall show the following: "Issued on \_\_\_\_\_ days' notice under special permission of the Michigan Department of State Police, Tariff Identification Designation No. \_\_\_\_\_ dated \_\_\_\_\_."

(3) For tariffs and supplements issued under special permission of the department, exact compliance with the requirements for notice specified in the permission is required.

History: 1984 AACS; 1988 AACS; 2018 AACS.

#### **R 460.19249 Rescinded.**

History: 1984 AACS; 2018 AACS.

**R 460.19250. Tariffs filed by agents.**

Rule 1250. (1) A motor carrier of household goods that has secured an authority to operate from the department may issue and file its tariffs naming rates, rules, and regulations, individually or collectively, as set forth in the act and in these rules. In either instance, the rules prescribed in this part govern the construction and filing of those tariffs.

(2) Agency tariffs, whether issued under the name of an association by its agent or under the name of the agent alone, shall bear the tariff identification designation number of the agent or association and shall show the names of all carriers participating in the tariffs and the CVED number under which the carriers operate, alphabetically arranged directly after the title page. However, if there are no more than 3 participating carriers, their names may be shown on the title page of the tariff.

(3) Supplements that contain either a list of carriers participating in the supplement or that state that the list of participating carriers is as shown in the tariff with certain exceptions, shall show alphabetically all additions to, and eliminations from, the original list that are to be affected by the supplement or that have been affected by previous supplements.

(4) The agent or carrier that issues a joint tariff publication shall send copies to every carrier that is named as a party.

History: 1984 AACCS; 1988 AACCS; 2018 AACCS.

**R 460.19251 Rescinded.**

History: 1984 AACCS; 2018 AACCS.

**R 460.19252. Suspension of rates, charge, rule, or regulation by the department.**

Rule 1252. (1) If the department suspends the effective date of any rate, charge, rule, or regulation, it is unlawful for any motor carrier of household goods to use the rate, charge, rule, or regulation until the suspension has expired or, by department action, until authority has been granted lifting the suspension.

(2) Upon receipt of a notice suspending the effective date of any publication in part or in its entirety, the carrier or agent who issued the publication shall immediately file with the department and post, in accordance with R 460.19246, a consecutively numbered supplement, bearing no effective date, that contains notice of the suspension.

(3) The supplement shall give specific reference to the tariff identification designation or designations of the tariffs, supplements thereof, or revised pages, in which will be found rates, charges, classifications, rules, and provisions with respect to practices to be continued in effect.

(4) The supplement shall quote the portion of the notice that describes the suspended matter contained in the publication, the date of the suspension, and state that all other matter not suspended remains in effect during the period of suspension.

History: 1984 AACCS; 2018 AACCS.

**R 460.19253. Violation of act.**

Rule 1253. The act affirmatively imposes upon each carrier the duty of filing with the department all of its tariffs and amendments thereto, as prescribed in the act, or in any rule relative thereto which may be announced by the department, under penalty for failure to do so, and prohibits the use of any rate which is not contained in the carrier's lawfully published and filed tariffs. The fact that receipt of a tariff, or supplement thereto, is acknowledged by the department, or the fact that a tariff, or a supplement thereto, is in the files of the department, will not serve to excuse the carrier from responsibility or liability for any violation of the act, or any ruling lawfully made, which may have occurred in connection with the construction or filing of the tariff or supplement.

History: 1984 AACS; 2018 AACS.

**PART 13. FORMS**

**R 460.19301 Rescinded.**

History: 1984 AACS; 1988 AACS; 2018 AACS.