

THIRD PARTY ADMINISTRATOR ACT (EXCERPT)
Act 218 of 1984

550.956 Judicial review; petition for review; transcript of record and copy of order or decision; hearing cause as civil case in equity; evidence; duty of court; incomplete record; stay of order or decision; jurisdiction.

Sec. 56.

(1) Any final order or decision made, issued, or executed by the commissioner under this act shall be subject to review, after hearing had before the commissioner or a deputy commissioner without leave by the circuit court of Ingham county or the circuit court of the county in which the principal office in this state of the TPA aggrieved by such order or decision is located, or where the person resides against whom such order is directed.

(2) A petition as of right for the review of such order or decision shall be filed within 30 days from the date of service of a copy of said order or decision upon the TPA or other person against whom said order or decision shall run. Copy of such petition for review as filed with and certified by the clerk of the court shall be served upon the commissioner, or in his or her absence upon someone in active charge of the insurance bureau, within 5 days after the filing thereof. If a petition for review is not filed within the 30 days, the party aggrieved shall be deemed to have waived the right to have the merits of the order or decision reviewed, and there shall be no trial of the merits thereof by any court to which application may be made by petition or otherwise. Within 10 days after the service of copy of the petition for review, unless the time be extended by order of court, the commissioner shall prepare and file with the clerk of the court in which the petition for review was filed, a complete transcript of the record of the hearing had before him or her, and a true and certified copy of his or her order or decision.

(3) The cause shall be heard before the court as a civil case in equity upon such transcript of the record and such additional evidence as may be offered by any of the parties at the hearing of the cause before the court. It shall be the duty of the court to hear and determine such petition with all convenient speed. If on the hearing before the court it appears that the record filed by the commissioner is incomplete, the court by appropriate order may direct the commissioner to certify any or all parts of the records so omitted. The commencement of proceedings under this section shall not operate as a stay of the enforcement of the commissioner's order or decision unless so ordered by the court or commissioner, and under such conditions as the court or commissioner may impose. The court shall have the jurisdiction to affirm, modify, or to set aside the order or decision of the commissioner and to restrain the enforcement thereof.

History: 1984, Act 218, Eff. Jan. 1, 1985