



AN ACT UPDATING MOTOR CARRIER LAWS TO COMPLY WITH FEDERAL PREEMPTION OF STATE REGULATION OF MOTOR CARRIERS TRANSPORTING CERTAIN PROPERTY; AMENDING SECTIONS 69-12-311, 69-12-312, 69-12-407, AND 69-12-408, MCA; REPEALING SECTIONS 69-12-331 AND 69-12-612, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-12-311, MCA, is amended to read:

"69-12-311. Class A motor carrier certificate. (1) ~~No A~~ Class A motor carrier ~~shall operate for the transportation of~~ may not transport persons, ~~and/or property, or both~~ for hire on any public highway in this state without ~~first having obtained from the commission, under the provisions of~~ obtaining, pursuant to this chapter, a certificate declaring that public convenience and necessity require ~~such~~ the operation.

(2) A motor carrier ~~making application for such certificate shall do so~~ shall apply for a certificate, in writing, separately for each route, ~~which petition shall.~~ The application must be verified by the applicant and ~~shall~~ specify the following matters:

- (a) the name and address of the applicant ~~and the names and addresses of~~ its officers, if any;
- (b) the public highway or highways ~~over which~~ and the fixed termini between ~~which or~~ the regular route or routes ~~over which it~~ where the applicant intends to operate;
- (c) ~~the kind of transportation, whether passenger, freight, or both, together with~~ a full and complete description of the character of the vehicle or vehicles to be used, including the seating capacity ~~of any vehicle to be used for passenger traffic and the tonnage capacity of any vehicle to be used in freight traffic;~~
- (d) the proposed time schedule;
- (e) a proposed schedule of the tariff or rates ~~desired to be charged for the transportation of freight and/or passengers;~~
- (f) a complete and detailed description of the property proposed to be devoted to the public service;
- (g) a detailed statement showing the assets and liabilities of ~~such~~ the applicant; and

(h) ~~such other or additional information as required by the commission may by order require.~~

(3) ~~Such~~ The application shall must be accompanied by a filing fee to be set by rule of the commission."

Section 2. Section 69-12-312, MCA, is amended to read:

"69-12-312. Class B motor carrier certificate. (1) ~~No A~~ Class B motor carrier ~~shall operate for the transportation of~~ may not transport persons, and/or property, or both for hire on any public highway in this state without first ~~having obtained from the commission, under the provisions of~~ obtaining, pursuant to this chapter, a certificate declaring that public convenience and necessity require such the operations operation.

(2) A motor carrier ~~making application for such permit shall do so~~ shall apply for a certificate in writing, separately for each locality ~~for which consideration is desired, which petition shall~~ under consideration. The application must be verified by the applicant and shall specify the following matters:

(a) the name and address of the applicant and the names and addresses of its officers, if any;

(b) the kind of transportation, whether passenger, ~~freight household goods,~~ or both, together with a full and complete description of the character of the vehicle or vehicles to be used, including the seating capacity of any vehicle to be used for passenger traffic and the tonnage capacity of any vehicle to be used in ~~freight household goods~~ traffic;

(c) the locality and character of operations to be conducted;

(d) a proposed schedule of the tariff ~~of or~~ rates ~~desired~~ to be charged for the transportation of ~~freight and/or passengers, household goods, or both;~~

(e) a complete and detailed description of the property proposed to be devoted to the public service;

(f) a detailed statement showing the assets and liabilities of ~~such the~~ applicant; and

(g) ~~such other or additional information as the commission may by order require~~ required by the commission.

(3) ~~Such~~ The application shall must be accompanied by a filing fee to be set by rule of the commission."

Section 3. Section 69-12-407, MCA, is amended to read:

"69-12-407. Records and reports. (1) All records, books, accounts, and files of ~~every~~ a Class A, Class B, Class C, and Class D motor carrier in this state, ~~so far~~ as they relate to the business of transportation conducted by the motor carrier, must at all times be subject to examination by the commission or by any

authorized agent or employee of the commission. The commission shall prescribe a uniform system of accounts and uniform reports covering the operations of Class A, Class B, Class C, and Class D motor carriers, ~~and every~~. A motor carrier authorized to operate in accordance with the provisions of this chapter shall keep its records, books, and accounts according to the uniform system, insofar as to the extent possible.

(2) Before April 1 of each year, unless this deadline has been extended for good cause by the commission, ~~every a~~ motor carrier authorized to engage in business shall file with the commission a report, under oath, on a form prescribed and furnished by the commission. ~~Those carriers filing an annual report with the interstate commerce commission shall, in addition to filing the report prescribed by the public service commission, submit to the public service commission a copy of the annual report filed with the interstate commerce commission. In addition to annual reports every motor carrier shall prepare and file with the commission, at the time or times and in the form to be prescribed by the commission, annual reports, special reports, and statements giving to the commission information it requires in order to perform its duties under this chapter.~~

(3) In addition to other reporting requirements, ~~the commission shall require the holder of a Class D motor carrier certificate to~~ shall provide sufficient information to the commission to show that the carrier is entitled to possess the Class D motor carrier certificate under the requirements of 69-12-314."

Section 4. Section 69-12-408, MCA, is amended to read:

"69-12-408. Identification of ownership of certain large motor vehicles. (1) (a) Except as provided in subsection (2), a person may not operate a motor vehicle or combination of vehicles, except farm vehicles, having a gross weight of more than 10,000 pounds ~~upon~~ on the highways of the state unless ~~there~~ the name or trade name, city, and state or the name or trade name and the public service commission or department of transportation number is displayed on both sides of each vehicle operated under its own power, either alone or in combination, ~~the name or trade name and city and state of or the name or trade name and the public service commission, interstate commerce commission, or department of transportation~~ If a number is displayed, it must be the number of the person or corporation under whose jurisdiction the vehicle or vehicles ~~is or~~ are being operated.

(b) The display of ~~name~~ name must be in letters in sharp contrast to the background and in a size, shape, and color readily legible in daylight from a distance of 50 feet while the vehicle is not in motion. The display must be ~~kept and maintained to remain~~ so that it remains legible. The display may be accomplished either by painting the

information on the vehicle or through the use of a decal or a removable device; prepared so that it meets the identification and legibility requirements of this section.

(2) This section does not apply to:

(a) farm vehicles; or

(b) motor vehicles being:

(i) transported to dealers from point of manufacture or;

(ii) transported from one dealer to another or being;

(iii) demonstrated to a ~~prospective~~ prospective buyer; or

(iv) delivered to a buyer from a dealer or a manufacturer."

Section 5. Repealer. The following sections of the Montana Code Annotated are repealed:

69-12-331. Special provisions relating to transportation of buildings.

69-12-612. Interchange of equipment.

Section 6. Effective date. [This act] is effective on passage and approval.

Section 7. Applicability. [This act] applies to certificates, records, reports, and identifications issued, completed, or displayed after [the effective date of this act].

- END -

I hereby certify that the within bill,
HB 0055, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2013.

President of the Senate

Signed this _____ day
of _____, 2013.

HOUSE BILL NO. 55

INTRODUCED BY A. KNUDSEN

BY REQUEST OF THE PUBLIC SERVICE COMMISSION

AN ACT UPDATING MOTOR CARRIER LAWS TO COMPLY WITH FEDERAL PREEMPTION OF STATE REGULATION OF MOTOR CARRIERS TRANSPORTING CERTAIN PROPERTY; AMENDING SECTIONS 69-12-311, 69-12-312, 69-12-407, AND 69-12-408, MCA; REPEALING SECTIONS 69-12-331 AND 69-12-612, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.