

HOUSE BILL NO. 56

INTRODUCED BY D. ZOLNIKOV

BY REQUEST OF THE PUBLIC SERVICE COMMISSION

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5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MOTOR CARRIER LAWS; ELIMINATING  
6 REFERENCES TO RAILROADS AND CERTAIN BUS SERVICES RELATING TO MOTOR CARRIER  
7 REGULATION; REVISING REQUIREMENTS FOR CERTAIN CERTIFICATES OF PUBLIC CONVENIENCE AND  
8 NECESSITY; INCREASING PENALTIES FOR VIOLATIONS OF MOTOR CARRIER REGULATIONS;  
9 ELIMINATING RATE, TARIFFS, AND FARE REGULATORY REQUIREMENTS FOR CLASS A AND CLASS B  
10 PASSENGER MOTOR CARRIERS; REVISING CERTAIN REPORTING AND RECORDKEEPING  
11 REQUIREMENTS FOR CLASS E MOTOR CARRIERS; CLARIFYING THE PUBLIC SERVICE COMMISSION'S  
12 INSPECTION AND ENFORCEMENT AUTHORITY; REVISING CERTAIN PROTEST REQUIREMENTS FOR  
13 MOTOR CARRIER APPLICATIONS; PROVIDING THE COMMISSION WITH ADDITIONAL RULEMAKING  
14 AUTHORITY FOR RATE DISCLOSURE; AMENDING SECTIONS 69-12-101, 69-12-102, 69-12-108, 69-12-201,  
15 69-12-203, 69-12-205, 69-12-321, 69-12-323, 69-12-324, 69-12-403, 69-12-404, 69-12-407, 69-12-501,  
16 69-12-502, 69-12-504, 69-12-601, AND 69-12-602, MCA; REPEALING SECTIONS 69-12-204, 69-12-208,  
17 69-12-341, 69-12-408, AND 69-12-511, MCA; AND PROVIDING AN EFFECTIVE DATE."

18  
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20  
21 NEW SECTION. **Section 1. Rate disclosure -- rulemaking.** On or before October 1, 2017, the  
22 commission shall adopt rules requiring passenger motor carriers to:

- 23 (1) disclose an estimate of passenger costs prior to commencement of a ride; and  
24 (2) document charges following the completion of the ride.

25  
26 **Section 2.** Section 69-12-101, MCA, is amended to read:

27 "**69-12-101. Definitions.** Unless the context requires otherwise, in this chapter the following definitions  
28 apply:

- 29 (1) "Between fixed termini" or "over a regular route" means the termini or route between or over which  
30 a motor carrier usually or ordinarily operates motor vehicles, even though there may be periodical or irregular

1 departures from the termini or route.

2 (2) "Certificate" means a certificate of public convenience and necessity or a certificate of compliance  
3 issued under this chapter.

4 (3) "Certificate of compliance" means written authorization to operate issued by the commission for Class  
5 A, Class B, or Class E motor carriers that transport passengers declaring that the motor carrier meets the fitness  
6 requirements of this chapter.

7 (4) "Certificate of public convenience and necessity" means a written authorization to operate issued by  
8 the commission for Class A and Class B household goods motor carriers ~~that transport property or persons and~~  
9 ~~property~~, Class C motor carriers, and Class D motor carriers declaring that the motor carrier service is required  
10 by the public convenience and necessity, as provided in this chapter.

11 (5) "Charter service" means a service used for the transportation of passengers by a motor carrier with  
12 rates not subject to approval by the commission if:

13 (a) the transportation of passengers is based on a single contract;

14 (b) the contract is entered into in advance of the transportation and does not result from a spontaneous,  
15 curbside agreement;

16 (c) the contract includes a single fixed charge and fares are not assessed per passenger;

17 (d) the passenger or group of passengers acquires exclusive use of the motor vehicle through the  
18 contract; and

19 (e) when applied to a group of passengers being transported, the group of passengers travels together  
20 to a specified destination.

21 (6) "Compensation" means the charge imposed on motor carriers for the use of the highways in this state  
22 by motor carriers under 69-12-421.

23 (7) "Corporation" means a corporation, company, association, or joint-stock association.

24 (8) "Digital network" means any online-enabled application, software, website, or system offered or  
25 utilized by a transportation network carrier that enables the prearrangement of rides with transportation network  
26 carrier drivers.

27 (9) "For hire" means for remuneration of any kind, paid or promised, either directly or indirectly, or  
28 received or obtained through leasing, brokering, or buy-and-sell arrangements from which a remuneration is  
29 obtained or derived for transportation service.

30 (10) "Garbage" means ashes, trash, waste, refuse, rubbish, organic or inorganic matter that is transported

1 to a licensed transfer station, licensed landfill, licensed municipal solid waste incinerator, or licensed disposal well.

2 The term does not include wastewater and waste tires.

3 (11) "Household goods" means any of the following:

4 (a) personal effects and property used or to be used in a dwelling when they are a part of the equipment  
5 or supply of the dwelling. The term does not include property moving from a factory or store unless the property  
6 is purchased by a householder for use in a dwelling and is transported at the request of the householder.

7 (b) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals,  
8 or other establishments when those items are a part of the stock, equipment, or supply of the stores, offices,  
9 museums, institutions, hospitals, or other establishments. The term does not include the stock-in-trade of an  
10 establishment, whether consignor or consignee, other than used furniture and used fixtures, except when  
11 transported as incidental to moving of the establishment or a portion of the establishment from one location to  
12 another.

13 (c) articles, including objects of art, displays, and exhibitions that because of their unusual nature or  
14 value, require the specialized handling and equipment usually employed in moving household goods and other  
15 similar articles.

16 (12) "Motor carrier" means a person or corporation, or its lessees, trustees, or receivers appointed by  
17 a court, operating motor vehicles upon a public highway in this state for the transportation of passengers,  
18 household goods, or garbage for hire on a commercial basis, either as a common carrier or under private  
19 contract, agreement, charter, or undertaking. A motor carrier includes a transportation network carrier.

20 (13) "Motor vehicle" includes vehicles or machines, motor trucks, tractors, or other self-propelled vehicles  
21 used for the transportation of property or persons over the public highways of the state.

22 (14) "Person" means an individual, firm, or partnership.

23 (15) "Personal vehicle" means a vehicle that is used by a transportation network carrier driver in  
24 connection with providing a prearranged ride and is:

25 (a) owned, leased, or otherwise authorized for use by the transportation network carrier driver; and

26 (b) not a taxicab, limousine, or for-hire vehicle.

27 (16) "Prearranged ride" means transportation provided by a driver to a rider, beginning when a driver  
28 accepts a ride requested by a rider through a digital network controlled by a transportation network carrier,  
29 continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from  
30 the personal vehicle. A prearranged ride does not include transportation provided using a taxicab, limousine, or

1 other for-hire vehicle pursuant to Title 69, chapter 12.

2 (17) "Public highway" means a public street, road, highway, or way in this state.

3 ~~(18) "Railroad" means the movement of cars on rails, regardless of the motive power used.~~

4 ~~(19)~~(18) "Recyclable" means any material diverted from the solid waste stream that can be reused in the  
5 production of heat or energy or as raw material for new products and for which markets exist.

6 ~~(20)~~(19) "Transportation network carrier" means an entity that uses a digital network or software  
7 application service to connect passengers to transportation network carrier services provided by transportation  
8 network carrier drivers. A transportation network carrier may not be deemed to control, direct, or manage the  
9 personal vehicles or transportation network carrier drivers that connect to its digital network, except where agreed  
10 to by written contract.

11 ~~(24)~~(20) "Transportation network carrier driver" or "driver" means an individual who:

12 (a) receives connections to potential riders and related services from a transportation network carrier  
13 in exchange for payment of a fee to the transportation network carrier; and

14 (b) uses a personal vehicle to provide a prearranged ride to riders upon connection through a digital  
15 network controlled by a transportation network carrier in return for compensation or payment of a fee.

16 ~~(22)~~(21) "Transportation network carrier rider" or "rider" means an individual or persons who use a  
17 transportation network carrier's digital network to connect with a transportation network carrier driver who  
18 provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

19 ~~(23)~~(22) "Transportation network carrier services" means the transportation of a passenger between  
20 points chosen by the passenger and prearranged with a transportation network carrier driver through the use of  
21 a transportation network carrier digital network or software application."  
22

23 **Section 3.** Section 69-12-102, MCA, is amended to read:

24 **"69-12-102. Scope of chapter -- exemptions.** (1) This chapter does not affect:

25 (a) the operation of school buses that are used in conveying pupils or other students enrolled in classes  
26 to and from district or other schools or in transportation movements related to school activities that are sponsored  
27 or supervised by school authorities;

28 (b) the transportation by means of motor vehicles in the regular course of business of employees by a  
29 person or corporation engaged exclusively in the construction or maintenance of highways or engaged exclusively  
30 in logging or mining operations, insofar as the use of employees in construction and production is concerned;

- 1 (c) the transportation of household goods and garbage by motor vehicle in a city, town, or village with  
2 a population of less than 500 persons according to the latest United States census or in the commercial areas  
3 of a city, town, or village with a population of less than 500 persons, as determined by the commission;
- 4 (d) the transportation of newspapers, newspaper supplements, periodicals, or magazines;
- 5 (e) motor vehicles used exclusively in carrying junk vehicles from a collection point to a motor vehicle  
6 wrecking facility or a motor vehicle graveyard;
- 7 (f) ambulances;
- 8 (g) the transportation by motor vehicle of not more than 15 passengers between their places of residence  
9 or termini near their residences and their places of employment in a single daily round trip if the driver is also  
10 going to or from the driver's place of employment;
- 11 (h) the operation of:
- 12 (i) a transportation system by a municipality or transportation district as provided in Title 7, chapter 14,  
13 part 2;
- 14 (ii) a municipal bus service pursuant to Title 7, chapter 14, part 44; or
- 15 (iii) any public transportation system recognized by the Montana department of transportation as a federal  
16 transit administration provider pursuant to 49 U.S.C. 5311;
- 17 (i) armored motor vehicles used for the transportation of valuable paintings and other items of unusual  
18 value requiring special handling and security;
- 19 (j) the transportation of household goods or garbage under an agreement between a motor carrier and  
20 an office or agency of the United States government;
- 21 (k) the transportation of persons provided by private, nonprofit organizations, including those recognized  
22 by the Montana department of transportation as federal transit administration providers pursuant to 49 U.S.C.  
23 5310. As used in this subsection (1)(k), "private, nonprofit organizations" means organizations recognized as  
24 nonprofit under section 501(c) of the Internal Revenue Code.
- 25 (l) the transportation of a group of passengers if:
- 26 (i) the motor vehicle used for the transportation of the passengers is designed to carry more than 26  
27 passengers; and
- 28 (ii) the motor carrier has obtained a USDOT number from the U.S. department of transportation as  
29 provided in 49 CFR 390.19; or
- 30 (m) the transportation of a group of employees to or from a worksite by a motor carrier under contract

1 with the employer for a period of time of at least 1 year.

2 (2) ~~Except for the identification of ownership requirements provided in 69-12-408, this~~ This chapter does  
3 not affect commercial tow trucks designed and exclusively used in towing wrecked, disabled, or abandoned  
4 vehicles or while these tow trucks are rendering assistance to wrecked, disabled, or abandoned vehicles.

5 (3) This chapter does not prevent bona fide leases, brokerage agreements, or buy-and-sell agreements."  
6

7 **Section 4.** Section 69-12-108, MCA, is amended to read:

8 **"69-12-108. Violations.** ~~Any~~ A motor carrier, including its officers, agents, employees, or others, subject  
9 to the provisions of this chapter, ~~as amended, or whenever any such motor carrier is a corporation, any director~~  
10 ~~or officer thereof; any receiver, trustee, lessee, agent, or person acting for or employed by such corporation; any~~  
11 ~~person, corporation, or association or officer, agent, or employee thereof; or any broker of property or officer,~~  
12 ~~agent, or employee thereof who violates or fails to comply with or who procures, aids, or abets in the violation of~~  
13 ~~any provision of this chapter or commission rules, as amended, or who fails to obey, observe, or comply with any~~  
14 ~~lawful order, decision, rule, direction, demand, or requirement of the commission or any part of the provisions~~  
15 ~~thereof is:~~

16 ~~———(1) subject;~~

17 ~~(1) to a civil penalty, to be collected and deposited to in the general fund by the commission after notice~~  
18 ~~and hearing, in an amount;~~

19 ~~(a) not less than \$25 \$200 or more than \$500 \$2,000 for the first offense; and~~

20 ~~(b) not less than \$25 \$500 or more than \$1,000 \$5,000 for each subsequent offense; or~~

21 ~~(2) subject, upon conviction in a justice's court, to a fine of;~~

22 ~~(a) not less than \$25 \$200 or more than \$500 \$2,000 for the first offense; and~~

23 ~~(b) not less than \$25 \$500 or more than \$1,000 \$5,000 for each subsequent offense."~~  
24

25 **Section 5.** Section 69-12-201, MCA, is amended to read:

26 **"69-12-201. Supervision and regulation of motor carriers.** (1) The commission has the power and  
27 authority and it is its duty to:

28 (a) supervise and regulate every motor carrier in this state;

29 (b) fix, alter, regulate, and determine specific, just, reasonable, equal, nondiscriminatory, and sufficient  
30 rates, fares, charges, and classifications for Class A and Class B household goods motor carriers;

1 (c) regulate the properties, facilities, operations, accounts, service, practices, and affairs of all motor  
2 carriers;

3 (d) require the filing of annual and other reports, tariffs, schedules, or other data by Class A and Class  
4 B household goods and Class D motor carriers;

5 (e) supervise and regulate motor carriers in all matters affecting the relationship between motor carriers  
6 and the traveling and shipping public.

7 (2) The commission may, by general order or otherwise, prescribe rules in conformity with this chapter  
8 and applicable to any and all motor carriers.

9 (3) The commission may fix and determine reasonable maximum or minimum rates for the operations  
10 of any Class C motor carrier when rates are required for the best interests of public transportation."  
11

12 **Section 6.** Section 69-12-203, MCA, is amended to read:

13 **"69-12-203. Field inspectors.** The commission may employ field inspectors to investigate and enforce  
14 the provisions of this chapter and commission rules. Field inspectors employed by the commission are peace  
15 officers for the purpose of ~~making arrests in connection with violations of this chapter and issuing summonses,~~  
16 ~~accepting bail, and serving warrants of arrest. The field inspectors are empowered to make reasonable~~  
17 ~~inspections of cargoes carried by commercial motor vehicles and require production of manifests, bills of lading,~~  
18 ~~leases, and other documents relating to the cargo, driver, routing, or ownership of the vehicles. The scope of the~~  
19 ~~inspections is limited to the enforcement of the~~ inspecting motor carrier operations and enforcing the provisions  
20 of Title 69, chapter 12, and commission rules."  
21

22 **Section 7.** Section 69-12-205, MCA, is amended to read:

23 **"69-12-205. Rules to reflect differences between carrier classes.** (1) Except as provided in  
24 subsection (3), rules related to schedules, service, tariffs, rates, facilities, accounts, and reports must recognize  
25 the differences between types of Class A, Class B, Class C, Class D, and Class E motor carriers, as defined in  
26 this chapter, and must be just, fair, and reasonable to the classes and types of motor carriers in relation to each  
27 other and to the public.

28 (2) ~~(a) In establishing the tariff or rates to be charged by Class A and Class B motor carriers for the~~  
29 ~~carrying of persons, the commission shall take into consideration the kind and character of service to be~~  
30 ~~performed.~~

1 ~~\_\_\_\_\_~~(b) In establishing the tariff or rates to be charged by Class A and Class B household goods motor  
 2 carriers ~~for the carrying of property or persons and property~~, the commission shall take into consideration the  
 3 public necessity of the service, the kind and character of service to be performed, and the effect of the tariff and  
 4 rates on other transportation agencies, if any. The commission shall, as far as possible, avoid detrimental or  
 5 unreasonable competition with existing ~~railroad service or~~ service furnished by a motor carrier.

6 (3) ~~Except as provided in 69-12-341, a~~ Class E motor carrier is not subject to commission rules related  
 7 to schedules, tariffs, or rates."  
 8

9 **Section 8.** Section 69-12-321, MCA, is amended to read:

10 **"69-12-321. Hearing on application for motor carrier certificate.** (1) (a) Upon the filing of an  
 11 application for a certificate by a Class A, Class B, Class C, Class D, or Class E motor carrier, except a Class C  
 12 motor carrier authorized to operate under the terms of a contract as provided in 69-12-324, or upon the filing of  
 13 a request for a transfer of authority, the commission shall provide notice of the application to any interested party.

14 (b) If a valid protest ~~or a request for hearing~~ is received, the commission shall fix a time and place for  
 15 a hearing on the application. The hearing must be set for not later than 60 days after receipt of a protest ~~or a~~  
 16 ~~hearing request~~. If a protest ~~or a request for hearing~~ is not received, the commission may act on the application  
 17 without a hearing as prescribed by commission rules.

18 (c) A protest related to an application by a Class A or Class B passenger motor carrier ~~pursuant to~~  
 19 ~~69-12-311(1)(a) or 69-12-312(1)(a)~~ or by a Class E motor carrier is limited to a protest of the motor carrier's ability  
 20 to meet the requirements of 69-12-323(5).

21 (2) A motor carrier referred to in 69-12-322, the department of transportation, the governing board or  
 22 boards of any county, town, or city into or through which the route or service as proposed may extend, and any  
 23 person or corporation concerned are interested parties to the proceedings and may offer testimony for or against  
 24 the granting of the certificate.

25 (3) The contracting parties referred to in 69-12-313(4) shall appear and offer testimony in support of the  
 26 applicant.

27 (4) An application by a Class A or Class B household goods motor carrier ~~pursuant to 69-12-311(1)(b)~~  
 28 ~~or 69-12-312(1)(b)~~, ~~by a Class C motor carrier~~, or by a Class D motor carrier for a certificate of public  
 29 convenience and necessity may be denied without a public hearing when the records of the commission  
 30 demonstrate that the route or territory sought to be served by the applicant has previously been made the basis



1 of a public investigation and finding by the commission that public convenience and necessity do not require the  
 2 proposed motor carrier service. A hearing must be held if the applicant presents facts demonstrating that  
 3 conditions over the route or in the territory and affecting transportation facilities have materially changed since  
 4 the previous public investigation and finding and that public convenience and necessity now require the motor  
 5 carrier operation."

6

7 **Section 9.** Section 69-12-323, MCA, is amended to read:

8 **"69-12-323. Decision on application.** (1) (a) Except as provided in subsection (1)(b), within 180 days  
 9 from the date of the completed filing of an application, the commission shall issue its finding, order, or decision  
 10 on the application and the evidence presented in support of the application at the time of the hearing.

11 (b) The commission may extend the time for making a decision to a date requested by the applicant.

12 (2) (a) If after a hearing on the request for a certificate of public convenience and necessity the  
 13 commission finds from the evidence that public convenience and necessity require the authorization of the service  
 14 proposed or any part of the service proposed, a certificate of public convenience and necessity must be issued.  
 15 In determining whether a certificate of public convenience and necessity should be issued, the commission shall  
 16 consider:

17 (i) the transportation service being furnished or that will be furnished by ~~any railroad or other~~ another  
 18 existing transportation agency;

19 (ii) the likelihood of the proposed service being permanent and continuous throughout 12 months of the  
 20 year; and

21 (iii) the effect that the proposed transportation service may have on other forms of transportation service  
 22 that are essential and indispensable to the communities to be affected by the proposed transportation service  
 23 or that might be affected by the proposed transportation service.

24 (b) For the purposes of issuing a certificate of public convenience and necessity to a Class D motor  
 25 carrier, a determination of public convenience and necessity may include a consideration of competition.

26 (3) The commission may issue the certificate as requested in the application or in part and may attach  
 27 terms and conditions to a certificate of public convenience and necessity for a Class A or Class B household  
 28 goods motor carrier pursuant to ~~69-12-311(1)(b) or 69-12-312(1)(b)~~, a Class C motor carrier, or a Class D motor  
 29 carrier that in its judgment public convenience and necessity require.

30 (4) If a certificate is issued to a motor carrier as provided in this part, the certificate is in effect until

1 terminated by the commission for cause or until terminated by the owner's failure to comply with 69-12-402.

2 (5) (a) In determining whether to approve a certificate of compliance for a Class A or Class B passenger  
 3 motor carrier ~~pursuant to 69-12-311(1)(a) or 69-12-312(1)(a)~~ or for a Class E motor carrier, the commission shall  
 4 consider only whether the applicant meets the requirements of 69-12-415. The commission shall provide notice  
 5 and may require a hearing in accordance with 69-12-321.

6 (b) An applicant seeking a certificate of compliance establishes a rebuttable presumption that it meets  
 7 the requirements of 69-12-415 by demonstrating compliance with insurance, bonding, and security requirements  
 8 established by the commission in accordance with 69-12-402."

9

10 **Section 10.** Section 69-12-324, MCA, is amended to read:

11 **"69-12-324. Special provisions when federal or state contract involved.** (1) A written contract  
 12 presented to the commission is sufficient proof that a Class A or Class B passenger motor carrier ~~pursuant to~~  
 13 ~~69-12-311(1)(a) or 69-12-312(1)(a)~~ or a Class E motor carrier meets the requirements for a certificate of  
 14 compliance or that a Class A or Class B household goods motor carrier ~~pursuant to 69-12-311(1)(b) or~~  
 15 ~~69-12-312(1)(b)~~, a Class C motor carrier, or a Class D motor carrier meets the requirements for a certificate of  
 16 public convenience and necessity in accordance with the terms and conditions contained within the United States  
 17 government or state government contracts. Subject to the provisions of this section, a transportation movement  
 18 is considered to be:

19 (a) the transportation for hire of persons between two points within the state by a motor carrier pursuant  
 20 to the terms of a written contract between the carrier and the United States government or an agency or  
 21 department of the United States; or

22 (b) the transportation for hire of solid waste between two points within the state by a motor carrier  
 23 pursuant to the terms of a written contract between the carrier and the state government or an agency or  
 24 department of the state.

25 (2) The Class C certificate of public convenience and necessity issued pursuant to the terms and  
 26 conditions of the United States government or state government contract may be issued by the commission upon  
 27 receipt of an executed copy of the United States government or state government contract. The certificate of  
 28 public convenience and necessity may be issued without a public hearing.

29 (3) The certificate issued pursuant to the terms of the United States government or state government  
 30 contract is authorized only for the duration of the United States government or state government contract

1 concerned. The certificate may be renewed for another definite term if the motor carrier is the motor carrier  
2 authorized to operate under the United States government or state government contract."

3

4 **Section 11.** Section 69-12-403, MCA, is amended to read:

5 **"69-12-403. Discontinuance of service.** ~~No Class A or Class B~~ A motor carrier ~~shall~~ may not abandon  
6 or discontinue any service established under this chapter without ~~an order of the commission therefor~~ first  
7 notifying the commission."

8

9 **Section 12.** Section 69-12-404, MCA, is amended to read:

10 **"69-12-404. Suspension of certificate by petition.** (1) (a) A motor carrier may petition the commission  
11 in writing to suspend its certificate for a period not to exceed 6 months. Only one additional 6-month suspension  
12 may be requested and granted.

13 (b) The suspension of a certificate of public convenience and necessity requested by a Class A or Class  
14 B household goods motor carrier ~~pursuant to 69-12-311(1)(b) or 69-12-312(1)(b)~~, by a Class C motor carrier, or  
15 by a Class D motor carrier may be granted upon a showing of present absence of public convenience and  
16 necessity or other showing of matters affecting motor carrier transportation.

17 (2) (a) The suspension of a certificate of compliance for a Class A or Class B passenger motor carrier  
18 ~~pursuant to 69-12-311(1)(a) or 69-12-312(1)(a)~~ or for a Class E motor carrier as provided for in subsection (1)  
19 for a period of 12 consecutive months automatically terminates a certificate of compliance and requires a Class  
20 A or Class B passenger motor carrier ~~pursuant to 69-12-311(1)(a) or 69-12-312(1)(a)~~ or a Class E motor carrier  
21 to reapply for a certificate of compliance.

22 (b) The suspension of a certificate of public convenience and necessity for a Class A or Class B  
23 household goods motor carrier ~~pursuant to 69-12-311(1)(b) or 69-12-312(1)(b)~~, a Class C motor carrier, or a  
24 Class D motor carrier as provided in subsection (1) for a period of 12 consecutive months establishes a prima  
25 facie presumption of absence of public convenience and necessity. If after notice and hearing the Class A or  
26 Class B household goods motor carrier ~~pursuant to 69-12-311(1)(b) or 69-12-312(1)(b)~~, the Class C motor carrier,  
27 or the Class D motor carrier is unable to prove the existence of public convenience and necessity or existing  
28 demand for the transportation service, the commission may cancel a certificate of public convenience and  
29 necessity."

30

1           **Section 13.** Section 69-12-407, MCA, is amended to read:

2           **"69-12-407. Records and reports.** (1) ~~All~~ Except as provided in subsection (5), the records, books,  
3 accounts, and files of ~~a~~ Class A, Class B, Class C, ~~and Class D, and Class E~~ motor ~~carrier~~ carriers in this state,  
4 as they relate to the business of transportation conducted by the motor carrier, must at all times be subject to  
5 examination by the commission or by any authorized agent or employee of the commission. ~~The commission shall~~  
6 ~~prescribe a uniform system of accounts and uniform reports covering the operations of Class A, Class B, Class~~  
7 ~~C, and Class D motor carriers. A motor carrier authorized to operate in accordance with the provisions of this~~  
8 ~~chapter shall keep its records, books, and accounts according to the uniform system to the extent possible.~~

9           (2) Before April 1 of each year, unless this deadline has been extended for good cause by the  
10 commission, a Class A or Class B household goods or a Class D motor carrier ~~authorized to engage in business~~  
11 ~~shall file with the commission~~ a report with the commission, under oath, on a form prescribed and furnished by  
12 the commission.

13           (3) In addition to other reporting requirements, a Class D motor carrier shall provide sufficient information  
14 to the commission to show that the carrier is entitled to possess the Class D motor carrier certificate of public  
15 convenience and necessity under the requirements of 69-12-314.

16           (4) (a) To ensure safety with respect to transportation network carrier drivers affiliated with Class E motor  
17 carriers, the commission may conduct audits of a Class E motor carrier, but not more than twice annually.

18           (b) A Class E motor carrier shall, upon request from the commission, provide to the commission up to  
19 1,000 unique identification numbers, each of which has been assigned by the motor carrier to an individual  
20 transportation network carrier driver affiliated with the motor carrier.

21           (c) The commission may request from the Class E motor carrier copies of records held by the motor  
22 carrier for up to 10 of the motor carrier's drivers, who may be identified in the request only by the driver's unique  
23 identification number.

24           (d) The Class E motor carrier shall comply with the request in an electronic format acceptable to the  
25 commission within 1 business day after receiving the request.

26           (e) The Class E motor carrier may redact the records provided to the commission under subsection (4)(d)  
27 to protect the individual privacy of the transportation network carrier's drivers, including information that could be  
28 used to identify a driver. Information that a Class E motor carrier may redact includes but is not limited to the  
29 transportation network carrier driver's name, address, and social security number, other than the last four digits.

30           (5) Except as required by Article II, section 9 or 10, of the Montana constitution, the records obtained

1 by the commission under subsection (4) may not be publicly disclosed by the commission."  
 2

3 **Section 14.** Section 69-12-501, MCA, is amended to read:

4 **"69-12-501. Rate schedules to be maintained.** (1) A Class A or Class B household goods motor carrier  
 5 issued a certificate shall maintain on file with the commission, if applicable, a full and complete schedule of its  
 6 rates, fares, charges, classifications, and rules of service and any and all tariff provisions relating to rates, fares,  
 7 charges, classifications, or rules. ~~A schedule on file and approved on March 7, 1961, remains in full force and~~  
 8 ~~effect until changed or modified by the commission or by the carrier with the approval of the commission.~~

9 (2) A change, modification, alteration, increase, or decrease in any rate, fare, charge, classification, or  
 10 rule of service may not be made by a motor carrier without first obtaining the approval of the commission. The  
 11 commission shall prescribe rules providing for the form and style of all schedules and tariffs and for the  
 12 procedures to be followed in filing or publishing any changes or modifications of schedules and tariffs."  
 13

14 **Section 15.** Section 69-12-502, MCA, is amended to read:

15 **"69-12-502. Prohibition on deviation from rate schedules.** ~~It shall be unlawful for any~~ A Class A or  
 16 Class B household goods motor carrier ~~to~~ may not charge, demand, receive, or collect ~~any greater or less~~ a rate,  
 17 charge, or fare greater or less than ~~that~~ the amount fixed by the commission for the transportation service  
 18 provided. When maximum or minimum rates ~~have been~~ are established for any service provided by ~~any~~ a Class  
 19 C motor carrier, ~~it shall likewise be~~ is unlawful for ~~such~~ a Class C motor carrier to charge, demand, receive, or  
 20 collect ~~any greater~~ compensation or a rate greater or less than ~~that~~ the compensation or rate established and  
 21 applicable for the service ~~by any applicable maximum rate or any less compensation or rate than that established~~  
 22 ~~by any applicable minimum rate provided.~~ ~~It also shall be unlawful for any~~ A Class A or Class B household goods  
 23 motor carrier or any Class C motor carrier subject to maximum or minimum rates ~~to~~ may not refund or remit, in  
 24 any manner or by any device, any portion of the rates, fares, and charges required to be collected under the  
 25 schedule of the Class A or Class B household goods motor carrier on file with the commission or under the  
 26 maximum or minimum rates established by the commission for the Class C motor carrier."  
 27

28 **Section 16.** Section 69-12-504, MCA, is amended to read:

29 **"69-12-504. Procedure to revise rate schedule.** (1) ~~(a) No~~ A Class A or Class B household goods  
 30 motor carrier ~~shall~~ may not change or revise any rate, fare, charge, classification, or rule of service contained in

1 its schedule without first obtaining approval ~~therefor~~ from the commission. ~~Such changes~~

2 ~~(b) Changes~~ or revisions ~~shall be~~ are made by filing ~~with the commission the~~ a tariff sheet or sheets  
3 containing ~~such the~~ changes or revisions, plainly stating the changes or revisions and in accordance with  
4 subsection (2), to be made, and by with the commission.

5 ~~(c) The changes or revisions must be accompanied by submitting at the same time~~ testimony and  
6 exhibits supporting the requested change or revision ~~and prepared by the motor carrier.~~

7 ~~(d)~~ Additional testimony or exhibits may be submitted before or during the hearing provided for in  
8 69-12-505 and may be submitted after the hearing with the approval of the commission.

9 ~~(e) The public shall be provided with such~~ Public notice of the proposed changes or revisions is required  
10 in accordance with as the commission shall, by rule, require rules.

11 (2) ~~(a) The tariff~~ Tariff sheets containing changes or revisions ~~shall~~ must be filed with the commission  
12 at least 45 days before the proposed effective date. ~~The~~

13 ~~(b) Except as provided in subsection (2)(c), the~~ change or revision ~~shall be~~ is effective on the stated  
14 effective date unless disallowed or suspended by the commission prior to ~~this~~ the date. ~~However, the~~

15 ~~(c) The~~ commission may, for good cause, allow any change or revision to become effective ~~on~~ with less  
16 than 45 days' notice."

17

18 **Section 17.** Section 69-12-601, MCA, is amended to read:

19 **"69-12-601. Carrier agreements.** ~~(1) Any~~ (1) (a) A motor carrier, as defined in 69-12-101, ~~which that~~  
20 is a party to an agreement between or among two or more motor carriers relating to rates, fares, classifications,  
21 divisions, allowances, or charges, ~~(including charges between carriers and compensation paid or received for~~  
22 ~~the use of facilities and equipment),~~ or rules pertaining ~~thereto~~ to those rates, fares, classifications, divisions,  
23 allowances, charges, or procedures for ~~the~~ joint consideration, initiation, or establishment ~~thereof~~ may, ~~under~~  
24 ~~such rules as the~~ in accordance with commission prescribes rules, apply to the ~~public service~~ commission for  
25 approval of the agreement.

26 ~~(b) The~~ commission shall ~~by order~~ approve any agreement if approval ~~thereof~~ is not prohibited by  
27 69-12-602. The approval of the commission shall may include ~~be granted only upon~~ such terms and conditions  
28 ~~as the commission may prescribe as necessary to enable it to grant its approval in accordance with this~~  
29 subsection prescribed by the commission.

30 (2) Each A conference, bureau, committee, or other organization established or continued pursuant to

1 ~~any an~~ agreement approved by the commission and the provisions of this section shall maintain such accounts,  
 2 records, files, and memoranda and shall submit to the commission such reports as may be prescribed by to the  
 3 commission in accordance with commission requirements. ~~All such accounts, Accounts,~~ records, files, and  
 4 memoranda ~~shall be~~ are subject to inspection by the commission or its ~~duly authorized~~ representative."

5

6 **Section 18.** Section 69-12-602, MCA, is amended to read:

7 **"69-12-602. Limitations on carrier agreements.** The commission may not approve under 69-12-601  
 8 any agreement:

9 ~~—— (1) between a carrier by highway and a carrier by rail unless it finds that such the agreement; is of the~~  
 10 ~~character described in~~

11 (1) complies with 69-12-601 and is limited to matters relating to the transportation under joint rates or over  
 12 through routes;

13 (2) which it finds is an agreement with respect to addresses pooling or division of traffic, service, or  
 14 earnings; and

15 (3) which provides each party with a free and unrestrained right to take independent action through a  
 16 predetermined process and establishes a procedure for the determination of any matter through joint  
 17 consideration unless it finds that under the agreement there is accorded to each party the free and unrestrained  
 18 right to take independent action either before or after any determination arrived at through such procedure."

19

20 **NEW SECTION. Section 19. Repealer.** The following sections of the Montana Code Annotated are  
 21 repealed:

22 69-12-204. General administrative procedure.

23 69-12-208. Provisions for bus service.

24 69-12-341. Fare charged for transportation network carrier services.

25 69-12-408. Identification of ownership of certain large motor vehicles.

26 69-12-511. Procedure to recover excess charges.

27

28 **NEW SECTION. Section 20. Codification instruction.** [Section 1] is intended to be codified as an  
 29 integral part of Title 69, chapter 12, part 5, and the provisions of Title 69, chapter 12, part 5, apply to [section 1].

30

1            NEW SECTION. **Section 21. Saving clause.** [This act] does not affect rights and duties that matured,  
2 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

3  
4            NEW SECTION. **Section 22. Severability.** If a part of [this act] is invalid, all valid parts that are  
5 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
6 the part remains in effect in all valid applications that are severable from the invalid applications.

7

8            NEW SECTION. **Section 23. Effective date.** [This act] is effective July 1, 2017.

9

- END -