

1 HOUSE BILL NO. 365

2 INTRODUCED BY J. TREBAS, C. GLIMM, G. FRAZER, J. HINKLE, J. KASSMIER, K. ZOLNIKOV

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MOTOR CARRIER RATE REGULATION; REVISING
5 CLASS B MOTOR CARRIER APPLICATION REQUIREMENTS; AMENDING SECTIONS 69-12-201, 69-12-
6 312, 69-12-501, AND 69-12-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

7

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

9

10 **Section 1.** Section 69-12-201, MCA, is amended to read:

11 **"69-12-201. Supervision and regulation of motor carriers.** (1) The commission has the power and
12 authority and it is its duty to:

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

14 (b) fix, alter, regulate, and determine specific, just, reasonable, equal, nondiscriminatory, and
15 sufficient rates, fares, charges, and classifications for Class A ~~and Class B~~ motor carriers;

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

18 (d) require the filing of annual and other reports, tariffs, schedules, or other data by motor carriers;

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

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

23 (3) The commission may fix and determine reasonable maximum or minimum rates for the operations
24 of any Class C motor carrier when rates are required for the best interests of public transportation."
25

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

27 **"69-12-312. Class B motor carrier certificate.** (1) (a) A Class B motor carrier may not transport
28 persons for hire on any public highway in this state without obtaining, pursuant to this chapter, a certificate of

1 compliance.

2 (b) A Class B motor carrier may not transport property or persons and property for hire on any public
3 highway in this state without obtaining, pursuant to this chapter, a certificate of public convenience and
4 necessity.

5 (2) A Class B motor carrier shall apply for a certificate in writing, separately for each locality under
6 consideration. The application must be verified by the applicant and specify the following:

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

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

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

13 ~~(d) a proposed schedule of the tariff or rates to be charged for the transportation of passengers,~~
14 ~~household goods, or both;~~

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

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

18 ~~(g)(f)~~ other information required by the commission.

19 (3) The application must be accompanied by a filing fee to be set by rule of the commission."
20

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

22 **"69-12-501. Rate schedules to be maintained.** (1) A Class A ~~or B~~ motor carrier issued a certificate
23 shall maintain on file with the commission, if applicable, a full and complete schedule of its rates, fares,
24 charges, classifications, and rules of service and any and all tariff provisions relating to rates, fares, charges,
25 classifications, or rules. A schedule on file and approved on March 7, 1961, remains in full force and effect until
26 changed or modified by the commission or by the carrier with the approval of the commission.

27 (2) A change, modification, alteration, increase, or decrease in any rate, fare, charge, classification, or
28 rule of service may not be made by a motor carrier without first obtaining the approval of the commission. The

1 commission shall prescribe rules providing for the form and style of all schedules and tariffs and for the
2 procedures to be followed in filing or publishing any changes or modifications of schedules and tariffs."

3

4 **Section 4.** Section 69-12-502, MCA, is amended to read:

5 **"69-12-502. Prohibition on deviation from rate schedules.** It ~~shall be~~ is unlawful for any Class A ~~or~~
6 ~~B~~ motor carrier to charge, demand, receive, or collect any greater or less rate, charge, or fare than that fixed by
7 the commission for the transportation service provided. When maximum or minimum rates have been
8 established for any service provided by any Class C motor carrier, it shall likewise be unlawful for ~~such~~ the
9 carrier to charge, demand, receive, or collect any greater compensation or rate than that established for the
10 service by any applicable maximum rate or any less compensation or rate than that established by any
11 applicable minimum rate. It ~~also~~ shall also be unlawful for any Class A ~~or~~ B motor carrier or any Class C motor
12 carrier subject to maximum or minimum rates to refund or remit, in any manner or by any device, any portion of
13 the rates, fares, and charges required to be collected under the schedule of the Class A ~~or~~ B carrier on file with
14 the commission or under the maximum or minimum rates established by the commission for the Class C
15 carrier."

16

17 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

18

- END -