

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 REPEALING THE CLASS B MOTOR CARRIER APPLICATION CLASSIFICATION AND RELATED
 6 REQUIREMENTS; AMENDING SECTIONS ~~69-12-101, 69-12-201, 69-12-205, 69-12-301, 69-12-312, 69-12-~~
 7 314, 69-12-321, 69-12-322, 69-12-323, 69-12-324, 69-12-403, 69-12-404, 69-12-406, 69-12-407, 69-12-501,
 8 AND 69-12-502, AND 69-12-611, MCA; REPEALING SECTION 69-12-312, MCA; AND PROVIDING AN
 9 ~~IMMEDIATE EFFECTIVE DATE."~~

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
 13 SECTION 1. SECTION 69-12-101, MCA, IS AMENDED TO READ:

14 **"69-12-101. Definitions.** Unless the context requires otherwise, in this chapter the following
 15 definitions apply:

16 (1) "Between fixed termini" or "over a regular route" means the termini or route between or over which
 17 a motor carrier usually or ordinarily operates motor vehicles, even though there may be periodical or irregular
 18 departures from the termini or route.

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

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

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

28 (5) "Charter service" means a service used for the transportation of passengers by a motor carrier

1 with rates not subject to approval by the commission if:

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

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

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

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

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

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

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

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

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

19 (10) "Garbage" means ashes, trash, waste, refuse, rubbish, organic or inorganic matter that is
20 transported to a licensed transfer station, licensed landfill, licensed municipal solid waste incinerator, or
21 licensed disposal well. The term does not include wastewater and waste tires.

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

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

27 (b) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals,
28 or other establishments when those items are a part of the stock, equipment, or supply of the stores, offices,

1 museums, institutions, hospitals, or other establishments. The term does not include the stock-in-trade of an
2 establishment, whether consignor or consignee, other than used furniture and used fixtures, except when
3 transported as incidental to moving of the establishment or a portion of the establishment from one location to
4 another.

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

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

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

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

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

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

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

19 (16) "Prearranged ride" means transportation provided by a driver to a rider, beginning when a driver
20 accepts a ride requested by a rider through a digital network controlled by a transportation network carrier,
21 continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from
22 the personal vehicle. A prearranged ride does not include transportation provided using a taxicab, limousine, or
23 other for-hire vehicle pursuant to Title 69, chapter 12.

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

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

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

28 (20) "Transportation network carrier" means an entity that uses a digital network or software

1 application service to connect passengers to transportation network carrier services provided by transportation
2 network carrier drivers. A transportation network carrier may not be deemed to control, direct, or manage the
3 personal vehicles or transportation network carrier drivers that connect to its digital network, except where
4 agreed to by written contract.

5 (21) "Transportation network carrier driver" or "driver" means an individual who:

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

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

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

13 (23) "Transportation network carrier services" means the transportation of a passenger between points
14 chosen by the passenger and prearranged with a transportation network carrier driver through the use of a
15 transportation network carrier digital network or software application."
16

17 **Section 2.** Section 69-12-201, MCA, is amended to read:

18 **"69-12-201. Supervision and regulation of motor carriers.** (1) The commission has the power and
19 authority and it is its duty to:

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

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

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

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

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

28 (2) The commission may, by general order or otherwise, prescribe rules in conformity with this

1 chapter and applicable to any and all motor carriers.

2 (3) The commission may fix and determine reasonable maximum or minimum rates for the operations
3 of any Class C motor carrier when rates are required for the best interests of public transportation."
4

5 **SECTION 3. SECTION 69-12-205, MCA, IS AMENDED TO READ:**

6 **"69-12-205. Rules to reflect differences between carrier classes.** (1) Except as provided in
7 subsection (3), rules related to schedules, service, tariffs, rates, facilities, accounts, and reports must recognize
8 the differences between types of Class A, ~~Class B~~, Class C, Class D, and Class E motor carriers, as defined in
9 this chapter, and must be just, fair, and reasonable to the classes and types of motor carriers in relation to each
10 other and to the public.

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

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

19 (3) Except as provided in 69-12-341, a Class E motor carrier is not subject to commission rules
20 related to schedules, tariffs, or rates."
21

22 **SECTION 4. SECTION 69-12-301, MCA, IS AMENDED TO READ:**

23 **"69-12-301. Classification of motor carriers.** (1) Motor carriers are divided into ~~five~~ four classes to
24 be known as:

25 (a) Class A motor carriers;

26 ~~(b) Class B motor carriers;~~

27 ~~(e)~~(b) Class C motor carriers;

28 ~~(d)~~(c) Class D motor carriers; and

1 ~~(e)~~(d) Class E motor carriers.

2 (2) Class A motor carriers include all motor carriers operating between fixed termini or over a regular
3 route and under regular rates or charges, based upon either station-to-station rates or upon a mileage rate or
4 scale.

5 ~~(3)~~ Class B motor carriers include all motor carriers operating under regular rates or charges based
6 upon either station-to-station rates or upon a mileage rate or scale and not between fixed termini or over a
7 regular route.

8 ~~(4)~~(3) Class C motor carriers include all motor carriers where the remuneration is fixed in and the
9 transportation service furnished under a contract, charter, agreement, or undertaking.

10 ~~(5)~~(4) Class D motor carriers include all motor carriers operating motor vehicles transporting garbage.

11 ~~(6)~~(5) Class E motor carriers include all transportation network carriers."

12

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

14 "~~69-12-312. Class B motor carrier certificate.~~ (1) (a) A Class B motor carrier may not transport
15 persons for hire on any public highway in this state without obtaining, pursuant to this chapter, a certificate of
16 compliance.

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

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

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

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

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

28 ~~(d)~~ a proposed schedule of the tariff or rates to be charged for the transportation of passengers,

1 household goods, or both;

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

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

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

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

7

8 **SECTION 5. SECTION 69-12-314, MCA, IS AMENDED TO READ:**

9 **"69-12-314. Class D motor carrier certificate of public convenience and necessity.** (1) Class D
10 carriers shall conduct operations pursuant to a certificate of public convenience and necessity issued by the
11 commission authorizing the transportation of the commodities described in 69-12-301~~(5)~~(4). Class D carriers,
12 when applying for a new or additional certificate of public convenience and necessity, shall file an application
13 with the commission in accordance with the requirements of this chapter and the rules of the commission.

14 (2) A motor carrier may not possess a Class D motor carrier certificate of public convenience or
15 necessity or operate as a Class D motor carrier unless the motor carrier actually engages in the transportation
16 of garbage on a regular basis as part of the motor carrier's usual business operation."

17

18 **SECTION 6. SECTION 69-12-321, MCA, IS AMENDED TO READ:**

19 **"69-12-321. Hearing on application for motor carrier certificate.** (1) (a) Upon the filing of an
20 application for a certificate by a Class A, ~~Class B,~~ Class C, Class D, or Class E motor carrier, except a Class C
21 motor carrier authorized to operate under the terms of a contract as provided in 69-12-324, or upon the filing of
22 a request for a transfer of authority, the commission shall provide notice of the application to any interested
23 party.

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

28 (c) A protest related to an application by a motor carrier pursuant to 69-12-311(1)(a) ~~or 69-12-~~

1 ~~312(1)(a)~~ or by a Class E motor carrier is limited to a protest of the motor carrier's ability to meet the
2 requirements of 69-12-323(5).

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

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

9 (4) An application by a motor carrier pursuant to 69-12-311(1)(b) ~~or 69-12-312(1)(b)~~, by a Class C
10 motor carrier, or by a Class D motor carrier for a certificate of public convenience and necessity may be denied
11 without a public hearing when the records of the commission demonstrate that the route or territory sought to
12 be served by the applicant has previously been made the basis of a public investigation and finding by the
13 commission that public convenience and necessity do not require the proposed motor carrier service. A hearing
14 must be held if the applicant presents facts demonstrating that conditions over the route or in the territory and
15 affecting transportation facilities have materially changed since the previous public investigation and finding and
16 that public convenience and necessity now require the motor carrier operation."
17

18 **SECTION 7. SECTION 69-12-322, MCA, IS AMENDED TO READ:**

19 **"69-12-322. Notice of hearing.** (1) Whenever a hearing is scheduled, whether as a result of a protest
20 or request or upon the commission's own motion, the commission shall cause a copy of the petition and notice
21 of hearing to be served upon an officer or owner of any motor carrier that in the opinion of the commission
22 might be affected by the granting of the certificate and shall notify any other affected party at least 10 days
23 before the date of hearing.

24 (2) Notice of the hearing must be published:

25 (a) in the legal advertising section of a local newspaper or newspapers determined by the commission
26 to have a circulation sufficient to reach the consuming public in the area under consideration for applications for
27 Class C authority ~~and geographically limited Class B authority~~; and

28 (b) in appropriate newspapers determined by the commission to have sufficient statewide circulation

1 in the case of applications for Class A authority ~~and geographically broad contemplated Class B authority.~~"

2

3 **SECTION 8. SECTION 69-12-323, MCA, IS AMENDED TO READ:**

4 **"69-12-323. Decision on application.** (1) (a) Except as provided in subsection (1)(b), within 180
5 days from the date of the completed filing of an application, the commission shall issue its finding, order, or
6 decision on the application and the evidence presented in support of the application at the time of the hearing.

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

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

13 (i) the transportation service being furnished or that will be furnished by any railroad or other existing
14 transportation agency;

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

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

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

22 (3) The commission may issue the certificate as requested in the application or in part and may attach
23 terms and conditions to a certificate of public convenience and necessity for a motor carrier pursuant to 69-12-
24 311(1)(b) ~~or 69-12-312(1)(b)~~, a Class C motor carrier, or a Class D motor carrier that in its judgment public
25 convenience and necessity require.

26 (4) If a certificate is issued to a motor carrier as provided in this part, the certificate is in effect until
27 terminated by the commission for cause or until terminated by the owner's failure to comply with 69-12-402.

28 (5) (a) In determining whether to approve a certificate of compliance for a motor carrier pursuant to

1 69-12-311(1)(a) ~~or 69-12-312(1)(a)~~ or for a Class E motor carrier, the commission shall consider only whether
 2 the applicant meets the requirements of 69-12-415. The commission shall provide notice and may require a
 3 hearing in accordance with 69-12-321.

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

7

8 **SECTION 9. SECTION 69-12-324, MCA, IS AMENDED TO READ:**

9 **"69-12-324. Special provisions when federal or state contract involved.** (1) A written contract
 10 presented to the commission is sufficient proof that a motor carrier pursuant to 69-12-311(1)(a) ~~or 69-12-~~
 11 ~~312(1)(a)~~ or a Class E motor carrier meets the requirements for a certificate of compliance or that a motor
 12 carrier pursuant to 69-12-311(1)(b) ~~or 69-12-312 (1)(b)~~, a Class C motor carrier, or a Class D motor carrier
 13 meets the requirements for a certificate of public convenience and necessity in accordance with the terms and
 14 conditions contained within the United States government or state government contracts. Subject to the
 15 provisions of this section, a transportation movement is considered to be:

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

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

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

26 (3) The certificate issued pursuant to the terms of the United States government or state government
 27 contract is authorized only for the duration of the United States government or state government contract
 28 concerned. The certificate may be renewed for another definite term if the motor carrier is the motor carrier

1 authorized to operate under the United States government or state government contract."
 2

3

SECTION 10. SECTION 69-12-403, MCA, IS AMENDED TO READ:

4 **"69-12-403. Discontinuance of service.** ~~No Class A or Class B motor carrier shall~~ A Class A motor
 5 carrier may not abandon or discontinue any service established under this chapter without an order of the
 6 commission ~~therefor.~~"
 7

8

SECTION 11. SECTION 69-12-404, MCA, IS AMENDED TO READ:

9 **"69-12-404. Suspension of certificate by petition.** (1) (a) A motor carrier may petition the
 10 commission in writing to suspend its certificate for a period not to exceed 6 months. Only one additional 6-
 11 month suspension may be requested and granted.

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

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

20 (b) The suspension of a certificate of public convenience and necessity for a motor carrier pursuant to
 21 69-12-311(1)(b) ~~or 69-12-312(1)(b)~~, a Class C motor carrier, or a Class D motor carrier as provided in
 22 subsection (1) for a period of 12 consecutive months establishes a prima facie presumption of absence of
 23 public convenience and necessity. If after notice and hearing the motor carrier pursuant to 69-12-311(1)(b) ~~or~~
 24 ~~69-12-312(1)(b)~~, the Class C motor carrier, or the Class D motor carrier is unable to prove the existence of
 25 public convenience and necessity or existing demand for the transportation service, the commission may
 26 cancel a certificate of public convenience and necessity."
 27

28

SECTION 12. SECTION 69-12-406, MCA, IS AMENDED TO READ:

1 **"69-12-406. Restriction on transportation of certain waste.** Except as provided in 69-12-324, a
2 Class A, ~~Class B~~, Class C, or Class E motor carrier may not be authorized or permitted to transport garbage
3 within the state. This restriction does not apply to recyclables."
4

5 **SECTION 13. SECTION 69-12-407, MCA, IS AMENDED TO READ:**

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

13 (2) Before April 1 of each year, unless this deadline has been extended for good cause by the
14 commission, a motor carrier authorized to engage in business shall file with the commission a report, under
15 oath, on a form prescribed and furnished by the commission.

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

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

22 (b) A Class E motor carrier shall, upon request from the commission, provide to the commission up to
23 1,000 unique identification numbers, each of which has been assigned by the motor carrier to an individual
24 transportation network carrier driver affiliated with the motor carrier.

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

28 (d) The Class E motor carrier shall comply with the request in an electronic format acceptable to the

1 commission within 1 business day after receiving the request.

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

7 (5) Except as required by Article II, section 9 or 10, of the Montana constitution, the records obtained
8 by the commission under subsection (4) may not be publicly disclosed by the commission."
9

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

11 **"69-12-501. Rate schedules to be maintained.** (1) A Class A ~~or B~~ motor carrier issued a certificate
12 shall maintain on file with the commission, if applicable, a full and complete schedule of its rates, fares,
13 charges, classifications, and rules of service and any and all tariff provisions relating to rates, fares, charges,
14 classifications, or rules. A schedule on file and approved on March 7, 1961, remains in full force and effect until
15 changed or modified by the commission or by the carrier with the approval of the commission.

16 (2) A change, modification, alteration, increase, or decrease in any rate, fare, charge, classification, or
17 rule of service may not be made by a motor carrier without first obtaining the approval of the commission. The
18 commission shall prescribe rules providing for the form and style of all schedules and tariffs and for the
19 procedures to be followed in filing or publishing any changes or modifications of schedules and tariffs."
20

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

22 **"69-12-502. Prohibition on deviation from rate schedules.** It shall be is unlawful for any Class A ~~or~~
23 ~~B~~ motor carrier to charge, demand, receive, or collect any greater or less rate, charge, or fare than that fixed by
24 the commission for the transportation service provided. When maximum or minimum rates have been
25 established for any service provided by any Class C motor carrier, it shall likewise be unlawful for ~~such~~ the
26 carrier to charge, demand, receive, or collect any greater compensation or rate than that established for the
27 service by any applicable maximum rate or any less compensation or rate than that established by any
28 applicable minimum rate. It ~~also~~ shall also be unlawful for any Class A ~~or B~~ motor carrier or any Class C motor

1 carrier subject to maximum or minimum rates to refund or remit, in any manner or by any device, any portion of
 2 the rates, fares, and charges required to be collected under the schedule of the Class A ~~or B~~ carrier on file with
 3 the commission or under the maximum or minimum rates established by the commission for the Class C
 4 carrier."

5

6 **SECTION 16. SECTION 69-12-611, MCA, IS AMENDED TO READ:**

7 **"69-12-611. Leasing of power equipment.** (1) All Class A, ~~Class B~~, Class C, and Class D motor
 8 carriers subject to the jurisdiction of the commission may lease power equipment for the purpose of performing
 9 transportation movements within the state. The leasing of power units must be in writing.

10 (2) All leases must contain:

11 (a) the full names and addresses of negotiating parties;

12 (b) a complete description of each vehicle involved;

13 (c) a provision that the sole possession, responsibility, control, and direction of each vehicle resides
 14 with the lessee for the entire term of the lease;

15 (d) a provision that the lessee assumes full responsibility for all regulatory fees;

16 (e) the amount of compensation to be paid for use of the vehicle while under the lease and the
 17 method by which the compensation is determined;

18 (f) the renewal conditions of the lease, if any; and

19 (g) the term length of the lease.

20 (3) A copy of the lease must be maintained in each leased vehicle at all times. Each leased power
 21 unit must display in a conspicuous place on both sides of the vehicle the identity and address of the lessor and
 22 lessee and the certificate number under which the power unit is operating.

23 (4) The leasing of power units by an authorized carrier to a noncertificated carrier is prohibited."
 24

25 **NEW SECTION. SECTION 17. REPEALER. THE FOLLOWING SECTION OF THE MONTANA CODE ANNOTATED IS**

26 REPEALED:

27 69-12-312. CLASS B MOTOR CARRIER CERTIFICATE.

28

