

Amendment - 1st Reading-white - Requested by: Andrea Olsen - (S) Highways and Transportation

- 2023****

68th Legislature 2023

Drafter: Joe Carroll, 406-444-3804

SB0033.001.001

1 SENATE BILL NO. 33
2 INTRODUCED BY M. CUFFE
3 BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING CLASS C MOTOR CARRIER CLASSIFICATION
6 AND REGULATIONS OF A CLASS C MOTOR CARRIER BY THE PUBLIC SERVICE COMMISSION;
7 AMENDING SECTIONS 69-12-101, 69-12-201, 69-12-205, 69-12-301, 69-12-314, 69-12-321, 69-12-322, 69-
8 12-323, 69-12-324, 69-12-404, 69-12-406, 69-12-407, 69-12-502, AND 69-12-611, MCA; REPEALING
9 SECTIONS 69-12-302 AND 69-12-313, MCA; AND PROVIDING AN 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
17 which a motor carrier usually or ordinarily operates motor vehicles, even though there may be periodical or
18 irregular departures from the termini or route.

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

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

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

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

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

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

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

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

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

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

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

21 **"69-12-201. Supervision and regulation of motor carriers.** (1) The commission has the power and
22 authority and it is its duty to:

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

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

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

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

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

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

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

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

10

11 **Section 3.** Section 69-12-205, MCA, is amended to read:

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

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

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

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

26

27 **Section 4.** Section 69-12-301, MCA, is amended to read: