

HOUSE BILL NO. 278

INTRODUCED BY B. BARKER, J. KASSMIER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MOTOR CARRIER RATE REGULATIONS; REQUIRING RATE SCHEDULES; PROHIBITING DEVIATION FROM RATE SCHEDULES; AMENDING SECTIONS 69-12-501 AND 69-12-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 69-12-501, MCA, is amended to read:

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

(2) A Class D motor carrier issued a certificate shall maintain on file with the commission, if applicable, a full and complete schedule of its rates, fares, charges, classifications, and rules of service and any tariff provisions relating to rates, fares, charges, classifications, or rules. A schedule on file remains in full force and effect until changed or modified by the commission or by the carrier with the approval of the commission.

~~(2)(3)~~ A change, modification, alteration, increase, or decrease in any rate, fare, charge, classification, or rule of service may not be made by a motor carrier without first obtaining the approval of the commission. The commission shall prescribe rules providing for the form and style of all schedules and tariffs and for the procedures to be followed in filing or publishing any changes or modifications of schedules and tariffs."

Section 2. Section 69-12-502, MCA, is amended to read:

"69-12-502. Prohibition on deviation from rate schedules. It is unlawful for any Class A motor carrier or Class D motor carrier to charge, demand, receive, or collect any greater or less rate, charge, or fare

1 than that fixed by the commission for the transportation service provided. When maximum or minimum rates  
2 have been established for any service provided by any Class C motor carrier, it shall likewise be unlawful for  
3 the carrier to charge, demand, receive, or collect any greater compensation or rate than that established for the  
4 service by any applicable maximum rate or any less compensation or rate than that established by any  
5 applicable minimum rate. It shall also be unlawful for any Class A motor carrier or any Class C motor carrier  
6 subject to maximum or minimum rates to refund or remit, in any manner or by any device, any portion of the  
7 rates, fares, and charges required to be collected under the schedule of the Class A carrier on file with the  
8 commission or under the maximum or minimum rates established by the commission for the Class C carrier."

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10 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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