

1 House BILL NO. 867
2 INTRODUCED BY Dilbert UNANNOUNCED

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GRANT THE PUBLIC
5 SERVICE COMMISSION REGULATORY AUTHORITY OVER ALL ROADS OF
6 THE STATE, BOTH PRIVATE AND PUBLIC; AND AMENDING SECTIONS
7 69-12-101, 69-12-107, 69-12-311, 69-12-312, 69-12-313,
8 69-12-401, 69-12-421, AND 69-12-503, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 69-12-101, MCA, is amended to read:

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

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

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

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

24 (4) "Corporation" means a corporation, company,
25 association, or joint-stock association.

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

6 (6) "Highway" means a street, road, highway, or way in
7 this state.

8 ~~(7)~~(7) "Motor carrier" means a person or corporation,
9 or its lessees, trustees, or receivers appointed by any
10 court, operating motor vehicles upon any ~~public~~ highway in
11 this state for the transportation of persons or property for
12 hire on a commercial basis, either as a common carrier or
13 under private contract, agreement, charter, or undertaking.
14 The term includes any motor carrier serving the public in
15 the business of transportation of ashes, trash, waste,
16 refuse, rubbish, garbage, and organic and inorganic matter.

17 ~~(7)~~(8) "Motor vehicle" includes vehicles or machines,
18 motor trucks, tractors, or other self-propelled vehicles
19 used for the transportation of property or persons over the
20 ~~public~~ highways of the state.

21 ~~(8)~~(9) "Person" means an individual, firm, or
22 partnership.

23 ~~(9)~~--"Public--highway"--means--a--public--street,--road,
24 highway,--or--way--in--this--state--

25 (10) "Railroad" means the movement of cars on rails,



1 regardless of the motive power used."

2 **Section 2.** Section 69-12-107, MCA, is amended to read:

3 "69-12-107. **Status of private carriers under motor**
4 **carrier laws.** Nothing in this chapter shall be construed as
5 converting or attempting to convert a private carrier into a
6 common carrier. It is hereby declared that this chapter is
7 intended primarily as a regulation of the public highways of
8 the state."

9 **Section 3.** Section 69-12-311, MCA, is amended to read:

10 "69-12-311. **Class A motor carrier certificate.** (1) No
11 Class A motor carrier shall operate for the transportation
12 of persons and/or property for hire on any public highway in
13 this state without first having obtained from the
14 commission, under the provisions of this chapter, a
15 certificate declaring that public convenience and necessity
16 require such operation.

17 (2) A motor carrier making application for such
18 certificate shall do so in writing, separately for each
19 route, which petition shall be verified by the applicant and
20 shall specify the following matters:

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

23 (b) the public highway or highways over which and the
24 fixed termini between which or the regular route or routes
25 over which it intends to operate;

1 (c) the kind of transportation, whether passenger,
2 freight, or both, together with a full and complete
3 description of the character of the vehicle or vehicles to
4 be used, including the seating capacity of any vehicle to be
5 used for passenger traffic and the tonnage capacity of any
6 vehicle to be used in freight traffic;

7 (d) the proposed time schedule;

8 (e) a schedule of the tariff or rates desired to be
9 charged for the transportation of freight and/or passengers;

10 (f) a complete and detailed description of the property
11 proposed to be devoted to the public service;

12 (g) a detailed statement showing the assets and
13 liabilities of such applicant; and

14 (h) such other or additional information as the
15 commission may by order require.

16 (3) Such application shall be accompanied by a filing
17 fee to be set by rule of the commission."

18 **Section 4.** Section 69-12-312, MCA, is amended to read:

19 "69-12-312. **Class B motor carrier certificate.** (1) No
20 Class B motor carrier shall operate for the transportation
21 of persons and/or property for hire on any public highway in
22 this state without first having obtained from the
23 commission, under the provisions of this chapter, a
24 certificate that public convenience and necessity require
25 such operations.

1 (2) A motor carrier making application for such permit
2 shall do so in writing, separately for each locality for
3 which consideration is desired, which petition shall be
4 verified and shall specify the following matters:

5 (a) name and address of the applicant and the names and
6 addresses of its officers, if any;

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

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

15 (d) a schedule of the tariff of rates desired to be
16 charged for the transportation of freight and/or passengers;

17 (e) a complete and detailed description of the property
18 proposed to be devoted to the public service;

19 (f) a detailed statement showing the assets and
20 liabilities of such applicant; and

21 (g) such other or additional information as the
22 commission may by order require.

23 (3) Such application shall be accompanied by a filing
24 fee to be set by rule of the commission."

25 **Section 5.** Section 69-12-313, MCA, is amended to read:

1 "69-12-313. Class C motor carrier certificate. (1) No
2 Class C motor carrier, except any Class C motor carrier
3 operating pursuant to the terms and conditions of a contract
4 as provided in 69-12-324, shall operate for the
5 distribution, delivery, or collection of goods, wares,
6 merchandise, or commodities or for the transportation of
7 persons on any public highway in this state without first
8 having obtained from the commission, under the provisions of
9 this chapter, a certificate that public convenience and
10 necessity require such operation.

11 (2) A motor carrier making application for such permit
12 shall do so in writing, separately for each route or
13 locality for which consideration is desired, which petition
14 shall be verified by the applicant and shall specify the
15 following matters:

16 (a) the name and address of the applicant and the names
17 and addresses of its officers, if any;

18 (b) the public highways or highways over which and the
19 fixed termini between which or the route or routes over
20 which it intends to operate, if the same are fixed, or the
21 particular city, town, station, or locality from and/or to
22 which the applicant intends to operate;

23 (c) the kind of transportation and the character of the
24 goods, wares, merchandise, or commodities to be distributed,
25 delivered, or collected, together with a full and complete

1 description of the character of the vehicle or vehicles,
2 including the rated tonnage capacity of such vehicles, to be
3 used in such service of distribution, delivery, or
4 collection; and

5 (d) such other or additional information as the
6 commission may by order require.

7 (3) Such application shall be accompanied by a fee to
8 be set by rule of the commission.

9 (4) The submission of a Class C motor carrier
10 application must be accompanied by the names and addresses
11 of any person, corporation, or other legal entity with whom
12 the applicant has executed a contract for the distribution,
13 delivery, or collection of wares, merchandise, or
14 commodities or transporting persons. Such contracts must be
15 in writing, executed by the parties and submitted to the
16 commission for examination."

17 **Section 6.** Section 69-12-401, MCA, is amended to read:

18 "69-12-401. Compliance with state law. It shall be
19 unlawful for any corporation or person, its or his officers,
20 agents, employees, or servants, to operate any motor vehicle
21 for the transportation of persons and/or property for hire
22 on any public highway in this state except in accordance
23 with the provisions of this chapter."

24 **Section 7.** Section 69-12-421, MCA, is amended to read:

25 "69-12-421. Annual fee for motor carriers. (1) Except

1 as provided in subsection (2), in addition to all of the
2 licenses, fees, or taxes imposed upon motor vehicles in this
3 state and in consideration of the use of the public highways
4 of this state, every motor carrier shall, at the time of the
5 issuance of a certificate and annually thereafter, on or
6 between October 1 and the following January 31, pay to the
7 public service commission of Montana a fee set by rule of
8 the commission for every motor vehicle operated by the
9 carrier over or upon the public highways of this state.

10 (2) (a) A motor carrier engaged in seasonal operations
11 only, where its operations do not extend continuously over a
12 period of not to exceed 6 months in any calendar year, shall
13 only be required to pay compensation and fees in a sum equal
14 to one-half of the compensation and fees herein provided.

15 (b) The compensation and fees herein imposed shall not
16 apply to motor vehicles maintained and used by a motor
17 carrier as standby or emergency equipment. The commission
18 shall have the power and it is hereby made its duty to
19 determine what motor vehicles shall be classed as standby or
20 emergency equipment."

21 **Section 8.** Section 69-12-503, MCA, is amended to read:

22 "69-12-503. Rates to be reasonable and
23 nondiscriminatory. (1) All rates, fares, charges,
24 classifications, or rules of service for the transportation
25 of property and/or persons upon the public highways of this

1 state must be fair, just, reasonable, and nondiscriminatory.
 2 No motor carrier operating under established rates shall
 3 make, give, or permit any undue preference or advantage to
 4 any particular person, company, corporation, locality, or
 5 description of traffic, nor shall such motor carrier subject
 6 any particular person, company, corporation, locality, or
 7 description of traffic to any prejudice or disadvantage in
 8 any respect. Nothing herein provided shall prevent the
 9 commission from authorizing different rates or schedules of
 10 rates for service between the same places or between
 11 different points of origin and/or destination within the
 12 same places when such different rates are justified by the
 13 differing character of service to be rendered by the carrier
 14 to a shipper or consignee.

15 (2) The commission may, upon its own initiative or upon
 16 the complaint of any interested party, investigate any rate,
 17 fare, charge, classification, or rule of service contained
 18 in the schedule of any motor carrier. If the commission
 19 shall find, after such investigation, that any such rate,
 20 fare, charge, classification, or rule of service is unfair,
 21 unjust, unreasonable, or discriminatory, it shall disallow
 22 the same and fix a rate, fare, charge, classification, or
 23 rule of service which shall be fair, just, reasonable, and
 24 nondiscriminatory and it shall order the affected motor
 25 carrier or carriers to conform to such modified schedule.

1 Each motor carrier affected by any complaint or
 2 investigation shall first be given notice of the same and an
 3 opportunity to be heard before the commission."

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 867

INTRODUCED BY GILBERT, WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT TO ~~GRANT~~ THE EXTEND
PUBLIC SERVICE COMMISSION REGULATORY AUTHORITY OVER
REGULATED MOTOR CARRIERS WHILE TRAVELING ON ALL ROADS OF THE
STATE, BOTH PRIVATE AND PUBLIC; AND AMENDING SECTIONS
69-12-101, ~~69-12-107~~, ~~69-12-311~~, ~~69-12-312~~, ~~69-12-313~~
69-12-401, ~~69-12-421~~, AND 69-12-503, MCA."

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

Section 1. Section 69-12-101, MCA, is amended to read:

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

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

(2) "Certificate" means the certificate of public convenience and necessity issued under this chapter.

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

(4) "Corporation" means a corporation, company,

association, or joint-stock association.

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

~~(6) "Highway" means a street, road, highway, or way in this state.~~

~~(6)(7)(6)~~ "Motor carrier" means a person or corporation, or its lessees, trustees, or receivers appointed by any court, operating motor vehicles upon any ~~publie~~ highway in this state for the transportation of persons or property for hire on a commercial basis, either as a common carrier or under private contract, agreement, charter, or undertaking. The term includes any motor carrier serving the public in the business of transportation of ashes, trash, waste, refuse, rubbish, garbage, and organic and inorganic matter.

~~(7)(8)(7)~~ "Motor vehicle" includes vehicles or machines, motor trucks, tractors, or other self-propelled vehicles used for the transportation of property or persons over the ~~publie~~ PUBLIC highways of the state.

~~(8)(9)(8)~~ "Person" means an individual, firm, or partnership.

~~(9) "Public highway" means a public street, road,~~

SECOND READING

1 highway, or way in this state;

2 (9) "PUBLIC HIGHWAY" MEANS A PUBLIC STREET, ROAD,
3 HIGHWAY, OR WAY IN THIS STATE.

4 (10) "Railroad" means the movement of cars on rails,
5 regardless of the motive power used.

6 (11) "REGULAR ROUTE" INCLUDES ALL SEGMENTS OF ROADS OR
7 WAYS BETWEEN TERMINI, INCLUDING PUBLIC HIGHWAYS AND ANY
8 PRIVATE ROADS OR WAYS."

9 Section 2--Section 69-12-107, MCA, is amended to read:

10 "69-12-107--Status--of--private--carriers--under--motor
11 carrier--laws--Nothing--in--this--chapter--shall--be--construed--as
12 converting--or--attempting--to--convert--a--private--carrier--into--a
13 common--carrier--It--is--hereby--declared--that--this--chapter--is
14 intended--primarily--as--a--regulation--of--the--public--highways--of
15 the--state;"

16 Section 3--Section 69-12-311, MCA, is amended to read:

17 "69-12-311--Class--A--motor--carrier--certificate--(1)--No
18 Class--A--motor--carrier--shall--operate--for--the--transportation
19 of--persons--and/or--property--for--hire--on--any--public--highway--in
20 this--state--without--first--having--obtained--from--the
21 commission--under--the--provisions--of--this--chapter--a
22 certificate--declaring--that--public--convenience--and--necessity
23 require--such--operation;

24 (2)--A--motor--carrier--making--application--for--such
25 certificate--shall--do--so--in--writing,--separately--for--each

1 route, which petition shall be verified by the applicant and
2 shall specify the following matters:

3 (a)--the--name--and--address--of--the--applicant--and--the--names
4 and--addresses--of--its--officers,--if--any;

5 (b)--the--public--highway--or--highways--over--which--and--the
6 fixed--termini--between--which--or--the--regular--route--or--routes
7 over--which--it--intends--to--operate;

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

14 (d)--the--proposed--time--schedule;

15 (e)--a--schedule--of--the--tariff--or--rates--desired--to--be
16 charged--for--the--transportation--of--freight--and/or--passengers;

17 (f)--a--complete--and--detailed--description--of--the--property
18 proposed--to--be--devoted--to--the--public--service;

19 (g)--a--detailed--statement--showing--the--assets--and
20 liabilities--of--such--applicant;--and

21 (h)--such--other--or--additional--information--as--the
22 commission--may--by--order--require;

23 (3)--Such--application--shall--be--accompanied--by--a--filing
24 fee--to--be--set--by--rule--of--the--commission;"

25 Section 4--Section 69-12-312, MCA, is amended to read:

1 ~~"69-12-312; Class-B motor-carrier certificate; (1) No~~
 2 ~~Class-B motor-carrier shall operate for the transportation~~
 3 ~~of persons and/or property for hire on any public highway in~~
 4 ~~this state without first having obtained from the~~
 5 ~~commission, under the provisions of this chapter, a~~
 6 ~~certificate that public convenience and necessity require~~
 7 ~~such operations;~~

8 ~~(2) A motor carrier making application for such permit~~
 9 ~~shall do so in writing, separately for each locality for~~
 10 ~~which consideration is desired, which petition shall be~~
 11 ~~verified and shall specify the following matters:~~

12 ~~(a) the name and address of the applicant and the names and~~
 13 ~~addresses of its officers, if any;~~

14 ~~(b) the kind of transportation, whether passenger,~~
 15 ~~freight, or both, together with a full and complete~~
 16 ~~description of the character of the vehicle or vehicles to~~
 17 ~~be used, including the seating capacity of any vehicle to be~~
 18 ~~used for passenger traffic and the tonnage capacity of any~~
 19 ~~vehicle to be used in freight traffic;~~

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

22 ~~(d) a schedule of the tariff of rates desired to be~~
 23 ~~charged for the transportation of freight and/or passengers;~~

24 ~~(e) a complete and detailed description of the property~~
 25 ~~proposed to be devoted to the public service;~~

1 ~~(f) a detailed statement showing the assets and~~
 2 ~~liabilities of such applicant; and~~

3 ~~(g) such other or additional information as the~~
 4 ~~commission may by order require;~~

5 ~~(3) Such application shall be accompanied by a filing~~
 6 ~~fee to be set by rule of the commission;"~~

7 ~~Section 5, Section 69-12-313, MCA, is amended to read:~~

8 ~~"69-12-313; Class-E motor-carrier certificate; (1) No~~
 9 ~~Class-E motor-carrier, except any Class-E motor-carrier~~
 10 ~~operating pursuant to the terms and conditions of a contract~~
 11 ~~as provided in 69-12-324, shall operate for the~~
 12 ~~distribution, delivery, or collection of goods, wares,~~
 13 ~~merchandise, or commodities or for the transportation of~~
 14 ~~persons on any public highway in this state without first~~
 15 ~~having obtained from the commission, under the provisions of~~
 16 ~~this chapter, a certificate that public convenience and~~
 17 ~~necessity require such operation;~~

18 ~~(2) A motor carrier making application for such permit~~
 19 ~~shall do so in writing, separately for each route or~~
 20 ~~locality for which consideration is desired, which petition~~
 21 ~~shall be verified by the applicant and shall specify the~~
 22 ~~following matters:~~

23 ~~(a) the name and address of the applicant and the names~~
 24 ~~and addresses of its officers, if any;~~

25 ~~(b) the public highways or highways over which and the~~

1 fixed termini between which or the route or routes over
 2 which it intends to operate, if the same are fixed, or the
 3 particular city, town, station, or locality from and/or to
 4 which the applicant intends to operate;

5 (c) the kind of transportation and the character of the
 6 goods, wares, merchandise, or commodities to be distributed,
 7 delivered, or collected, together with a full and complete
 8 description of the character of the vehicle or vehicles,
 9 including the rated tonnage capacity of such vehicles, to be
 10 used in such service of distribution, delivery, or
 11 collection; and

12 (d) such other or additional information as the
 13 commission may by order require;

14 (3) Such application shall be accompanied by a fee to
 15 be set by rule of the commission;

16 (4) The submission of a class motor carrier
 17 application must be accompanied by the names and addresses
 18 of any person, corporation, or other legal entity with whom
 19 the applicant has executed a contract for the distribution,
 20 delivery, or collection of wares, merchandise, or
 21 commodities or transporting persons. Such contracts must be
 22 in writing, executed by the parties and submitted to the
 23 commission for examination;

24 Section 6, Section 69-12-401, MCA, is amended to read:
 25 "69-12-401. Compliance with state law. It shall be

1 unlawful for any corporation or person, its or his officers,
 2 agents, employees, or servants, to operate any motor vehicle
 3 for the transportation of persons and/or property for hire
 4 on any public highway in this state except in accordance
 5 with the provisions of this chapter."

6 Section 7, Section 69-12-421, MCA, is amended to read:
 7 "69-12-421. Annual fee for motor carriers. (1) Except
 8 as provided in subsection (2), in addition to all of the
 9 licenses, fees, or taxes imposed upon motor vehicles in this
 10 state and in consideration of the use of the public highways
 11 of this state, every motor carrier shall, at the time of the
 12 issuance of a certificate and annually thereafter, on or
 13 between October 1 and the following January 31, pay to the
 14 public service commission of Montana a fee set by rule of
 15 the commission for every motor vehicle operated by the
 16 carrier over or upon the public highways of this state;

17 (2) (a) A motor carrier engaged in seasonal operations
 18 only, where its operations do not extend continuously over a
 19 period of not to exceed 6 months in any calendar year, shall
 20 only be required to pay compensation and fees in a sum equal
 21 to one-half of the compensation and fees herein provided;

22 (b) The compensation and fees herein imposed shall not
 23 apply to motor vehicles maintained and used by a motor
 24 carrier as standby or emergency equipment. The commission
 25 shall have the power and it is hereby made its duty to

1 ~~determine what motor vehicles shall be classed as standby or~~
 2 ~~emergency equipment."~~

3 **Section 2.** Section 69-12-503, MCA, is amended to read:

4 "69-12-503. Rates to be reasonable and
 5 nondiscriminatory. (1) All rates, fares, charges,
 6 classifications, or rules of service for the transportation
 7 of property and/or persons upon the public PUBLIC highways
 8 OR CONNECTING PRIVATE ROADS OR WAYS of this state must be
 9 fair, just, reasonable, and nondiscriminatory. No motor
 10 carrier operating under established rates shall make, give,
 11 or permit any undue preference or advantage to any
 12 particular person, company, corporation, locality, or
 13 description of traffic, nor shall such motor carrier subject
 14 any particular person, company, corporation, locality, or
 15 description of traffic to any prejudice or disadvantage in
 16 any respect. Nothing herein provided shall prevent the
 17 commission from authorizing different rates or schedules of
 18 rates for service between the same places or between
 19 different points of origin and/or destination within the
 20 same places when such different rates are justified by the
 21 differing character of service to be rendered by the carrier
 22 to a shipper or consignee.

23 (2) The commission may, upon its own initiative or upon
 24 the complaint of any interested party, investigate any rate,
 25 fare, charge, classification, or rule of service contained

1 in the schedule of any motor carrier. If the commission
 2 shall find, after such investigation, that any such rate,
 3 fare, charge, classification, or rule of service is unfair,
 4 unjust, unreasonable, or discriminatory, it shall disallow
 5 the same and fix a rate, fare, charge, classification, or
 6 rule of service which shall be fair, just, reasonable, and
 7 nondiscriminatory and it shall order the affected motor
 8 carrier or carriers to conform to such modified schedule.
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 10 investigation shall first be given notice of the same and an
 11 opportunity to be heard before the commission."

-End-

1 HOUSE BILL NO. 867

2 INTRODUCED BY GILBERT, WANZENRIED

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GRANT--THE EXTEND
 5 PUBLIC SERVICE COMMISSION REGULATORY AUTHORITY OVER
 6 REGULATED MOTOR CARRIERS WHILE TRAVELING ON ALL ROADS OF THE
 7 STATE, BOTH PRIVATE AND PUBLIC; AND AMENDING SECTIONS
 8 69-12-101~~7~~--69-12-107~~7~~--69-12-311~~7~~---69-12-312~~7~~---69-12-313~~7~~
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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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 17 carrier usually or ordinarily operates motor vehicles, even
 18 though there may be periodical or irregular departures from
 19 the termini or route.

20 (2) "Certificate" means the certificate of public
 21 convenience and necessity issued under this chapter.

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

25 (4) "Corporation" means a corporation, company,

There are no changes in this bill,
 and will not be reprinted. Please
 refer to yellow copy for complete
 text.