

SENATE BILL 220

Introduced by Blaylock, et al.

1/29	Introduced
1/29	Referred to Business & Industry
1/29	First Reading
2/04	Hearing
2/12	Committee Report--Bill Passed as Amended
2/13	2nd Reading Passed as Amended
2/14	3rd Reading Passed
	Transmitted to House
2/15	First Reading
2/15	Referred to Labor & Employment Relations
3/07	Hearing
3/20	Tabled in Committee

1 *Senate* BILL NO. *220*
 2 INTRODUCED BY *Beulah Lumb*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 5 CLARIFY THE LAWS RELATING TO RAILROADS; DELETING OBSOLETE OR
 6 ARCHAIC REQUIREMENTS FOR RAILROADS; AMENDING SECTIONS
 7 30-1-111, 69-14-111, 69-14-112, 69-14-115, 69-14-116,
 8 69-14-133, 69-14-215, 69-14-301, 69-14-308, 69-14-309,
 9 69-14-401, 69-14-604, 69-14-708, 69-14-713, 69-14-801,
 10 69-14-925, AND 69-14-1004, MCA; REPEALING SECTIONS
 11 69-14-118, 69-14-119, 69-14-120, 69-14-205, 69-14-206,
 12 69-14-207, 69-14-208, 69-14-209, 69-14-210, 69-14-211,
 13 69-14-212, 69-14-213, 69-14-214, 69-14-216, 69-14-304,
 14 69-14-712, AND 69-14-922, MCA; AND PROVIDING AN IMMEDIATE
 15 EFFECTIVE DATE."
 16

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

18 **Section 1.** Section 30-1-111, MCA, is amended to read:

19 "30-1-111. Laws not repealed. The Chapter on Documents
 20 of Title (Chapter 7) does not repeal or modify any laws
 21 prescribing the form or contents of documents of title or
 22 the services or facilities to be afforded by bailees, or
 23 otherwise regulating bailees' businesses in respects not
 24 specifically dealt with herein; but the fact that such laws
 25 are violated does not affect the status of a document of

1 title which otherwise complies with the definition of a
 2 document of title (30-1-201).

3 References to a "branch" or "separate office" of a bank
 4 in this code are included to preserve uniformity in a
 5 Uniform Act and are not to be construed as affecting or
 6 amending in any way the laws of this state relative to the
 7 operation of branches or separate offices of a bank.

8 This code does not repeal or modify any ~~of the following~~
 9 provisions: of 30-11-504, relating to auctioneer's
 10 memorandum of sale, ~~69-14-216, relating to claims against~~
 11 ~~carriers for damage to livestock,~~ or Title 18, chapter 1,
 12 part 4, ~~inclusive,~~ relating to contract actions against the
 13 state."

14 **Section 2.** Section 69-14-111, MCA, is amended to read:

15 "69-14-111. General supervision of railroads. The
 16 commission shall have the general supervision of all
 17 railroads, ~~express companies, car companies, sleeping-car~~
 18 ~~companies, and freight and freight-line companies,~~ and any
 19 common carrier engaged in the transportation of passengers
 20 or property in this state, ~~in all matters appertaining to~~
 21 ~~the duty of said commission and within its power and~~
 22 ~~authority under~~ subject to the provisions of this chapter."

23 **Section 3.** Section 69-14-112, MCA, is amended to read:

24 "69-14-112. Investigatory authority. (1) The commission
 25 shall investigate any alleged neglect or violation of the

1 laws of the state by any railroad or other company above
2 specified referred to in 69-14-111 doing business therein or
3 by the officers, agents, or employees thereof in this state.

4 The commission shall examine and inspect or cause to be
5 examined and inspected all books, records, files, and papers
6 of the persons and companies specified above referred to in
7 69-14-111, insofar as the same may be pertinent to that
8 pertain to any matter under investigation before the
9 commission, and shall hear and take testimony in the
10 progress of any inquiry or investigation authorized by this
11 chapter.

12 (2) The commission ~~or some members thereof to be~~
13 ~~deputed by it, shall~~ may investigate and make inquiry into
14 every accident, as defined in 49 CFR 225, occurring in the
15 operation of any railroad in this state resulting in death,
16 injury to any person of such gravity as to require the
17 attention of a physician or surgeon, or the destruction of
18 property greater in value than \$27,000. The testimony taken
19 on any such hearing shall must be transcribed and filed in
20 the office of the commission."

21 **Section 4.** Section 69-14-115, MCA, is amended to read:

22 "69-14-115. Investigation, enforcement, and report
23 concerning railroad safety laws. ~~{}~~ The commission shall:

24 ~~{a}~~ (1) make inquiry into the observance by all
25 railroads within this state of the laws of the United States

1 and of Montana intended to safeguard ~~the lives of the~~
2 railroad employees of persons or corporations engaged in
3 operating the same;

4 ~~{b}~~ (2) may file a complaint before the proper state or
5 federal officer ~~of any for an~~ infraction of any of such the
6 safety laws; and

7 ~~{c}~~ (3) prosecute before the proper court or tribunal
8 any person guilty of violation of the ~~penal provisions~~
9 thereof safety laws.

10 ~~{2}--The commission shall in an annual report set out~~
11 ~~what effort it has made to carry out the provisions of this~~
12 ~~section, with the result thereof, and in detail what steps~~
13 ~~it has taken to prosecute any violations of any such acts of~~
14 ~~which it has secured information. A copy of this annual~~
15 ~~report shall be mailed to the secretary of the department of~~
16 ~~transportation."~~

17 **Section 5.** Section 69-14-116, MCA, is amended to read:

18 "69-14-116. General protection of health and safety on
19 railroads. (1) The commission shall have full authority:

20 (a) after notice and hearing, to make adopt and enforce
21 rules providing for the installation on and equipment of
22 trains, cars, or engines with safety appliances and
23 providing for sanitation and adequate shelter as it affects
24 the health of all railroad employees, including but not
25 limited to trainmen, enginemen, yardmen, maintenance-of-way

1 employees, highway---crossing---watchmen, and clerical,
2 platform, freight-house, and express employees; and

3 (b) to inspect--the--same--and--enforce--regulations--with
4 regard--thereto conduct inspections necessary to implement
5 subsection (1)(a).

6 (2) Such--inspection, The inspections and rules, and
7 regulations to must be from-time-to--time coextensive with
8 the--requirements--of and in conformity to the provisions
9 requirements of the acts of congress and rules and
10 regulations of the interstate commerce commission and the
11 department of transportation, ~~as then effective.~~"

12 **Section 6.** Section 69-14-133, MCA, is amended to read:

13 "69-14-133. Collection and disposition of penalties and
14 forfeitures. Unless otherwise provided, all penalties and
15 forfeitures incurred, levied, and made under the provisions
16 of this chapter shall must be collected by the commission,
17 and paid over to the state treasurer, and credited to the
18 general fund. ~~Should~~ If the commission ~~fail~~ fails or refuse
19 refuses to institute appropriate action for the recovery of
20 any penalty or forfeiture provided for herein in this
21 chapter for the-space-of 60 days after notice of the cause
22 of complaint by an aggrieved person or shipper, such the
23 person or shipper may institute and prosecute such an action
24 in the name of the state against such the railroad, in the
25 same manner as could the commission."

1 **Section 7.** Section 69-14-215, MCA, is amended to read:

2 "69-14-215. ~~issuance of~~ Preparing bills of lading by
3 railroad station--agents companies -- penalty. (1) All
4 railway railroad companies operating in the state ~~which do~~
5 ~~not permit bills~~ must prepare a bill of lading to-be--issued
6 by--employees--other--than--agents--shall--be--required--to--have
7 ~~bills of lading issued by the station agent at the nearest~~
8 ~~station where a station agent is regularly maintained in the~~
9 ~~direction toward which the~~ for each shipment is destined.
10 ~~The conductor of the train which receives the shipment at~~
11 ~~its point of origin shall deliver to the agent at the~~
12 ~~nearest station at which an agent is maintained through~~
13 ~~which the shipment moves, immediately upon the arrival of~~
14 ~~the train carrying the shipment at the agency station, all~~
15 ~~data necessary for the issuance of a bill of lading for the~~
16 ~~shipment. The agent shall immediately issue a copy of the~~
17 ~~bill of lading and shall deliver the same~~ must be made
18 available to the shipper or his agent or ~~shall~~ within 24
19 ~~hours after the receipt of the data from the conductor, for~~
20 ~~shipment of 20,000 pounds or over, deposit the bill of~~
21 ~~lading in a United States post office, addressed and~~
22 ~~registered or certified to the consignor of the shipment or~~
23 ~~his agent or attorney to his proper post office address~~
24 receiver upon request. ~~A bill of lading for shipments of~~
25 ~~less than 20,000 pounds may be mailed without the use of~~

1 ~~registered-or-certified-mail;~~

2 (2) ~~Any-railway~~ A railroad company operating in Montana
3 violating ~~any--provisions--of~~ this section is guilty of a
4 misdemeanor and liable to a fine of not less than \$50 or
5 more than \$1,000."

6 **Section 8.** Section 69-14-301, MCA, is amended to read:

7 "69-14-301. Commission powers related to ratemaking.

8 (1) The commission shall adopt all necessary rates, charges,
9 and ~~regulations~~ rules to govern and regulate freight and
10 passenger tariffs, to correct abuses, and to prevent unjust
11 discrimination and intimidation in the rates of freight and
12 passenger tariffs on the different railroads in this state
13 and to ~~make-the-same--effective--by--enforcing~~ enforce the
14 penalties prescribed in this chapter.

15 (2) The commission shall fairly and justly classify and
16 subdivide all freight and merchandise ~~of-whatever-character~~
17 that may be transported over railroads of this state into
18 such general and special classes or subdivisions ~~as-may-be~~
19 considered the commission considers necessary or expedient.

20 (3) The commission may fix different rates for
21 different railroads and for different lines under the same
22 management or for different parts of the same lines if found
23 necessary to do justice ~~and--may--make--rates--for--express~~
24 ~~companies--different-from-the-rates-fixed-for-railroads.~~ The
25 commission shall also fix and establish for all or any

1 connecting lines of railroad in this state reasonable joint
2 rates of freight charges for the various classes of freight
3 and cars that may pass over two or more lines of such the
4 railroads.

5 (4) The commission shall ~~make--and--establish~~ adopt
6 reasonable rates for the transportation of freight within
7 the state and shall prescribe rates, tolls, and charges for
8 all other services performed by any railroad subject hereto
9 to this chapter."

10 **Section 9.** Section 69-14-308, MCA, is amended to read:

11 "69-14-308. Publication ~~and--posting~~ of notice of rate
12 schedule. ~~{1} When-any-schedules-shall--have--been--made--or~~
13 ~~revised,-it-shall-be-the-duty-of-said-commissioners-to-cause~~
14 The commission shall publish adequate notice thereof-to-be
15 published as determined by the commission of a schedule or
16 revised schedule for 2 successive weeks in some a newspaper
17 published in the city of Helena. The notice shall must state
18 the date ~~of--taking~~ the schedule takes effect ~~of--said~~
19 ~~schedule,-and-said-schedule-shall-take-effect-at-the-time-so~~
20 ~~stated-in-such-notice.~~

21 ~~{2}--A---printed---notice--of--such--schedule--shall--be~~
22 ~~conspicuously-posted-by-such-common-carrier-in-each--freight~~
23 ~~office-and-passenger-depot-upon-its-lines."~~

24 **Section 10.** Section 69-14-309, MCA, is amended to read:

25 "69-14-309. Posting of rate schedule. Each A railroad

1 affected by subject to the provisions of this chapter shall
 2 ~~display~~--in-a-conspicuous-place make available upon request
 3 in each of its stations in this state, a schedule printed in
 4 plain, legible, English type showing all classifications and
 5 rates fixed and established by the commission."

6 **Section 11.** Section 69-14-401, MCA, is amended to read:

7 "69-14-401. Court review of commission actions. (1)[✓]

8 Actions An action to review the determination of the
 9 commission fixing any classification, rate, toll, charge,
 10 regulation rule, or order or the refusal of said the
 11 commission to make, fix, or establish any classification,
 12 rate, toll, charge, regulation rule, or order shall must be
 13 commenced, in the district court of the county having
 14 jurisdiction thereof~~, by the filing of a complaint, duty~~
 15 ~~verified as provided for the verification of pleadings in~~
 16 ~~civil actions. Notice may be served upon the party defendant~~
 17 ~~either by summons issued and served as provided for in this~~
 18 ~~code in civil actions or the court may issue an order~~
 19 ~~directed to the defendant requiring him to answer the~~
 20 ~~complaint at such time as the court may deem reasonable;~~
 21 ~~provided, however, that such time shall not be less than 5~~
 22 ~~days from the time of the service of such order.~~ Upon the
 23 appearance of the defendant, he may deny or admit the facts
 24 set forth in said complaint, by answer, which shall be
 25 verified as the pleadings in other civil actions.

1 (2) If, upon the hearing, the court ~~shall find~~ finds
 2 that the rates fixed or the classifications made are unjust
 3 and unreasonable, ~~it shall thereupon be~~ the ~~duty of said~~
 4 commission to shall make new rates or a reclassification, ~~as~~
 5 ~~the case may be.~~ All orders or notices required under the
 6 provisions of this section may be issued by the court ~~or by~~
 7 ~~the judge thereof at chambers."~~

8 **Section 12.** Section 69-14-604, MCA, is amended to read:

9 "69-14-604. Procedure to order construction of
 10 crossing. Whenever ~~any~~ if a board of county commissioners
 11 ~~shall order~~ orders the construction of ~~any a~~ railroad
 12 crossing, said the board shall enter an order upon its
 13 minutes, specifying the place of such the crossing. A copy
 14 of said the order shall must be served upon the railroad
 15 company, and a copy shall ~~also~~ must be immediately mailed to
 16 the public service commission. ~~Service of said order may be~~
 17 ~~made upon the railroad company by delivering such copy to~~
 18 ~~any station agent employed in connection with the operation~~
 19 ~~of said railroad in said county."~~

20 **Section 13.** Section 69-14-708, MCA, is amended to read:

21 "69-14-708. Records of accidents involving animals
 22 livestock. ~~(i) it shall be the duty of any corporation,~~
 23 ~~association, company, or person owning, controlling, or~~
 24 ~~operating any~~ A railroad company or branch thereof in this
 25 state to designate some station on the line of the same, in

1 each--county-through-which-it-passes,--at-which-it-shall-keep
 2 a-suitable-book-and-within-30--days--after--the--killing--or
 3 injuring--of must report to the department of livestock any
 4 animal,--to-cause-to-be-entered-therein-the-date-when-and-the
 5 place-where-the-same-was livestock killed or injured,--as
 6 near--as--may--be,--together--with--a--description--thereof,
 7 including--the-age,--color,--and-sex-of-the-same-and-marks-and
 8 brands-upon-the-same-as-near-as-the-same-can-be--done by a
 9 train or railroad equipment on the railroad right-of-way.
 10 When-such-railroad-or-branch-thereof-shall-run-to-or-through
 11 any-town-or-station-at-which-is-located-the-county--seat--of
 12 any--county,--then--such--book-shall-be-kept-at-such-town-or
 13 station-at-which--said--county--seat--is--located,--and--the
 14 written--demand--provided--for-in-69-14-709-may-be-served-on
 15 the-agent-of-such-station;

16 {2}--This-book-shall-be-kept-for-the-inspection--of--any
 17 person-claiming-to-be-interested-in-the-inspection-thereof;

18 {3}--Notice--of--the--station--designated--pursuant--to
 19 subsection-{1}-shall-be-filed-with-the-county-clerk--of--the
 20 county-in-which-said-station-is-situated;

21 {4}--Any--corporation,--association,--or-person-so-owning,
 22 controlling,--or-operating-such-railroad--or--branch--thereof
 23 failing--to--designate--said-station,--file-said-notice,--keep
 24 said-book,--and-make-the-entries-as-provided-in-this--section
 25 shall-be--liable--to--the--owner-of-the-animal-so-killed-or

1 injured,--whether-negligently-done-or-not,--and-the--court--or
 2 jury--before--whom--any--action-is-tried-for-the-recovery-of
 3 damages-on-account-thereof--may--in--its--discretion--render
 4 verdict-and-judgment-for-the-amount-of-the-value-of-any-such
 5 animal--so--killed--or--the--amount--of-damages-sustained-by
 6 reason-of-any-injury-thereto;"

7 **Section 14.** Section 69-14-713, MCA, is amended to read:
 8 "69-14-713. Violation of provisions dealing with injury
 9 to livestock. (1) Except as otherwise provided, every person
 10 who violates any of the provisions of 69-14-701 through
 11 69-14-711 69-14-712 relating to livestock killed or injured
 12 by railroads is guilty of a misdemeanor.

13 (2) Any person violating any of the provisions of
 14 69-14-711 or--69-14-712 shall upon conviction thereof be
 15 punished by a fine of not less than \$10 or more than \$300 or
 16 by imprisonment in the county jail for a period of not less
 17 than 10 days or more than 60 days or by both such fine and
 18 imprisonment."

19 **Section 15.** Section 69-14-801, MCA, is amended to read:
 20 "69-14-801. Maintenance of loading platform by
 21 railroad. (1) Every A railroad company doing business in
 22 this state shall, within 60 days after notice from the
 23 commission, erect one or more safe platforms for the
 24 transfer of livestock,--grain,--and-other commodities from
 25 wagons-or-otherwise to cars at-each--and--every--station--or

1 ~~siding--designated--in--such--notice,--such--platforms-to-be~~
 2 ~~erected-so-as-not-to-endanger-life-and-property.~~

3 (2) If any a railroad company, after receiving notice
 4 as provided for in this section, ~~shall-fail~~ fails, refuse
 5 refuses, or neglect neglects to erect platforms as required
 6 by this section within ~~the-required~~ 60 days, the commission
 7 ~~is-authorized-and-empowered-and-it-is-made-its-duty-to~~ shall
 8 notify such the railroad company to appear before it at a
 9 certain time and place and show cause, ~~if-there-is-any,~~ why
 10 such the commission should not issue an order requiring such
 11 the railroad company to comply with the requirements of this
 12 section. The commission ~~shall-have-power~~ may, after such the
 13 hearing, ~~to~~ issue an order ~~upon--said--railroad--company~~
 14 commanding it the railroad company to erect such the
 15 platform ~~if--the-commission-shall-upon-such-examination-and~~
 16 ~~hearing-deem-such-platform-necessary.~~

17 (3) Any A notice required to be served upon any a
 18 railroad company to carry out any of the provisions of this
 19 section or similar provisions relating to the enlarging of
 20 such platforms may be served upon any agent of ~~said~~ the
 21 railroad company within the state."

22 **Section 16.** Section 69-14-925, MCA, is amended to read:

23 "69-14-925. Enforcement of provisions related to
 24 suitable cars for commodity shipments. ~~it-is-hereby-made-the~~
 25 ~~duty--of--the~~ The commission to shall enforce the provisions

1 of 69-14-921, through 69-14-923, and 69-14-924."

2 **Section 17.** Section 69-14-1004, MCA, is amended to
 3 read:

4 "69-14-1004. Penalty for intoxication while engaged in
 5 train operations. Every A person who is intoxicated under
 6 the influence, as defined in 61-8-401, of alcohol or a drug
 7 while in charge of a locomotive engine while as conductor or
 8 driver upon any railroad car or train, ~~whether-propelled-by~~
 9 ~~steam-or-otherwise,~~ or while acting as train dispatcher or
 10 as telegraph operator receiving or transmitting dispatches
 11 in relation to the movement of trains is guilty of a
 12 misdemeanor."

13 **NEW SECTION. Section 18.** Repealer. Sections 69-14-118,
 14 69-14-119, 69-14-120, 69-14-205, 69-14-206, 69-14-207,
 15 69-14-208, 69-14-209, 69-14-210, 69-14-211, 69-14-212,
 16 69-14-213, 69-14-214, 69-14-216, 69-14-304, 69-14-712, and
 17 69-14-922, MCA, are repealed.

18 **NEW SECTION. Section 19.** Effective date. [This act] is
 19 effective on passage and approval.

-End-

APPROVED BY COMM. ON
BUSINESS & INDUSTRY

SENATE BILL NO. 220

INTRODUCED BY BLAYLOCK, QUILICI

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SECOND READING

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 23 providing for sanitation and adequate shelter as it affects
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 25 ~~limited to~~ trainmen, enginemen, yardmen, maintenance of way

1 employees, highway---crossing---watchmen, and---clerical,
2 platform,---freight-house,---and-express employees; and

3 (b) to inspect---the---same-and-enforce-regulations-with
4 regard-thereto conduct inspections necessary to implement
5 subsection (1)(a).

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6 by---employees--other--than--agents-shall-be-required-to-have
7 bills-of-lading-issued-by-the-station-agent-at--the--nearest
8 station-where-a-station-agent-is-regularly-maintained-in-the
9 direction--toward--which--the for each shipment is-destined.
10 The-conductor-of-the-train-which-receives--the--shipment--at
11 its--point--of--origin--shall--deliver--to--the-agent-at-the
12 nearest-station-at-which--an-agent--is--maintained--through
13 which--the--shipment--moves, immediately-upon-the-arrival-of
14 the-train-carrying-the-shipment-at-the-agency--station,---all
15 data--necessary-for-the-issuance-of-a-bill-of-lading-for-the
16 shipment,---The-agent-shall-immediately-issue A copy of the
17 bill of lading and--shall--deliver--the-same must be made
18 available to the shipper or his-agent-or--shall,---within--24
19 hours--after-the-receipt-of-the-data-from-the-conductor,---for
20 shipment-of-20,000-pounds--or--over,---deposit--the--bill--of
21 lading--in--a--United--States--post--office,---addressed--and
22 registered--or-certified-to-the-consignor-of-the-shipment-or
23 his-agent-or-attorney--to--his--proper--post-office--address
24 receiver upon request. A--bill-of-lading-for-shipments-of
25 less-than-20,000-pounds-may-be-mailed--without--the--use--of

1 ~~registered-or-certified-mail-~~

2 (2) ~~Any-railway~~ A railroad company operating in Montana
3 violating ~~any--provisions--of~~ this section is guilty of a
4 misdemeanor and liable to a fine of not less than \$50 or
5 more than \$1,000."

6 **Section 8.** Section 69-14-301, MCA, is amended to read:

7 "**69-14-301. Commission powers related to ratemaking.**

8 (1) The commission shall adopt all necessary rates, charges,
9 and regulations rules to govern and regulate freight and
10 passenger tariffs, to correct abuses, and to prevent unjust
11 discrimination and intimidation in the rates of freight and
12 passenger tariffs on the different railroads in this state
13 and to ~~make-the-same--effective--by--enforcing~~ enforce the
14 penalties prescribed in this chapter.

15 (2) The commission shall fairly and justly classify and
16 subdivide all freight and merchandise ~~of-whatever-character~~
17 that may be transported over railroads of this state into
18 such general and special classes or subdivisions ~~as-may-be~~
19 considered the commission considers necessary or expedient.

20 (3) The commission may fix different rates for
21 different railroads and for different lines under the same
22 management or for different parts of the same lines if found
23 necessary to do justice ~~and--may--make--rates--for--express~~
24 ~~companies--different-from-the-rates-fixed-for-railroads.~~ The
25 commission shall ~~also~~ fix and establish for all or any

1 connecting lines of railroad in this state reasonable joint
2 rates of freight charges for the various classes of freight
3 and cars that may pass over two or more lines of such the
4 railroads.

5 (4) The commission shall ~~make--and--establish~~ adopt
6 reasonable rates for the transportation of freight within
7 the state and shall prescribe rates, tolls, and charges for
8 all other services performed by any railroad subject ~~hereto~~
9 to this chapter."

10 **Section 9.** Section 69-14-308, MCA, is amended to read:

11 "**69-14-308. Publication and--posting of notice of rate**
12 ~~schedule. {1} When-any-schedules-shall--have--been--made--or~~
13 ~~revised,-it-shall-be-the-duty-of-said-commissioners-to-cause~~
14 The commission shall publish adequate notice thereof-to-be
15 published as determined by the commission of a schedule or
16 revised schedule for-2-successive-weeks-in-some-a-newspaper
17 ~~published-in-the-city-of-Helena.~~ The notice shall must state
18 the date ~~of--taking~~ the schedule takes effect ~~of--said~~
19 ~~schedule,-and-said-schedule-shall-take-effect-at-the-time-as~~
20 ~~stated-in-such-notice.~~

21 ~~{2}--A--printed--notice--of--such--schedule--shall--be~~
22 ~~conspicuously-posted-by-such-common-carrier-in-each--freight~~
23 ~~office-and-passenger-depot-upon-its-lines-"~~

24 **Section 10.** Section 69-14-309, MCA, is amended to read:

25 "**69-14-309. Posting of rate schedule.** Each A railroad

1 ~~affected-by~~ subject to the provisions of this chapter shall
 2 ~~display,--in-a-conspicuous-place~~ make available upon request
 3 in each of its stations in this state, a schedule printed in
 4 plain, legible, English type showing all classifications and
 5 rates fixed and established by the commission."

6 **Section 11.** Section 69-14-401, MCA, is amended to read:

7 "69-14-401. Court review of commission actions. (1)
 8 Actions An action to review the determination of the
 9 commission fixing any classification, rate, toll, charge,
 10 regulation rule, or order or the refusal of said the
 11 commission to make, fix, or establish any classification,
 12 rate, toll, charge, regulation rule, or order ~~shall~~ must be
 13 commenced, in the district court of the county having
 14 jurisdiction thereof, ~~by the filing of a complaint, duty~~
 15 ~~verified as provided for the verification of pleadings in~~
 16 ~~civil actions. Notice may be served upon the party defendant~~
 17 ~~either by summons issued and served as provided for in this~~
 18 ~~code in civil actions or the court may issue an order~~
 19 ~~directed to the defendant requiring him to answer the~~
 20 ~~complaint at such time as the court may deem reasonable,~~
 21 ~~provided, however, that such time shall not be less than 5~~
 22 ~~days from the time of the service of such order. Upon the~~
 23 ~~appearance of the defendant, he may deny or admit the facts~~
 24 ~~set forth in said complaint, by answer, which shall be~~
 25 ~~verified as the pleadings in other civil actions.~~

1 (2) If, upon the hearing, the court ~~shall find~~ finds
 2 that the rates fixed or the classifications made are unjust
 3 and unreasonable, ~~it shall thereupon be~~ the ~~duty of said~~
 4 commission to shall make new rates or a reclassification, ~~as~~
 5 ~~the case may be.~~ All orders or notices required under the
 6 provisions of this section may be issued by the court ~~or by~~
 7 ~~the judge thereof at chambers."~~

8 **Section 12.** Section 69-14-604, MCA, is amended to read:

9 "69-14-604. Procedure to order construction of
 10 crossing. ~~Whenever any~~ If a board of county commissioners
 11 ~~shall order~~ orders the construction of any a railroad
 12 crossing, said the board shall enter an order upon its
 13 minutes, specifying the place of such the crossing. A copy
 14 of said the order ~~shall~~ must be served upon the railroad
 15 company, and a copy ~~shall also~~ must be immediately mailed to
 16 the public service commission. ~~Service of said order may be~~
 17 ~~made upon the railroad company by delivering such copy to~~
 18 ~~any station agent employed in connection with the operation~~
 19 ~~of said railroad in said county."~~

20 **Section 13.** Section 69-14-708, MCA, is amended to read:

21 "69-14-708. Records of accidents involving animals
 22 livestock. ~~(i) it shall be the duty of any corporation,~~
 23 ~~association, company, or person owning, controlling, or~~
 24 ~~operating any~~ A railroad company ~~or branch thereof in this~~
 25 ~~state to designate some station on the line of the same, in~~

1 each--county-through-which-it-passes, at-which-it-shall-keep
 2 a-suitable-book-and-within-30--days--after--the--killing--or
 3 injuring--of must report to the department of livestock any
 4 animal, to-cause-to-be-entered-therein-the-date-when-and-the
 5 place-where-the-same-was livestock killed or injured,--as
 6 near--as--may--be,--together--with--a--description--thereof,
 7 including--the-age, color, and-sex-of-the-same-and-marks-and
 8 brands-upon-the-same-as-near-as-the-same-can-be--done by a
 9 train or railroad equipment on the railroad right-of-way.
 10 When-such-railroad-or-branch-thereof-shall-run-to-or-through
 11 any-town-or-station-at-which-is-located-the-county--seat--of
 12 any--county,--then--such--book-shall-be-kept-at-such-town-or
 13 station-at-which--said--county--seat--is--located,--and--the
 14 written-demand--provided--for-in-69-14-709-may-be-served-on
 15 the-agent-of-such-station.
 16 (2)--This-book-shall-be-kept-for-the-inspection--of--any
 17 person-claiming-to-be-interested-in-the-inspection-thereof.
 18 (3)--Notice---of--the--station--designated--pursuant--to
 19 subsection-(1)--shall-be-filed-with-the-county-clerk--of--the
 20 county-in-which-said-station-is-situated.
 21 (4)--Any--corporation, association, or-person-so-owning,
 22 controlling, or-operating-such-railroad--or--branch--thereof
 23 failing--to--designate--said-station, file-said-notice, keep
 24 said-book, and-make-the-entries-as-provided-in-this--section
 25 shall--be--liable--to--the--owner-of-the-animal-so-killed-or

1 injured, whether-negligently-done-or-not, and-the--court--or
 2 jury--before--whom--any--action-is-tried-for-the-recovery-of
 3 damages-on-account-thereof--may--in--its--discretion--render
 4 verdict-and-judgment-for-the-amount-of-the-value-of-any-such
 5 animal--so--killed--or--the--amount--of-damages-sustained-by
 6 reason-of-any-injury-thereto."

7 **Section 14.** Section 69-14-713, MCA, is amended to read:
 8 "69-14-713. Violation of provisions dealing with injury
 9 to livestock. (1) Except as otherwise provided, every person
 10 who violates any of the provisions of 69-14-701 through
 11 69-14-711 69-14-712 relating to livestock killed or injured
 12 by railroads is guilty of a misdemeanor.

13 (2) Any person violating any of the provisions of
 14 69-14-711 or--69-14-712 shall upon conviction thereof be
 15 punished by a fine of not less than \$10 or more than \$300 or
 16 by imprisonment in the county jail for a period of not less
 17 than 10 days or more than 60 days or by both such-fine-and
 18 imprisonment."

19 **Section 15.** Section 69-14-801, MCA, is amended to read:
 20 "69-14-801. Maintenance of loading platform by
 21 railroad. (1) Every A railroad company doing business in
 22 this state shall, within 60 days after notice from the
 23 commission, erect one or more safe platforms for the
 24 transfer of livestock,--grain,--and-other commodities from
 25 wagons-or-otherwise to cars at-each--and--every--station--or

1 ~~siding--designated--in--such--notice,--such--platforms-to-be~~
 2 ~~erected-so-as-not-to-endanger-life-and-property.~~

3 (2) If any a railroad company, after receiving notice
 4 as provided for in this section, ~~shall-fail~~ fails, refuse
 5 refuses, or neglect neglects to erect platforms as required
 6 by this section within the ~~required~~ 60 days, the commission
 7 ~~is-authorized-and-empowered-and-it-is-made-its-duty-to~~ shall
 8 notify such the railroad company to appear before it at a
 9 certain time and place and show cause, ~~if-there-is-any~~, why
 10 such the commission should not issue an order requiring such
 11 the railroad company to comply with the requirements of this
 12 section. The commission ~~shall-have-power~~ may, after such the
 13 hearing, to issue an order ~~upon--said--railroad--company~~
 14 commanding it the railroad company to erect such the
 15 platform ~~if--the-commission-shall-upon-such-examination-and~~
 16 ~~hearing-deem-such-platform-necessary.~~

17 (3) Any A notice required to be served upon any a
 18 railroad company to carry out any of the provisions of this
 19 section or similar provisions relating to the enlarging of
 20 such platforms may be served upon any agent of said the
 21 railroad company within the state."

22 **Section 16.** Section 69-14-925, MCA, is amended to read:

23 "69-14-925. Enforcement of provisions related to
 24 suitable cars for commodity shipments. ~~It-is-hereby-made-the~~
 25 ~~duty--of--the~~ The commission to shall enforce the provisions

1 of 69-14-921, through 69-14-923, and 69-14-924."

2 **Section 17.** Section 69-14-1004, MCA, is amended to
 3 read:

4 "69-14-1004. Penalty for intoxication while engaged in
 5 train operations. Every A person who is intoxicated under
 6 the influence, as defined in 61-8-401, of alcohol or a drug
 7 while in charge of a locomotive engine while as conductor or
 8 driver upon any railroad car or train, ~~whether-propelled-by~~
 9 ~~steam-or-otherwise~~, or while acting as train dispatcher or
 10 as telegraph operator receiving or transmitting dispatches
 11 in relation to the movement of trains is guilty of a
 12 misdemeanor."

13 **NEW SECTION. Section 18. Repealer.** Sections 69-14-118,
 14 69-14-119, 69-14-120, 69-14-205, 69-14-206, 69-14-207,
 15 69-14-208, 69-14-209, 69-14-210, 69-14-211, 69-14-212,
 16 69-14-213, 69-14-214, 69-14-216, 69-14-304, 69-14-712, and
 17 69-14-922, MCA, are repealed.

18 **NEW SECTION. Section 19. Effective date.** [This act] is
 19 effective on passage and approval.

-End-

SENATE BILL NO. 220

INTRODUCED BY BLAYLOCK, QUILICI

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO RAILROADS; DELETING OBSOLETE OR ARCHAIC REQUIREMENTS FOR RAILROADS; AMENDING SECTIONS 30-1-111, 69-14-111, 69-14-112, 69-14-115, 69-14-116, 69-14-133, 69-14-215, 69-14-301, 69-14-308, 69-14-309, 69-14-401, 69-14-604, 69-14-708, 69-14-713, 69-14-801, 69-14-921, 69-14-925, AND 69-14-1004, MCA; REPEALING SECTIONS 69-14-118, 69-14-119, 69-14-120, 69-14-205, 69-14-206, 69-14-207, 69-14-208, 69-14-209, 69-14-210, 69-14-211, 69-14-212, 69-14-213, 69-14-214, 69-14-216, 69-14-304, 69-14-712, AND 69-14-922, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 30-1-111, MCA, is amended to read:

"30-1-111. Laws not repealed. The Chapter on Documents of Title (Chapter 7) does not repeal or modify any laws prescribing the form or contents of documents of title or the services or facilities to be afforded by bailees, or otherwise regulating bailees' businesses in respects not specifically dealt with herein; but the fact that such laws are violated does not affect the status of a document of

title which otherwise complies with the definition of a document of title (30-1-201).

References to a "branch" or "separate office" of a bank in this code are included to preserve uniformity in a Uniform Act and are not to be construed as affecting or amending in any way the laws of this state relative to the operation of branches or separate offices of a bank.

This code does not repeal or modify any ~~of the following~~ provisions: of 30-11-504, relating to auctioneer's memorandum of sale; ~~69-14-216, relating to claims against carriers for damage to livestock;~~ or Title 18, chapter 1, part 4, ~~inclusive,~~ relating to contract actions against the state."

Section 2. Section 69-14-111, MCA, is amended to read:

"69-14-111. General supervision of railroads. The commission shall have the general supervision of all railroads, ~~express companies, car companies, sleeping car companies, and~~ freight and freight-line companies, and any common carrier engaged in the transportation of passengers or property in this state, ~~in all matters appertaining to the duty of said commission and within its power and authority under~~ subject to the provisions of this chapter."

Section 3. Section 69-14-112, MCA, is amended to read:

"69-14-112. Investigatory authority. (1) The commission shall investigate any alleged neglect or violation of the

THIRD READING

SB 220

AS AMENDED



1 laws of the state by any railroad or other company above
 2 specified referred to in 69-14-111 doing business therein or
 3 by the officers, agents, or employees thereof in this state.
 4 The commission shall examine and inspect or cause to be
 5 examined and inspected all books, records, files, and papers
 6 of the persons and companies specified above referred to in
 7 69-14-111, insofar as the same may be pertinent to that
 8 pertain to any matter under investigation before the
 9 commission, and shall hear and take testimony in the
 10 progress of any inquiry or investigation authorized by this
 11 chapter.

12 (2) The commission, ~~or some members thereof~~ to be
 13 deputed by it, shall may investigate and make inquiry into
 14 every accident, as defined in 49 CFR 225, occurring in the
 15 operation of any railroad in this state resulting in death,
 16 injury to any person of such gravity as to require the
 17 attention of a physician or surgeon, or the destruction of
 18 property greater in value than \$2,000. The testimony taken
 19 on any such hearing shall must be transcribed and filed in
 20 the office of the commission."

21 **Section 4.** Section 69-14-115, MCA, is amended to read:

22 "69-14-115. Investigation, enforcement, and report
 23 concerning railroad safety laws. (1) The commission shall:

24 (a)(1) make inquiry into the observance by all
 25 railroads within this state of the laws of the United States

1 and of Montana intended to safeguard the ~~lives of the~~
 2 railroad employees of persons or corporations engaged in
 3 operating the same;

4 (b)(2) may file a complaint before the proper state or
 5 federal officer, ~~of any~~ for an infraction of any of such the
 6 safety laws; and

7 (c)(3) prosecute before the proper court or tribunal
 8 any person guilty of violation of the ~~penal provisions~~
 9 thereof safety laws.

10 (2) ~~The commission shall in an annual report set out~~
 11 ~~what effort it has made to carry out the provisions of this~~
 12 ~~section, with the result thereof, and in detail what steps~~
 13 ~~it has taken to prosecute any violations of any such acts of~~
 14 ~~which it has secured information. A copy of this annual~~
 15 ~~report shall be mailed to the secretary of the department of~~
 16 ~~transportation."~~

17 **Section 5.** Section 69-14-116, MCA, is amended to read:

18 "69-14-116. General protection of health and safety on
 19 railroads. (1) The commission shall have full authority:

20 (a) after notice and hearing, to make adopt and enforce
 21 rules providing for the installation on and equipment of
 22 trains, cars, or engines with safety appliances and
 23 providing for sanitation and adequate shelter as it affects
 24 the health of all railroad employees, ~~including but not~~
 25 ~~limited to~~ trainmen, enginemen, yardmen, maintenance of way

1 employees, highway---crossing---watchmen, and---clerical,
2 platform,---freight-house,---and-express employees; and

3 (b) to ~~inspect--the--same-and-enforce-regulations-with~~
4 ~~regard-thereto~~ conduct inspections necessary to implement
5 subsection (1)(a).

6 (2) ~~Such--inspection,~~ The inspections and rules, and
7 ~~regulations-to~~ must be from-time-to--time coextensive with
8 ~~the--requirements--of~~ and in conformity to the ~~provisions~~
9 requirements of the acts of congress and rules and
10 regulations of the interstate commerce commission and the
11 department of transportation, ~~as-then-effective."~~

12 **Section 6.** Section 69-14-133, MCA, is amended to read:

13 "69-14-133. Collection and disposition of penalties and
14 forfeitures. Unless otherwise provided, all penalties and
15 forfeitures incurred, levied, and made under the provisions
16 of this chapter ~~shall~~ must be collected by the commission,
17 and paid over to the state treasurer, and credited to the
18 general fund. ~~Should~~ If the commission ~~fail~~ fails or ~~refuse~~
19 refuses to institute appropriate action for the recovery of
20 any penalty or forfeiture provided for herein in this
21 chapter for ~~the-space-of~~ 60 days after notice of the cause
22 of complaint by an aggrieved person or shipper, ~~such~~ the
23 person or shipper may institute and prosecute ~~such~~ an action
24 in the name of the state against ~~such~~ the railroad, in the
25 same manner as ~~could~~ the commission."

1 **Section 7.** Section 69-14-215, MCA, is amended to read:

2 "69-14-215. Issuance of Preparing bills of lading by
3 railroad station--agents companies -- penalty. (1) All
4 railway railroad companies operating in the state which-do
5 not-permit-bills must prepare a bill of lading to-be--issued
6 by--employees--other--than--agents-shall-be-required-to-have
7 bills-of-lading-issued-by-the-station-agent-at--the--nearest
8 station-where-a-station-agent-is-regularly-maintained-in-the
9 direction--toward--which--the for each shipment is-destined.
10 The-conductor-of-the-train-which-receives--the--shipment--at
11 its--point--of--origin--shall--deliver--to--the-agent-at-the
12 nearest-station-at-which--an--agent--is--maintained--through
13 which--the--shipment--moves,--immediately-upon-the-arrival-of
14 the-train-carrying-the-shipment-at-the-agency--station,--all
15 data--necessary-for-the-issuance-of-a-bill-of-lading-for-the
16 shipment--The-agent-shall-immediately-issue A copy of the
17 bill of lading and--shall--deliver--the-same must be made
18 available to the shipper or his-agent-or--shall,--within--24
19 hours--after-the-receipt-of-the-data-from-the-conductor,--for
20 shipment-of-20,000-pounds--or--over,--deposit--the--bill--of
21 lading--in--a--United--States--post--office,--addressed--and
22 registered--or-certified-to-the-consignor-of-the-shipment-or
23 his-agent-or-attorney--to--his--proper--post-office--address
24 receiver upon request. A--bill-of-lading-for-shipments-of
25 less-than-20,000-pounds-may-be-mailed--without--the--use--of

1 ~~registered or certified mail.~~

2 (2) ~~Any railway~~ A railroad company operating in Montana
3 violating ~~any provisions of~~ this section is guilty of a
4 misdemeanor and liable to a fine of not less than \$50 or
5 more than \$1,000."

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8 (1) The commission shall adopt all necessary rates, charges,
9 and regulations rules to govern and regulate freight and
10 passenger tariffs, to correct abuses, and to prevent unjust
11 discrimination and intimidation in the rates of freight and
12 passenger tariffs on the different railroads in this state
13 and to ~~make the same effective by enforcing~~ enforce the
14 penalties prescribed in this chapter.

15 (2) The commission shall fairly and justly classify and
16 subdivide all freight and merchandise ~~of whatever character~~
17 that may be transported over railroads of this state into
18 such general and special classes or subdivisions ~~as may be~~
19 considered the commission considers necessary or expedient.

20 (3) The commission may fix different rates for
21 different railroads and for different lines under the same
22 management or for different parts of the same lines if found
23 necessary to do justice ~~and may make rates for express~~
24 ~~companies different from the rates fixed for railroads.~~ The
25 commission shall ~~also~~ fix and establish for all or any

1 connecting lines of railroad in this state reasonable joint
2 rates of freight charges for the various classes of freight
3 and cars that may pass over two or more lines of such the
4 railroads.

5 (4) The commission shall ~~make and establish~~ adopt
6 reasonable rates for the transportation of freight within
7 the state and shall prescribe rates, tolls, and charges for
8 all other services performed by any railroad subject hereto
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10 **Section 9.** Section 69-14-308, MCA, is amended to read:

11 "69-14-308. **Publication and posting of notice of rate**
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13 ~~revised, it shall be the duty of said commissioners to cause~~
14 The commission shall publish adequate notice thereof to be
15 published as determined by the commission of a schedule or
16 revised schedule for 2 successive weeks in some a newspaper
17 published in the city of Helena. The notice shall must state
18 the date of ~~taking~~ the schedule takes effect ~~of said~~
19 ~~schedule, and said schedule shall take effect at the time so~~
20 ~~stated in such notice.~~

21 (2) ~~A printed notice of such schedule shall be~~
22 ~~conspicuously posted by such common carrier in each freight~~
23 ~~office and passenger depot upon its lines."~~

24 **Section 10.** Section 69-14-309, MCA, is amended to read:

25 "69-14-309. **Posting of rate schedule.** Each A railroad

1 ~~affected by~~ subject to the provisions of this chapter shall
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 4 plain, legible, English type showing all classifications and
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 20 ~~complaint at such time as the court may deem reasonable,~~
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 10 crossing. ~~Whenever any~~ If a board of county commissioners
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 12 crossing, ~~said the~~ board shall enter an order upon its
 13 minutes, specifying the place of such the crossing. A copy
 14 of said the order shall must be served upon the railroad
 15 company, and a copy shall also must be immediately mailed to
 16 the public service commission. ~~Service of said order may be~~
 17 ~~made upon the railroad company by delivering such copy to~~
 18 ~~any station agent employed in connection with the operation~~
 19 ~~of said railroad in said county."~~

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 22 livestock. ~~(i) It shall be the duty of any corporation,~~
 23 ~~association, company, or person owning, controlling, or~~
 24 ~~operating any~~ A railroad company or branch thereof in this
 25 state to designate some station on the line of the same, in

1 each county through which it passes, at which it shall keep
 2 a suitable book and within 30 days after the killing or
 3 injuring of must report to the department of livestock any
 4 animal, to cause to be entered therein the date when and the
 5 place where the same was livestock killed or injured, as
 6 near as may be, together with a description thereof,
 7 including the age, color, and sex of the same and marks and
 8 brands upon the same as near as the same can be done by a
 9 train or railroad equipment on the railroad right-of-way.
 10 When such railroad or branch thereof shall run to or through
 11 any town or station at which is located the county seat of
 12 any county, then such book shall be kept at such town or
 13 station at which said county seat is located, and the
 14 written demand provided for in 69-14-709 may be served on
 15 the agent of such station.

16 {2} This book shall be kept for the inspection of any
 17 person claiming to be interested in the inspection thereof.

18 {3} Notice of the station designated pursuant to
 19 subsection (1) shall be filed with the county clerk of the
 20 county in which said station is situated.

21 {4} Any corporation, association, or person so owning,
 22 controlling, or operating such railroad or branch thereof
 23 failing to designate said station, file said notice, keep
 24 said book, and make the entries as provided in this section
 25 shall be liable to the owner of the animal so killed or

1 injured, whether negligently done or not, and the court or
 2 jury before whom any action is tried for the recovery of
 3 damages on account thereof may in its discretion render
 4 verdict and judgment for the amount of the value of any such
 5 animal so killed or the amount of damages sustained by
 6 reason of any injury thereto."

7 **Section 14.** Section 69-14-713, MCA, is amended to read:

8 "69-14-713. Violation of provisions dealing with injury
 9 to livestock. (1) Except as otherwise provided, every person
 10 who violates any of the provisions of 69-14-701 through
 11 69-14-711 ~~69-14-712~~ relating to livestock killed or injured
 12 by railroads is guilty of a misdemeanor.

13 (2) Any person violating any of the provisions of
 14 69-14-711 ~~or 69-14-712~~ shall upon conviction thereof be
 15 punished by a fine of not less than \$10 or more than \$300 or
 16 by imprisonment in the county jail for a period of not less
 17 than 10 days or more than 60 days or by both such fine and
 18 imprisonment."

19 **Section 15.** Section 69-14-801, MCA, is amended to read:

20 "69-14-801. Maintenance of loading platform by
 21 railroad. (1) Every A railroad company doing business in
 22 this state shall, within 60 days after notice from the
 23 commission, erect one or more safe platforms for the
 24 transfer of livestock, grain, and other commodities from
 25 wagons or otherwise to cars at each and every station or

1 ~~siding--designated--in--such--notice,--such--platforms-to-be~~
2 ~~erected-so-as-not-to-endanger-life-and-property.~~

3 (2) If any a railroad company, after receiving notice
4 as provided for in this section, ~~shall-fail~~ fails, refuse
5 refuses, or neglect neglects to erect platforms as required
6 by this section within ~~the-required~~ 60 days, the commission
7 ~~is-authorized-and-empowered-and-it-is-made-its-duty-to~~ shall
8 notify such the railroad company to appear before it at a
9 certain time and place and show cause, ~~if-there-is-any,~~ why
10 such the commission should not issue an order requiring such
11 the railroad company to comply with the requirements of this
12 section. The commission ~~shall-have-power~~ may, after such the
13 hearing, to issue an order upon ~~said--railroad--company~~
14 commanding it the railroad company to erect such the
15 platform ~~if--the-commission-should-upon-such-examination-and~~
16 ~~hearing-deem-such-platform-necessary.~~

17 (3) Any A notice required to be served upon any a
18 railroad company to carry out any of the provisions of this
19 section or similar provisions relating to the enlarging of
20 such platforms may be served upon any agent of ~~said~~ the
21 railroad company within the state."

22 **SECTION 16.** SECTION 69-14-921, MCA, IS AMENDED TO READ:

23 "69-14-921. Suitable cars to be furnished for shipment
24 of grain and other commodities in bulk. (1) All boxcars cars
25 furnished by railroad or railway companies for the

1 transportation of grain or other commodities in bulk ~~shall~~
2 must be ~~of--such--construction--and--in--such--order--as~~
3 constructed to prevent leakage when such commodities are
4 placed or hauled therein in the cars. It is ~~hereby-made~~ the
5 duty of all railroad or railway companies to furnish such
6 cars in such the required condition.

7 (2) Whenever boxcars cars placed for loading grain or
8 other commodities in bulk are found to be in such a
9 condition that they will not afford safe transportation for
10 such commodities, the railroad or railway company shall,
11 upon written complaint to the agent or other person in
12 authority by the shipper or his representative who proposes
13 to load ~~said~~ the car or cars and within 24 hours, cause ~~said~~
14 the car or cars to be properly cleaned and ~~coopered-and~~ put
15 in such repair ~~as-will-afford~~ to allow safe transportation
16 for the commodity to be shipped."

17 **Section 17.** Section 69-14-925, MCA, is amended to read:

18 "69-14-925. Enforcement of provisions related to
19 suitable cars for commodity shipments. ~~It-is-hereby-made-the~~
20 duty-of-the The commission to shall enforce the provisions
21 of 69-14-921, through 69-14-923, and 69-14-924."

22 **Section 18.** Section 69-14-1004, MCA, is amended to
23 read:

24 "69-14-1004. Penalty for intoxication while engaged in
25 train operations. Every A person who is intoxicated under

1 the influence, as defined in 61-8-401, of alcohol or a drug
2 while in charge of a locomotive engine while as conductor or
3 driver upon any railroad car or train; ~~whether propelled by~~
4 ~~steam or otherwise~~, or while acting as train dispatcher or
5 as telegraph operator receiving or transmitting dispatches
6 in relation to the movement of trains is guilty of a
7 misdemeanor."

8 NEW SECTION. Section 19. Repealer. Sections 69-14-118,
9 69-14-119, 69-14-120, 69-14-205, 69-14-206, 69-14-207,
10 69-14-208, 69-14-209, 69-14-210, 69-14-211, 69-14-212,
11 69-14-213, 69-14-214, 69-14-216, 69-14-304, 69-14-712, and
12 69-14-922, MCA, are repealed.

13 NEW SECTION. Section 20. Effective date. [This act] is
14 effective on passage and approval.

-End-