

1 SENATE BILL NO. 237
 2 INTRODUCED BY LYNCH, GRAHAM, TURNAGE
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO PUBLIC
 5 SERVICE COMMISSION APPROVAL OF CERTAIN MOTOR CARRIER
 6 AGREEMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 9 Section 1. Approval of carrier agreements. (1) Any
 10 carrier which is a party to an agreement between or among
 11 two (2) or more carriers relating to rates, fares,
 12 classifications, divisions, allowances, or charges
 13 (including charges between carriers and compensation paid or
 14 received for the use of facilities and equipment), or rules
 15 pertaining thereto, or procedures for the joint
 16 consideration, initiation or establishment thereof, may,
 17 under such rules as the commission prescribes, apply to the
 18 public service commission for approval of the agreement and
 19 the commission shall by order approve any agreement, if
 20 approval thereof is not prohibited by subsections (3), (4),
 21 or (5) of this section. The approval of the commission
 22 shall be granted only upon such terms and conditions as the
 23 commission may prescribe as necessary to enable it to grant
 24 its approval in accordance with this subsection.

25 (2) Each conference, bureau, committee, or other

1 organization established or continued pursuant to any
 2 agreement approved by the commission and the provisions of
 3 this section, shall maintain such accounts, records, files,
 4 and memoranda and shall submit to the commission such
 5 reports, as may be prescribed by the commission, and all
 6 such accounts, records, files, and memoranda shall be
 7 subject to inspection by the commission or its duly
 8 authorized representative.

9 (3) The commission may not approve under this section
 10 any agreement between a carrier by highway and a carrier by
 11 rail unless it finds that such agreement is of the character
 12 described in this section and is limited to matters relating
 13 to the transportation under joint rates or over through
 14 routes.

15 (4) The commission may not approve under this section
 16 any agreement which it finds is an agreement with respect to
 17 pooling or division of traffic, service, or earnings.

18 (5) The commission may not approve under this section
 19 any agreement which establishes a procedure for the
 20 determination of any matter through joint consideration
 21 unless it finds that under the agreement there is accorded
 22 to each party the free and unrestrained right to take
 23 independent action either before or after any determination
 24 arrived at through such procedure.

25 (6) The commission may, upon complaint or upon its own

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1 initiative without complaint, investigate and determine
 2 whether any agreement previously approved by it under this
 3 section, or any terms or conditions upon which such approval
 4 was granted, is not in conformity with this section or
 5 whether any such term or conditions is not necessary for the
 6 purpose of conformity with this section. After such
 7 investigation, the commission may by order terminate or
 8 modify its approval of such agreement if it finds such
 9 action necessary to insure conformity with this section, and
 10 may modify the terms and conditions upon which such approval
 11 was granted to the extent it finds necessary to insure
 12 conformity with this section or to the extent it finds its
 13 terms and conditions unnecessary to insure such conformity.
 14 The effective date of any order terminating or modifying
 15 approval, or modifying terms and conditions, may be
 16 postponed for such period as the commission determines is
 17 reasonably necessary to avoid undue hardship.

18 (7) No order may be entered under this section except
 19 after interested parties have been afforded reasonable
 20 opportunity for hearing.

21 (8) The parties to any agreement approved by the
 22 commission under this section and other persons are, if the
 23 approval of such agreement is not prohibited by subsections
 24 (3), (4), or (5) of this section, hereby exempted from
 25 Montana anti-trust laws with respect to such agreement,

1 including section 51-401 or any other statutes prohibiting
 2 monopolies, price fixing, or restraint of trade.

3 (9) Any action of the commission under this section in
 4 approving an agreement, or in denying an application for
 5 such approval, or in terminating or modifying its approval
 6 of an agreement, or in prescribing terms and conditions upon
 7 which its approval is to be granted, or in modifying such
 8 terms and conditions, shall be construed as having effect
 9 solely with reference to the applicability of subsection
 10 (8).

11 Section 2. Severability. If a part of this act is
 12 invalid, all valid parts that are severable from the invalid
 13 part remain in effect. If a part of this act is invalid in
 14 one or more of its applications, the part remains in effect
 15 in all valid applications that are severable from the
 16 invalid applications.

17 Section 3. This act is effective upon passage and
 18 approval.

-End-

Approved by Committee
on Highways & Transportation

Approved by Comm.
on Rules

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(4) The commission may not approve under this section any agreement which it finds is an agreement with respect to pooling or division of traffic, service, or earnings.

(5) The commission may not approve under this section any agreement which establishes a procedure for the determination of any matter through joint consideration unless it finds that under the agreement there is accorded to each party the free and unrestrained right to take independent action either before or after any determination arrived at through such procedure.

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THIRD READING

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March 15, 1975

HOUSE OF REPRESENTATIVES

Committee of the Whole Amendment to SENATE BILL NO. 237

Amend page 1, line 10

Following: "carrier"

Insert: "as defined in Section 8-101 (h)"

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