

1 H BILL NO. 403
 2 INTRODUCED BY Sully

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
 5 8-104.5, R.C.M. 1947, TO PROVIDE FOR TEMPORARY INCREASES IN
 6 MOTOR CARRIER RATES DURING PENDENCY OF PROCEEDING; AND
 7 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

10 Section 1. Section 8-104.5, R.C.M. 1947, is amended to
 11 read as follows:

12 "8-104.5. Changes, revisions of rate schedules, how
 13 made. No motor carrier shall change or revise any rate,
 14 fare, charge, classification, or rule of service contained
 15 in its schedule without first obtaining approval therefor
 16 from the board. Such changes or revisions shall be made by
 17 filing with the board the tariff sheet or sheets containing
 18 such changes or revisions, plainly stating the change or
 19 changes, or revision or revisions, to be made; provided
 20 further, that the public shall be provided with such notice
 21 of the proposed changes or revisions as the board shall, by
 22 rule, require. The tariff sheet or sheets containing such
 23 changes or revisions shall be deemed approved and effective
 24 thirty (30) days after the same are filed unless the
 25 proposed revisions or changes are suspended or disallowed by

1 the board prior to the expiration of the thirty (30) day
 2 period; provided however, that the board may, for good
 3 cause, allow any change or revision to become effective on
 4 less than thirty (30) days after the filing thereof. Upon
 5 filing such changes or revisions, all tariff sheet or
 6 sheets, when suspended by the board, must be supported by
 7 such prepared testimony and exhibits from the motor carrier
 8 as will support such changes or revisions. The prepared
 9 testimony and exhibits must be filed with the commission
 10 thirty (30) days after the effective date of such
 11 suspension. Such testimony and exhibits may be supplemented
 12 prior to, or at the time of hearing, and supplemental
 13 exhibits may be filed after the close of the hearing at the
 14 direction or with permission of the commission.

15 Upon its own initiative, or upon the complaint of any
 16 interested party filed with the board within twenty (20)
 17 days after the date upon which a change or revision of any
 18 rate, fare, charge or classification is filed with the
 19 board, the board may suspend the operation of such rate,
 20 fare, charge, or classification for a period not to exceed
 21 one hundred eighty (180) days, provided however that the
 22 order directing such suspension must be issued by the board
 23 not less than two (2) business days prior to the proposed
 24 effective date; and provided further, that the motor carrier
 25 or carriers filing such rate, fare, charge, or

1 classification shall be given prompt notice by the
 2 complaining party mailing a copy of the complaint concerning
 3 such proposed change or revision to the carrier or
 4 publishing agent, and such carrier or carriers also shall be
 5 given an opportunity to reply to any such complaint. If the
 6 proposed change or revision is in a tariff issued by a
 7 tariff publishing bureau for a motor carrier or carriers,
 8 notice to such bureau of any complaint will constitute
 9 notice to the participating carriers in such tariff. When
 10 the suspension of any proposed change or revision in a
 11 tariff is ordered by the board, it shall also order a public
 12 hearing to consider the reasonableness of the proposed
 13 change or revision; due notice shall be given for such
 14 hearing to all known interested or affected persons and the
 15 same shall be allowed to appear and present evidence. After
 16 considering the evidence presented at such hearing, the
 17 board shall issue an order approving, denying, or modifying
 18 the proposed change or revision; provided however, that
 19 unless such hearing is held and such order is issued within
 20 one hundred eighty (180) days from the date upon which the
 21 suspension was ordered, the proposed change or revision
 22 shall be deemed approved and effective as filed.

23 If a motor carrier or carriers file a proposed schedule
 24 of rates, fares, charges, classifications, or rules of
 25 service and the commission fails for any reason to make and

1 enter a final order with regard thereto within 180 days from
 2 the date such schedule was suspended, then the rates, fares,
 3 charges, classifications, or rules of service become
 4 effective upon the expiration of the 180-day period with the
 5 same effect as if approved by the commission and remain in
 6 effect until the commission enters an order thereon which is
 7 final, notwithstanding any provision to the contrary in
 8 Title 70, chapter 7."

9 Section 2. Effective date. This act is effective on
 10 its passage and approval.

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