HOUSE BILL NO. 13

INTRODUCED BY NATHE

BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

IN THE HOUSE

January 4, 1979

Introduced and referred to Committee on Business and Industry.

January 6, 1979

On motion, joint rule 6-6 suspended and sponsor's signature allowed to be added to prefiled bill.

January 11, 1979

Committee recommend bill do pass. Report adopted.

January 12, 1979

Printed and placed on members' desks.

On motion rules suspended and bill placed on second reading this day.

Second reading, do pass.

On motion rules suspended and bill placed on third reading this day.

Third reading, passed. Engrossed before transmitted. Transmitted to second house.

IN THE SENATE

January 15, 1979

Introduced and referred to Committee on Business and Industry.

March 1, 1979

Rereferred to Committee on Highways and Transportation.

March 13, 1979

Committee recommend bill be concurred in. Report adopted.

March 14, 1979

Second reading, concurred in.

March 16, 1979

Third reading, concurred in.

IN THE HOUSE

March 17, 1979

Returned from second house.
Concurred in. Sent to enrolling.

Reported correctly enrolled.

46th Legislature

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LC 0306/01

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LC 0306/01

| 1 | HOUSE BILL NO. 13 |
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| 2 | INTRODUCED BY |
| 3 | BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION |
| 4 | |
| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE MOTOR |
| 6 | CARRIER RULES TO REFLECT DIFFERENCES BETWEEN ALL CARRIER |
| 7 | CLASSES, INCLUDING CLASS D, AND TO PERMIT CLASS D CARRIERS |
| 8 | TO LEASE POWER EQUIPMENT; AMENDING SECTIONS 69-12-205 AND |
| 9 | 69-12-611. MCA." |
| lo | |
| 11 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 12 | Section 1. Section 69-12-205; MCA; is amended to read: |
| 13 | *69-12-205. Rules to reflect differences between |
| l 4 | carrier classes. All rules in relation to schedules. |
| 15 | service, tariffs, rates, facilities, accounts, and reports |
| 16 | shall have due regard for the differences existing between |
| 17 | Class A, Class B, end Class C, and Class D motor carriers, |
| 18 | as herein defined, and shall be just, fair, and reasonable |
| 19 | to the said classes of motor carriers in their relations to |
| 20 | each other and to the public. In fixing the tariff or rates |
| 21 | to be charged by Class A and Class B motor carriers for the |
| 22 | carrying of persons and/or property, the commission shall |
| 23 | take into consideration the kind and character of service to |
| 24 | be performed, the public necessity therefor, and the effect |

of such tariff and rates upon other transportation agencies,

service furnished by a motor cerrier." 3 Section 2. Section 69-12-611, MCA, is amended to read: 5 #69-12-611. Leasing of power equipment. (1) All Class A, B, end C, and D carriers subject to the jurisdiction of 6 the commission may lease power equipment for the purpose of performing transportation movements within the state. The leasing of such power units must be in writing and effective 10 only upon specific approval of the commission. Movement of 11 such leased units without prior approval of the commission 12 is prohibited.

if any, and shall, as far as possible, avoid detrimental or

unreasonable competition with existing railroad service or

- (2) All leases must contain:
- 14 (a) the full names and addresses of negotiating
 15 parties;
 - (b) a complete description of each vehicle involved;
- 17 (c) provision that the sole possession,
 18 responsibility, control, and direction of each vehicle and
 19 its driver resides with the lessee for the entire term of
 20 the lease;
- (d) provision that the lessee assumes fullresponsibility for all regulatory fees;
- 23 (e) amount of compensation to be paid for use of the 24 vehicle while under the lease and the method by which such 25 compensation is determined;

| 16 | 1 | the | reneval | conditions | Ωf | +he | lease. | 16 | anv: | and |
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(g) the term length of the lease.

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- 3 (3) A copy of the lease, certified by the commission,
 4 must be maintained in each leased vehicle at all times. Each
 5 power unit so leased must display in a conspicuous place on
 6 both sides of such vehicle the identity and address of the
 7 lessor and lessee and the certificate number under which the
 8 power unit is operating.
- 9 (4) The leasing of power units by an authorized 10 carrier to a noncertificated carrier is prohibited.*

-End-

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Approved by Committee on Business and Industry

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| 9 | 69-12-611. MCA." |
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| 16 | shall have due regard for the differences existing between |
| 17 | Class A, Class B, and Class C, and Class D motor carriers. |
| 18 | as herein defined, and shall be just, fair, and reasonable |
| 19 | to the said classes of motor carriers in their relations to |
| 20 | each other and to the public. In fixing the tariff or rates |
| 21 | to be charged by Class A and Class B motor carriers for the |
| 22 | carrying of persons and/or property, the commission shall |
| 23 | take into consideration the kind and character of service to |
| 24 | be performed, the public necessity therefor, and the effect |
| 25 | of such tariff and rates upon other transportation agencies. |

HOUSE BILL NO. 13

- if any, and shall, as far as possible, avoid detrimental or unreasonable competition with existing railroad service or service furnished by a motor carrier.
- Section 2. Saction 69-12-611. MCA. is amended to read: 5 #69-12-611. Leasing of power equipment. (1) All Class A. B. and C. and D carriers subject to the jurisdiction of 6 the commission may lease power equipment for the purpose of 7 performing transportation movements within the state. The 8 9 leasing of such power units must be in writing and effective 10 only upon specific approval of the commission. Movement of 11 such leased units without prior approval of the commission is prohibited. 12
 - (2) All leases must contain:

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- 14 (a) the full names and addresses of negotiating
 15 parties;
- 16 (b) a complete description of each vehicle involved;
- 17 (c) provision that the sole possession.
 18 responsibility, control, and direction of each vehicle and
 19 its driver resides with the lessee for the entire term of
 20 the lease;
- 21 (d) provision that the lessee assumes full 22 responsibility for all regulatory fees;
- 23 (e) amount of compensation to be paid for use of the 24 vehicle while under the lease and the method by which such 25 compensation is determined;
 - -2-SECOND READING HB 13

HB 0013/02

| 1 | (f) | the renewal conditions of the lease, if any; and |
|---|------------|---|
| 2 | (g) | the term length of the lease. |
| 3 | (3) | A copy of the lease, certified by the commission, |

- aust be maintained in each leased vehicle at all times. Each power unit so leased must display in a conspicuous place on both sides of such vehicle the identity and address of the lessor and lessee and the certificate number under which the power unit is operating.
- 9 (4) The leasing of power units by an authorized 10 carrier to a noncertificated carrier is prohibited.**

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-End-

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| 9 | 69-12-611, MCA." |
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| 18 | as herein defined, and shall be just, fair, and reasonable |
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| 24 | pe performed, the public necessity therefor, and the effect |
| 25 | of such tariff and rates upon other transportation agencies. |

| 1 | if any, and shall, as far as possible, avoid detrimental or |
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| 2 | unreasonable competition with existing railroad service or |
| 3 | service furnished by a motor carrier." |
| 4 | Section 2. Section 69-12-611, MCA, is amended to read: |
| 5 | #69-12-611. Leasing of power equipment. (1) All Class |
| 6 | A. B. and C <u>. and D</u> carriers subject to the jurisdiction of |
| 7 | the commission may lease power equipment for the purpose of |
| 8 | performing transportation movements within the state. The |
| 9 | leasing of such power units must be in writing and effective |
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| 11 | such leased units without prior approval of the commission |
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| 13 | (2) All leases must contain: |
| 14 | (a) the full names and addresses of negotiating |
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THIRD READING

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- (3) A copy of the lease, certified by the commission, must be maintained in each leased vehicle at all times. Each power unit so leased must display in a conspicuous place on both sides of such vehicle the identity and address of the lessor and lessee and the certificate number under which the power unit is operating.
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-End-

46th Legislature HB 0013/03

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HB 0013/03

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