

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.

1 HOUSE BILL NO. 13
 2 INTRODUCTION 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."

10
 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
 14 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, 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,

1 if any, and shall, as far as possible, avoid detrimental or
 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, and D 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
 10 only upon specific approval of the commission. Movement of
 11 such leased units without prior approval of the commission
 12 is prohibited.

- 13 (2) All leases must contain:
 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;

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,
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.*

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Approved by Committee
on Business and Industry

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