CHAPTER NO. 89____.

HOUSE BILL NO. 70

INTRODUCED BY LIEN

BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

IN THE HOUSE

January 4, 1979 Introduced and referred to Committee on Highways and Transportation.

- January 6, 1979 On motion joint rule 6-6 suspended and sponsor's signature allowed to be added to prefiled bill.
- January 18, 1979 Committee recommend bill do pass. Report adopted.
- January 19, 1979 Printed and placed on members' desks.
- January 20, 1979 On motion rules suspended and bill placed on second reading this day.

Second reading, do pass.

January 22, 1979 Considered correctly engrossed.

January 23, 1979 Third reading, passed. Transmitted to second house.

IN THE SENATE

March 6, 1979

January 24, 1979Introduced and referred to
Committee on Highways and
Transportation.March 1, 1979Committee recommend bill
be concurred in. Report adopted.March 3, 1979Second reading, concurred in.

Third reading, concurred in.

IN THE HOUSE

March 7, 1979

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

Reported correctly enrolled.

46th Legislature

LC 0315/01

HOUSE BILL NO. 70 1 z INTRODUCED BY BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 5 6 69-12-505. HCA. TO REVISE AND CLARIFY THE PROVISIONS 7 RELATING TO SUSPENSION OF PROPOSED REVISIONS OF MOTOR 8 CARRIER RATES AND CLASSIFICATIONS. PROVIDING FOR VACATING A 9 SUSPENSION. 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 69-12-505, MCA, is amended to read: 13 *69-12-505. Suspension of proposed rate revision -hearing. (1) Upon its own initiative or upon the complaint 14 of any interested party filed with the commission within 20 15 16 days after the date upon which a change or revision of any 17 rate, fare, charge, or classification is filed with the 18 commission, the commission may suspend the operation of such 19 rate, fare, charge, or classification for a period not to exceed 180 days. The order directing such suspension must 20 21 be issued by the commission not less than 2 business days 22 prior to the proposed effective date. The motor carrier or 23 carriers filing such rate, fare, charge, or classification 24 shall be given prompt notice by the complaining party. 25 mailing a copy of the complaint concerning such proposed LC 0315/01

1 change or revision to the carrier or publishing agent, and 2 such carrier or carriers also shall be given an opportunity з to reply to any such complaint. If the proposed change or revision is in a tariff issued by a tariff publishing bureau 4 5 for a motor carrier or carriers, notice to such bureau of any complaint will constitute notice to the participating 6 7 carriers in such tariff. (2) (a) If all the protests are withdrawn and the в 9 commission finds the proposed increase justified, the 10 commission may vacate the suspension and permit the proposed 11 rates to become effective without a public hearing. 12 (2)(b) When Unless the suspension has been vacated. 13 whenever the suspension of any proposed change or revision 14 in a tariff is ordered by the commission, it shall also order a public hearing to consider the reasonableness of the 15 16 proposed change or revision. Due notice shall be given for 17 such hearing to all known interested or affected persons, 18 and the same shall be allowed to appear and present

19 evidence. Upon-filing-such-changes-or-revisionsy-all-tariff
20 sheets-when-suspanded-by-the-commission-must-be-supported-by
21 such-prepared-testimony-and-exhibits-from-the-motor--carrier
22 as--will--support--such--changes--or-revisionsy-The-prepared
23 testimony-and-exhibits-must-be-filed-with-the-commission--30
24 aays--after--the--effective--date--of--such-suspensiony-Such
25 testimony-and-exhibits-may-be-supplemented-prior--to--or--at

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LC 0315/01

1	thetime-of-hearing-and-supplemental-exhibits-may-be-filed
Z	after-the-close-of-the-hearingstthedirectionorwith
3	permission -of-the-commissionv Additional prepared testimony
4	may be presented before or during the hearing and may also
5	he submitted after the bearing with the permission of the
6	compission.
7	(3) After considering the evidence presented at such
8	hearing, the commission shall issue an order approving,
9	denying, or modifying the proposed change or revision.

Unless such hearing is held and such order is issued within

180 days from the date upon which the suspension was ordered, the proposed change or revision shall be deemed

-End-

approved and effective as filed."

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12 13

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46th Legislature

HB 0070/02

Approved by Committee on Highways & Transportation

1	HOUSE BILL NO. 70
2	INTRODUCED BY LIEN
3	BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
6	69-12-505, MCA, TO REVISE AND CLARIFY THE PROVISIONS
7	RELATING TO SUSPENSION OF PROPOSED REVISIONS OF MOTOR
8	CARRIER RATES AND CLASSIFICATIONS, PROVIDING FOR VACATING A
9	SUSPENSION."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 69-12-505, MCA, is amended to read:
13	"69-12-505. Suspension of proposed rate revision
14	hearing. (1) Upon its own initiative or upon the complaint
15	of any interested party filed with the commission within 20
16	days after the date upon which a change or revision of any
17	rate, fare, charge, or classification is filed with the
18	commission; the commission may suspend the operation of such
19	rate, fare, charge, or classification for a period not to
20	exceed 180 days. The order directing such suspension must
21	be issued by the commission not less than 2 business days
22	prior to the proposed effective date. The motor carrier or
23	carriers filing such rate, fare, charge, or classification
24	shall be given prompt notice by the complaining party.
25	mailing a copy of the complaint concerning such proposed

change or revision to the carrier or publishing agent, and such carrier or carriers also shall be given an opportunity

3 to reply to any such complaint. If the proposed change or 4 revision is in a tariff issued by a tariff publishing bureau 5 for a motor carrier or carriers, notice to such bureau of 6 any complaint will constitute notice to the participating

7 carriers in such tariff.

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8 [2]_[3] If_all_the_protests_are_withdrawn_and_the
9 commission_finds_the_proposed_increase_justifieds__the
10 commission_may_vacate_the_suspension_and_permit_the_proposed
11 rates_to_become_effective_without_a_public_bearings
12 t2t(b) When_Unless_the_suspension_bas_been_vacateds

13 whenever the suspension of any proposed change or revision 14 in a tariff is ordered by the commission, it shall also 15 order a public hearing to consider the reasonableness of the 16 proposed change or revision. Due notice shall be given for 17 such hearing to all known interested or affected persons. and the same shall be allowed to appear and present 18 evidence. Upon-filing-such-changes-or-revisionsy-all-tariff 19 20 sheets-when-suspended-by-the-commission-must-be-supported-by 21 such-prepared-testimony-and-exhibits-from-the-motor--corrier 22 as--will--support--such--changes--or-revisions--The-prepared 23 testimony-ond-exhibits-must-be-filed-with-the-commission--30 24 days--after--the--effective--date--of--such-suspension--Such 25 testimony-and-exhibits-may-be-supplemented-prior--to--or--at

-2- SECOND READING HB 70

H8 0070/02

1	thetime-of-hearingy-and-supplemental-exhibits-may-be-filed
2	after-the-close-of-the-hearingatthedirectionorwith
3	permissionof-the-commission* <u>Additional_prepared_testimony</u>
4	may be presented before or during the hearing and _may_also
5	besubmittedafterthe_bearing_with_the_permission_of_the
6	compission.
7	(3) After considering the evidence presented at such
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B hearing, the commission shall issue an order approving, 9 denying, or modifying the proposed change or revision. 10 Unless such hearing is held and such order is issued within 11 160 days from the date upon which the suspension was 12 ordered, the proposed change or revision shall be deemed 13 approved and effective as filed."

-End-

H8 70

H8 0070/02

HOUSE BILL ND. 70 1 INTRODUCED BY LIEN 2 BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 5 MCA, TO REVISE AND CLARIFY THE PROVISIONS 69-12-505-6 RELATING TO SUSPENSION OF PROPOSED REVISIONS OF MOTOR 7 CARRIER RATES AND CLASSIFICATIONS, PROVIDING FOR VACATING A 8 SUSPENSION." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 69-12-505. MCA. is amended to read: 12 #69-12-505. Suspension of proposed rate revision --13 hearing. (1) Upon its own initiative or upon the complaint 14 of any interested party filed with the commission within 20 15 16 days after the date upon which a change or revision of any rate, fare, charge, or classification is filed with the 17 commission, the commission may suspend the operation of such 18 rate, fare, charge, or classification for a period not to 19 exceed 180 days. The order directing such suspension must 20 be issued by the commission not less than 2 business days 21 prior to the proposed effective date. The motor carrier or 22 carriers filing such rate, fare, charge, or classification 23 shall be given prompt notice by the complaining party. 24 mailing a copy of the complaint concerning such proposed 25

1 change or revision to the carrier or publishing agent, and such carrier or carriers also shall be given an opportunity 2 to reply to any such complaint. If the proposed change or 3 revision is in a tariff issued by a tariff publishing bureau 4 5 for a motor carrier or carriers, notice to such bureau of 6 any complaint will constitute notice to the participating 7 carriers in such tariff. 8 12) (a) if all the protests are withdrawn and the 9 commission finds the proposed increase justified, the 10 compission may vacate the suspension and permit the proposed 11 rates to become effective without a public hearing. 12 tetibi When Unless the suspension has been vacatede 13 whenever the suspension of any proposed change or revision 14 in a tariff is ordered by the commission, it shall also 15 order a public hearing to consider the reasonableness of the 16 proposed change or revision. Due notice shall be given for 17 such hearing to all known interested or affected persons+ 18 and the same shall be allowed to appear and present 19 evidence. Upon-filing-such-changes-or-revisionsy-all-tariff 20 sheets-when-suspended-by-the-commission-must-be-supported-by 21 such-prepared-testimony-and-exhibits-from-the-motor--corrier 22 es--will--support--such--changes--or-revisions--The-prepared 23 testimony-and-exhibits-must-be-filed-with-the-commission--38 doys--after--the--effective--data--of--such-suspension--such 24 25 testimony-and-exhibits-may-be-supplemented-prior--to--or--at

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-2- THIRD READING HB 70

HB 0070/02

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1 the--time-of-hearingy-and-supplemental-exhibits-may-be-filed 2 ofter-the-close-of-the-hearing--at--the--direction--or--with permission--of-the-commissions Additional prepared testimony 3 4 way be presented before or during the bearing and way also be submitted after the hearing with the permission of the 5 COMMISSION. 6 (3) After considering the evidence presented at such 7 hearing, the commission shall issue an order approving. 8 denying, or modifying the proposed change or revision. 9 Unless such hearing is held and such order is issued within 10 180 days from the date upon which the suspension was 11 ordered, the proposed change or revision shall be deemed 12 approved and effective as filed." 13

-End-

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1 INTRODUCED BY LIEN 2 BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 5 69-12-505. MCA, TO REVISE AND CLARIFY THE PROVISIONS 6 RELATING TO SUSPENSION OF PROPOSED REVISIONS OF MOTOR 7 CARRIER RATES AND CLASSIFICATIONS, PROVIDING FOR VACATING A 8 SUSPENSION." 9 10

HOUSE BILL NO. 70

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11

12 Section 1. Section 69-12-505, NCA, is amended to read: "69-12-505. Suspension of proposed rate revision --13 hearing. (1) Upon its own initiative or upon the complaint 14 of any interested party filed with the commission within 20 15 days after the date upon which a change or revision of any 16 rate, fare, charge, or classification is filed with the 17 commission, the commission may suspend the operation of such 18 rate, fare, charge, or classification for a period not to 19 exceed 180 days. The order directing such suspension must 20 be issued by the commission not less than 2 business days 21 prior to the proposed effective date. The motor carrier or 22 carriers filing such rate, fare, charge, or classification 23 shall be given prompt notice by the complaining party, 24 25 mailing a copy of the complaint concerning such proposed change or revision to the carrier or publishing agent, and

such carrier or carriers also shall be given an opportunity

3	to reply to any such complaint. If the proposed change or
4	revision is in a tariff issued by a tariff publishing bureau
5	for a motor carrier or carriers, notice to such bureau of
6	any complaint will constitute notice to the participating
7	carriers in such tariff.
6	[2][a]_[falltbgprotestsarewithdrawn_and_tbe
9	commission_finds_the_proposed_increase_justifiedsthe
10	COMMISSION_MAX_YACAte_the_suspension_and_permit_the_proposed
11	<u>rates to become effective without a public hearing.</u>
12	(2)(b) When <u>Unless the suspension has been vacated</u> :
13	whenever the suspension of any proposed change or revision
14	in a tariff is ordered by the commission, it shall also
15	order a public hearing to consider the reasonableness of the
16	proposed change or revision. Due notice shall be given for
17	such hearing to all known interested or affected persons,
18	and the same shall be allowed to appear and present
19	evidence. Upon-fiting-such-changes-or-revisionsv-att-cariff
20	sheets-when-suspended-by-the-commission-must-be-supported-by
21	such-prepared-testimony-and-exhibits-from-the-motorcarrier
22	aswillsupportsuchchangesor-revisionsv-lhe-prepared
23	testimony-and-exhibits-must-be-filed-with-the-commission30
24	daysaftertheeffectivedateofsuch-suspension+-5uch
25	testimony-ond-exhibits-may-be-suppiemented-priortoorat

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HB 0070/03

REFERENCE BILL

HB 70

HB 0070/03

HB 70

1	thetime-of-hearing+-and-supplemental-exhibits-may-be-filed
2	aftar-the-close-of-the-hearingatthedirectionorwith
3	permissionof-the-commission+ <u>Additional_prepared_testimony</u>
4	may_be_oresented_before_or_during_the_bearing_andmayalso
5	besubmittedafterthe_bearing_with_the_permission_of_the
6	CODDISSIOD.
7	(3) After considering the evidence presented at such
6	hearing, the commission shall issue an order approving,
9	denying, or modifying the proposed change or revision.
10	Unless such hearing is held and such order is issued within

11 180 days from the date upon which the suspension was

12 ordered, the proposed change or revision shall be deemed

13 approved and effective as filed."

~End-

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