

HOUSE BILL 172

Introduced by Wanzenried, et al.

1/14	Introduced
1/14	Referred to Highways & Transportation
1/14	First Reading
2/12	Tabled in Committee

1 House BILL NO. 172  
2 INTRODUCED BY UNANNOUNCED HARP ORR Gilbert

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE PUBLIC  
5 SERVICE COMMISSION TO SET A MINIMUM RATE FOR CLASS E MOTOR  
6 CARRIER CERTIFICATE HOLDERS; AMENDING SECTIONS 69-12-201 AND  
7 69-12-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 69-12-201, MCA, is amended to read:

11 "69-12-201. Supervision and regulation of motor  
12 carriers. (1) The commission ~~has the power and authority and~~  
13 ~~it is its duty to~~ shall:

14 (a) supervise and regulate every motor carrier in this  
15 state;

16 (b) fix, alter, regulate, and determine specific, just,  
17 reasonable, equal, nondiscriminatory, and sufficient rates,  
18 fares, charges, and classifications for Class A and Class B  
19 motor carriers;

20 (c) regulate the properties, facilities, operations,  
21 accounts, service, practices, and affairs of all motor  
22 carriers;

23 (d) require the filing of annual and other reports,  
24 tariffs, schedules, or other data by such motor carriers;

25 (e) supervise and regulate motor carriers in all

1 matters affecting the relationship between such motor  
2 carriers and the traveling and shipping public.

3 (2) The commission may, by general order or otherwise,  
4 prescribe rules in conformity with this chapter and  
5 applicable to any and all motor carriers.

6 (3) The commission may fix and determine reasonable  
7 maximum or minimum rates for the operations of any Class C  
8 motor carrier when rates are required for the best interests  
9 of public transportation.

10 (4) The commission may shall fix and determine  
11 reasonable ~~maximum--or~~ minimum rates for the operations of  
12 any Class E motor carrier ~~operating under contract and~~ may,  
13 when maximum rates are required for the best interests of  
14 public transportation, fix and determine reasonable maximum  
15 rates for the operations of any Class E motor carrier  
16 operating under contract."

17 **Section 2.** Section 69-12-502, MCA, is amended to read:

18 "69-12-502. Prohibition on deviation from rate  
19 schedules. It ~~shall be~~ is unlawful for any Class A or Class  
20 B motor carrier to charge, demand, receive, or collect any  
21 greater or less rate, charge, or fare than that fixed by the  
22 commission for the transportation service provided. When  
23 maximum or minimum rates have been established for any  
24 service provided by any Class C or Class E motor carrier, it  
25 ~~shall--likewise--be~~ is unlawful for such the carrier to



1 charge, demand, receive, or collect any greater compensation  
2 or rate than that established for the service by any  
3 applicable maximum rate or any less compensation or rate  
4 than that established by any applicable minimum rate. It  
5 ~~also--shall--be~~ is unlawful for any Class A or Class B motor  
6 carrier or for any Class C or Class E motor carrier subject  
7 to maximum or minimum rates to refund or remit, in any  
8 manner or by any device, any portion of the rates, fares,  
9 and charges required to be collected under the schedule of  
10 the Class A or Class B carrier on file with the commission  
11 or under the maximum or minimum rates established by the  
12 commission for the Class C or Class E motor carrier."

13 NEW SECTION. Section 3. Effective date. [This act] is  
14 effective on passage and approval.

-End-