

HOUSE BILL NO. 356

INTRODUCED BY GILBERT
BY REQUEST OF THE MONTANA
PUBLIC SERVICE COMMISSION

IN THE HOUSE

JANUARY 26, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
FEBRUARY 6, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 8, 1993	PRINTING REPORT.
FEBRUARY 9, 1993	SECOND READING, DO PASS.
FEBRUARY 10, 1993	ENGROSSING REPORT.
FEBRUARY 13, 1993	THIRD READING, PASSED. AYES, 97; NOES, 0.
FEBRUARY 15, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 16, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
	FIRST READING.
MARCH 10, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 11, 1993	SECOND READING, CONCURRED IN.
MARCH 12, 1993	THIRD READING, CONCURRED IN. AYES, 47; NOES, 1.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 13, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 356
2 INTRODUCED BY B. Bent
3 BY REQUEST OF THE MONTANA
4 PUBLIC SERVICE COMMISSION

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6 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE PUBLIC
7 SERVICE COMMISSION'S AUTHORITY TO REGULATE MOTOR CARRIER
8 FITNESS AND TO INVESTIGATE AND HEAR COMPLAINTS CONCERNING
9 VIOLATIONS OF TITLE 69, CHAPTER 12, MCA; AND PROVIDING AN
10 IMMEDIATE EFFECTIVE DATE."
11

12 STATEMENT OF INTENT

13 In determining whether a motor carrier should be granted
14 a certificate of operating authority, a threshold question
15 to be answered by the public service commission is whether
16 the carrier is fit, willing, and able to provide the
17 proposed service, otherwise referred to as an inquiry into
18 carrier fitness. [Section 1] is intended to clarify the
19 public service commission's authority in this regard by
20 codifying the carrier fitness requirement. Although
21 69-12-201 and 69-12-203 provide the commission with
22 supervisory, regulatory, and enforcement authority over
23 motor carriers, its authority to investigate and hear
24 complaints concerning violations of Title 69, chapter 12, is
25 not clearly defined. [Section 2] is intended to clarify this

1 authority.

2
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

4 NEW SECTION. **Section 1. Carrier fitness.** A certificate
5 of operating authority may not be issued or remain in force
6 unless the holder of the certificate is fit, willing, and
7 able to perform the authorized service and conforms to the
8 provisions of this chapter and the rules and orders of the
9 commission.

10 NEW SECTION. **Section 2. Complaints.** (1) The commission
11 has jurisdiction to conduct investigations and hear
12 complaints to determine whether a motor carrier has violated
13 any of the commission's rules or orders or any provision of
14 this chapter.

15 (2) Following an opportunity for hearing and upon a
16 finding that a motor carrier has violated any of the
17 commission's rules or orders or any provision of this
18 chapter, the commission may suspend or revoke the motor
19 carrier's certificate of operating authority or impose any
20 penalty provided for under 69-12-108.

21 NEW SECTION. **Section 3. Codification instruction.** (1)
22 [Section 1] is intended to be codified as an integral part
23 of Title 69, chapter 12, part 4, and the provisions of Title
24 69, chapter 12, part 4, apply to [section 1].

25 (2) [Section 2] is intended to be codified as an

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1 integral part of Title 69, chapter 12, part 2, and the
2 provisions of Title 69, chapter 12, part 2, apply to
3 [section 2].

4 NEW SECTION. **Section 4.** Effective date. [This act] is
5 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

House BILL NO. 356
Exhibit

INTRODUCED BY

BY REQUEST OF THE MONTANA
PUBLIC SERVICE COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE PUBLIC
SERVICE COMMISSION'S AUTHORITY TO REGULATE MOTOR CARRIER
FITNESS AND TO INVESTIGATE AND HEAR COMPLAINTS CONCERNING
VIOLATIONS OF TITLE 69, CHAPTER 12, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

In determining whether a motor carrier should be granted
a certificate of operating authority, a threshold question
to be answered by the public service commission is whether
the carrier is fit, willing, and able to provide the
proposed service, otherwise referred to as an inquiry into
carrier fitness. [Section 1] is intended to clarify the
public service commission's authority in this regard by
codifying the carrier fitness requirement. Although
69-12-201 and 69-12-203 provide the commission with
supervisory, regulatory, and enforcement authority over
motor carriers, its authority to investigate and hear
complaints concerning violations of Title 69, chapter 12, is
not clearly defined. [Section 2] is intended to clarify this

authority.

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

NEW SECTION. Section 1. Carrier fitness. A certificate
of operating authority may not be issued or remain in force
unless the holder of the certificate is fit, willing, and
able to perform the authorized service and conforms to the
provisions of this chapter and the rules and orders of the
commission.

NEW SECTION. Section 2. Complaints. (1) The commission
has jurisdiction to conduct investigations and hear
complaints to determine whether a motor carrier has violated
any of the commission's rules or orders or any provision of
this chapter.

(2) Following an opportunity for hearing and upon a
finding that a motor carrier has violated any of the
commission's rules or orders or any provision of this
chapter, the commission may suspend or revoke the motor
carrier's certificate of operating authority or impose any
penalty provided for under 69-12-108.

NEW SECTION. Section 3. Codification instruction. (1)
[Section 1] is intended to be codified as an integral part
of Title 69, chapter 12, part 4, and the provisions of Title
69, chapter 12, part 4, apply to [section 1].

(2) [Section 2] is intended to be codified as an



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1 integral part of Title 69, chapter 12, part 2, and the
2 provisions of Title 69, chapter 12, part 2, apply to
3 [section 2].

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8 FITNESS AND TO INVESTIGATE AND HEAR COMPLAINTS CONCERNING
9 VIOLATIONS OF TITLE 69, CHAPTER 12, MCA; AND PROVIDING AN
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14 a certificate of operating authority, a threshold question
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18 carrier fitness. [Section 1] is intended to clarify the
19 public service commission's authority in this regard by
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21 69-12-201 and 69-12-203 provide the commission with
22 supervisory, regulatory, and enforcement authority over
23 motor carriers, its authority to investigate and hear
24 complaints concerning violations of Title 69, chapter 12, is
25 not clearly defined. [Section 2] is intended to clarify this

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6 unless the holder of the certificate is fit, willing, and
7 able to perform the authorized service and conforms to the
8 provisions of this chapter and the rules and orders of the
9 commission.

10 NEW SECTION. Section 2. Complaints. (1) The commission
11 has jurisdiction to conduct investigations and hear
12 complaints to determine whether a motor carrier has violated
13 any of the commission's rules or orders or any provision of
14 this chapter.

15 (2) Following an opportunity for hearing and upon a
16 finding that a motor carrier has violated any of the
17 commission's rules or orders or any provision of this
18 chapter, the commission may suspend or revoke the motor
19 carrier's certificate of operating authority or impose any
20 penalty provided for under 69-12-108.

21 NEW SECTION. Section 3. Codification instruction. (1)
22 [Section 1] is intended to be codified as an integral part
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24 69, chapter 12, part 4, apply to [section 1].

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1 integral part of Title 69, chapter 12, part 2, and the
2 provisions of Title 69, chapter 12, part 2, apply to
3 [section 2].

4 NEW SECTION. Section 4. Effective date. [This act] is
5 effective on passage and approval.

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HOUSE BILL NO. 356

INTRODUCED BY GILBERT

BY REQUEST OF THE MONTANA

PUBLIC SERVICE COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE PUBLIC SERVICE COMMISSION'S AUTHORITY TO REGULATE MOTOR CARRIER FITNESS AND TO INVESTIGATE AND HEAR COMPLAINTS CONCERNING VIOLATIONS OF TITLE 69, CHAPTER 12, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

In determining whether a motor carrier should be granted a certificate of operating authority, a threshold question to be answered by the public service commission is whether the carrier is fit, willing, and able to provide the proposed service, otherwise referred to as an inquiry into carrier fitness. [Section 1] is intended to clarify the public service commission's authority in this regard by codifying the carrier fitness requirement. Although 69-12-201 and 69-12-203 provide the commission with supervisory, regulatory, and enforcement authority over motor carriers, its authority to investigate and hear complaints concerning violations of Title 69, chapter 12, is not clearly defined. [Section 2] is intended to clarify this

authority.

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

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NEW SECTION. **Section 2.** Complaints. (1) The commission has jurisdiction to conduct investigations and hear complaints to determine whether a motor carrier has violated any of the commission's rules or orders or any provision of this chapter.

(2) Following an opportunity for hearing and upon a finding that a motor carrier has violated any of the commission's rules or orders or any provision of this chapter, the commission may suspend or revoke the motor carrier's certificate of operating authority or impose any penalty provided for under 69-12-108.

NEW SECTION. **Section 3.** Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 69, chapter 12, part 4, and the provisions of Title 69, chapter 12, part 4, apply to [section 1].

(2) [Section 2] is intended to be codified as an

1 integral part of Title 69, chapter 12, part 2, and the
2 provisions of Title 69, chapter 12, part 2, apply to
3 [section 2].

4 NEW SECTION. **Section 4.** Effective date. [This act] is
5 effective on passage and approval.

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