

Amendment - 1st Reading-white - Requested by: Paul Green - (H) Energy, Technology and Federal Relations

- 2023

68th Legislature 2023

Drafter: Trevor Graff, 406-444-4975

HB0278.001.001

1 HOUSE BILL NO. 278

2 INTRODUCED BY B. BARKER, J. KASSMIER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MOTOR CARRIER RATE REGULATIONS;
5 REQUIRING RATE SCHEDULES; PROHIBITING DEVIATION FROM RATE SCHEDULES; AMENDING
6 SECTIONS 69-12-501 AND 69-12-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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10 **Section 1.** Section 69-12-501, MCA, is amended to read:

11 **"69-12-501. Rate schedules to be maintained.** (1) A Class A motor carrier issued a certificate shall
12 maintain on file with the commission, if applicable, a full and complete schedule of its rates, fares, charges,
13 classifications, and rules of service and any ~~and all~~ tariff provisions relating to rates, fares, charges,
14 classifications, or rules. A schedule on file and approved on March 7, 1961, remains in full force and effect until
15 changed or modified by the commission or by the carrier with the approval of the commission.

16 (2) A private, nonlocal government Class D motor carrier issued a certificate shall maintain on file
17 with the commission, if applicable, a full and complete schedule of its rates, fares, charges, classifications, and
18 rules of service and any tariff provisions relating to rates, fares, charges, classifications, or rules. A schedule on
19 file remains in full force and effect until changed or modified by the commission or by the carrier with the
20 approval of the commission.

21 ~~(2)(3)~~ A change, modification, alteration, increase, or decrease in any rate, fare, charge,
22 classification, or rule of service may not be made by a motor carrier without first obtaining the approval of the
23 commission. The commission shall prescribe rules providing for the form and style of all schedules and tariffs
24 and for the procedures to be followed in filing or publishing any changes or modifications of schedules and
25 tariffs."

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

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1 **"69-12-502. Prohibition on deviation from rate schedules.** It is unlawful for any Class A motor
2 carrier or private, nonlocal government Class D motor carrier to charge, demand, receive, or collect any greater
3 or less rate, charge, or fare than that fixed by the commission for the transportation service provided. When
4 maximum or minimum rates have been established for any service provided by any Class C motor carrier, it
5 shall likewise be unlawful for the carrier to charge, demand, receive, or collect any greater compensation or rate
6 than that established for the service by any applicable maximum rate or any less compensation or rate than that
7 established by any applicable minimum rate. It shall also be unlawful for any Class A motor carrier or any Class
8 C motor carrier subject to maximum or minimum rates to refund or remit, in any manner or by any device, any
9 portion of the rates, fares, and charges required to be collected under the schedule of the Class A carrier on file
10 with the commission or under the maximum or minimum rates established by the commission for the Class C
11 carrier."

12

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

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