

1 SENATE BILL NO. 396

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4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MOTOR CARRIER LAWS; ELIMINATING
6 THE REQUIREMENT THAT CERTAIN MOTOR CARRIERS DEMONSTRATE PUBLIC CONVENIENCE AND
7 NECESSITY TO ACQUIRE A CERTIFICATE FROM THE PUBLIC SERVICE COMMISSION; CREATING A
8 CLASS E CLASSIFICATION FOR MOTOR CARRIERS THAT OFFER TRANSPORTATION NETWORK
9 CARRIER SERVICES; PROVIDING FOR A FEE; PROVIDING OPERATING REQUIREMENTS FOR CLASS E
10 MOTOR CARRIERS; PROVIDING A TRANSITION FOR MOTOR CARRIERS OPERATING WITH A
11 CERTIFICATE; PROVIDING FINANCIAL RESPONSIBILITY OF TRANSPORTATION NETWORK CARRIERS;
12 REQUIRING TRANSPORTATION NETWORK CARRIERS TO PROVIDE DISCLOSURES; PROVIDING
13 INSURANCE REQUIREMENTS; PROHIBITING LOCAL GOVERNMENTS FROM REGULATING
14 TRANSPORTATION NETWORK CARRIER SERVICES; PROHIBITING A LOCAL GOVERNMENT WITH
15 SELF-GOVERNING POWERS FROM REGULATING TRANSPORTATION NETWORK CARRIER SERVICES;
16 CLARIFYING EXEMPTIONS; AMENDING SECTIONS 7-1-111, 69-12-101, ~~69-12-102~~ 69-12-102, 69-12-205,
17 69-12-210, 69-12-301, 69-12-311, 69-12-312, 69-12-313, 69-12-314, 69-12-321, 69-12-323, 69-12-324,
18 69-12-404, 69-12-406, 69-12-407, 69-12-415, AND 69-12-501, MCA; REPEALING SECTION 69-12-328, MCA;
19 AND PROVIDING AN EFFECTIVE DATE."

20
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22
23 NEW SECTION. **Section 1. Class E motor carrier certificate of compliance.** (1) A Class E motor
24 carrier may not transport persons on a public highway in this state without obtaining, pursuant to this chapter, a
25 certificate of compliance.

26 (2) A Class E motor carrier shall apply for a certificate of compliance in writing. The application must be
27 verified by the applicant and specify the following:

- 28 (a) the name and address of the applicant and its officers, if any;
29 (b) the locality and character of operations to be conducted;
30 (c) a detailed statement showing the assets and liabilities of the applicant;

1 (d) a detailed statement that the applicant complies or, once certificated, will comply with the
2 requirements of 69-12-323(5);

3 (e) other information required by the commission.

4 (3) A transportation network carrier may apply for a Class E certificate of compliance on behalf of the
5 transportation network carrier drivers who register with the transportation network carrier to use its software or
6 digital network to offer transportation network carrier services.

7 (4) The application must be accompanied by a filing fee to be set by rule of the commission.

8 (5) Notwithstanding subsection (3), a transportation network carrier does not own, control, operate, or
9 manage the vehicles used by transportation network carrier drivers and is not a taxicab association or a for-hire
10 vehicle owner.

11
12 **NEW SECTION. Section 2. Fare charged for transportation network carrier services.** (1) (a) A
13 Class E motor carrier may charge a fare for the services provided to passengers in accordance with this section.

14 (b) If a fare is charged, the motor carrier shall:

15 (i) disclose to passengers the fare calculation method on its website or within the software application
16 service; and

17 (ii) provide passengers with the applicable rates being charged and the option to receive an estimated
18 fare before the passenger enters the transportation network carrier driver's vehicle.

19 (2) Within a reasonable period of time following the completion of a trip, a Class E motor carrier shall
20 transmit to the passenger an electronic receipt that includes:

21 (a) the origin and destination of the trip;

22 (b) the total time and distance of the trip; and

23 (c) an itemization of the total fare paid.

24
25 **NEW SECTION. Section 3. Authority.** (1) Notwithstanding any other provision of law, transportation
26 network carrier services are exclusively governed by this chapter and rules promulgated by the commission
27 consistent with this chapter.

28 (2) A local government as defined in 2-2-102 may not impose a tax or fee on, require a license for, or
29 impose any other operational requirements on transportation network carrier services.

30

1 NEW SECTION. SECTION 4. INSURANCE REQUIREMENTS OF TRANSPORTATION NETWORK CARRIERS. A
 2 TRANSPORTATION NETWORK CARRIER DRIVER OR TRANSPORTATION NETWORK CARRIER ON THE DRIVER'S BEHALF SHALL
 3 MAINTAIN PRIMARY MOTOR VEHICLE LIABILITY INSURANCE ON THE DRIVER'S PERSONAL VEHICLE THAT MEETS THE
 4 FOLLOWING REQUIREMENTS:

5 (1) THE INSURANCE POLICY RECOGNIZES THAT THE DRIVER IS A TRANSPORTATION NETWORK CARRIER DRIVER
 6 OR OTHERWISE USES A PERSONAL VEHICLE TO TRANSPORT RIDERS FOR COMPENSATION AND COVERS THE DRIVER:

7 (A) WHILE THE DRIVER IS LOGGED ON TO THE TRANSPORTATION NETWORK CARRIER'S DIGITAL NETWORK; OR

8 (B) WHILE THE DRIVER IS ENGAGED IN A PREARRANGED RIDE.

9 (2) (A) WHILE A PARTICIPATING TRANSPORTATION NETWORK CARRIER DRIVER IS LOGGED ON TO THE
 10 TRANSPORTATION NETWORK CARRIER'S DIGITAL NETWORK AND IS AVAILABLE TO RECEIVE TRANSPORTATION REQUESTS
 11 BUT IS NOT ENGAGED IN A PREARRANGED RIDE, THE FOLLOWING AUTOMOBILE MOTOR VEHICLE LIABILITY INSURANCE
 12 REQUIREMENTS APPLY POLICY MUST PROVIDE:

13 (I) THE POLICY MUST PROVIDE PRIMARY MOTOR VEHICLE LIABILITY INSURANCE IN THE AMOUNT OF AT LEAST
 14 \$50,000 FOR DEATH AND BODILY INJURY PER PERSON, \$100,000 FOR DEATH AND BODILY INJURY PER INCIDENT, AND
 15 \$25,000 FOR PROPERTY DAMAGE;; AND

16 (II) THE POLICY MUST PROVIDE UNINSURED MOTORIST COVERAGE AS PROVIDED WHEN REQUIRED BY 33-23-201.

17 (B) THE COVERAGE REQUIREMENTS OF SUBSECTION (2)(A) MAY BE SATISFIED BY ANY OF THE FOLLOWING:

18 (I) MOTOR VEHICLE LIABILITY INSURANCE MAINTAINED BY THE TRANSPORTATION NETWORK CARRIER DRIVER;

19 (II) MOTOR VEHICLE LIABILITY INSURANCE MAINTAINED BY THE TRANSPORTATION NETWORK CARRIER; OR

20 (III) ANY COMBINATION OF SUBSECTIONS (2)(B)(I) AND (2)(B)(II).

21 (3) (A) WHILE A TRANSPORTATION NETWORK CARRIER DRIVER IS ENGAGED IN A PREARRANGED RIDE, THE
 22 FOLLOWING MOTOR VEHICLE LIABILITY INSURANCE REQUIREMENTS APPLY POLICY MUST PROVIDE:

23 (I) THE POLICY MUST PROVIDE PRIMARY MOTOR VEHICLE LIABILITY INSURANCE THAT PROVIDES AT LEAST
 24 \$1,000,000 FOR DEATH, BODILY INJURY, AND PROPERTY DAMAGE;; AND

25 (II) THE POLICY MUST PROVIDE UNINSURED MOTORIST COVERAGE AS PROVIDED WHEN REQUIRED BY 33-23-201.

26 (B) THE COVERAGE REQUIREMENTS OF SUBSECTION (3)(A) MAY BE SATISFIED BY ANY OF THE FOLLOWING:

27 (I) MOTOR VEHICLE LIABILITY INSURANCE MAINTAINED BY THE TRANSPORTATION NETWORK CARRIER DRIVER ON
 28 THE DRIVER'S PERSONAL VEHICLE;

29 (II) MOTOR VEHICLE LIABILITY INSURANCE MAINTAINED BY THE TRANSPORTATION NETWORK CARRIER ON THE
 30 DRIVER'S PERSONAL VEHICLE; OR

1 (III) ANY COMBINATION OF SUBSECTIONS (3)(B)(I) AND (3)(B)(II).

2 (4) IF INSURANCE MAINTAINED BY THE DRIVER IN SUBSECTIONS (2) OR (3) HAS LAPSED OR DOES NOT PROVIDE
3 THE REQUIRED LIMITS OF COVERAGE, INSURANCE MAINTAINED BY A TRANSPORTATION NETWORK CARRIER MUST PROVIDE
4 THE COVERAGE REQUIRED BY THIS SECTION BEGINNING WITH THE FIRST DOLLAR OF A CLAIM AND HAVE THE DUTY TO
5 DEFEND SUCH CLAIM.

6 (5) COVERAGE UNDER A MOTOR VEHICLE LIABILITY INSURANCE POLICY MAINTAINED BY THE TRANSPORTATION
7 NETWORK CARRIER MAY NOT BE DEPENDENT ON A DRIVER'S PERSONAL MOTOR VEHICLE LIABILITY INSURER FIRST DENYING
8 A CLAIM AND A DRIVER'S PERSONAL MOTOR VEHICLE LIABILITY INSURANCE POLICY INSURER MAY NOT BE REQUIRED TO
9 FIRST DENY A CLAIM.

10 (6) INSURANCE REQUIRED BY THIS SECTION MAY BE PLACED WITH AN INSURER AUTHORIZED UNDER TITLE 33,
11 INCLUDING A SURPLUS LINES INSURER.

12 (7) INSURANCE SATISFYING THE REQUIREMENTS OF THIS SECTION SATISFIES MANDATORY INSURANCE
13 REQUIREMENTS IN TITLE 61, CHAPTER 6.

14 (8) A TRANSPORTATION NETWORK CARRIER DRIVER SHALL CARRY PROOF OF COVERAGE SATISFYING
15 SUBSECTIONS (2) AND (3) AT ALL TIMES DURING THE USE OF A PERSONAL VEHICLE IN CONNECTION WITH A
16 TRANSPORTATION NETWORK CARRIER'S DIGITAL NETWORK. IN THE EVENT OF AN ACCIDENT, A TRANSPORTATION NETWORK
17 CARRIER DRIVER SHALL PROVIDE INSURANCE COVERAGE INFORMATION TO THE DIRECTLY INTERESTED PARTIES, MOTOR
18 VEHICLE LIABILITY INSURERS, AND INVESTIGATING POLICE OFFICERS UPON REQUEST. UPON SUCH REQUEST, A
19 TRANSPORTATION NETWORK CARRIER DRIVER SHALL ALSO DISCLOSE TO DIRECTLY INTERESTED PARTIES, MOTOR VEHICLE
20 LIABILITY INSURERS, AND INVESTIGATING POLICE OFFICERS WHETHER THE DRIVER WAS LOGGED ON TO THE
21 TRANSPORTATION NETWORK CARRIER'S DIGITAL NETWORK OR ENGAGED IN A PREARRANGED RIDE AT THE TIME OF AN
22 ACCIDENT.

23
24 **NEW SECTION. SECTION 5. DISCLOSURES.** A TRANSPORTATION NETWORK CARRIER SHALL DISCLOSE IN
25 WRITING TO A TRANSPORTATION NETWORK CARRIER DRIVER THE FOLLOWING BEFORE THE DRIVER IS ALLOWED TO ACCEPT
26 A REQUEST FOR A PREARRANGED RIDE ON THE TRANSPORTATION NETWORK CARRIER'S DIGITAL NETWORK:

27 (1) THE INSURANCE COVERAGE, INCLUDING THE TYPES OF COVERAGE AND THE LIMITS FOR EACH COVERAGE,
28 THAT THE TRANSPORTATION NETWORK CARRIER PROVIDES WHILE THE TRANSPORTATION NETWORK CARRIER DRIVER USES
29 A PERSONAL VEHICLE IN CONNECTION WITH A TRANSPORTATION NETWORK CARRIER'S DIGITAL NETWORK; AND

30 (2) THAT THE TRANSPORTATION NETWORK CARRIER DRIVER'S OWN MOTOR VEHICLE LIABILITY INSURANCE POLICY

1 MIGHT NOT PROVIDE ANY ~~COVERAGE~~ LIABILITY OR OPTIONAL COVERAGES WHILE THE DRIVER IS LOGGED ON TO THE
 2 TRANSPORTATION NETWORK CARRIER'S DIGITAL NETWORK AND IS AVAILABLE TO RECEIVE TRANSPORTATION REQUESTS
 3 OR IS ENGAGED IN A PREARRANGED RIDE, DEPENDING ON ITS TERMS.

4
 5 **NEW SECTION. SECTION 6. MOTOR VEHICLE LIABILITY INSURANCE PROVISIONS. (1) INSURERS THAT WRITE**
 6 MOTOR VEHICLE LIABILITY INSURANCE IN MONTANA MAY EXCLUDE ANY AND ALL COVERAGE AFFORDED UNDER THE
 7 OWNER'S INSURANCE POLICY FOR ANY LOSS OR INJURY THAT OCCURS WHILE A DRIVER IS LOGGED ON TO A
 8 TRANSPORTATION NETWORK CARRIER'S DIGITAL NETWORK OR WHILE A DRIVER PROVIDES A PREARRANGED RIDE. THIS
 9 RIGHT TO EXCLUDE ALL COVERAGE MAY APPLY TO ANY COVERAGE INCLUDED IN A MOTOR VEHICLE LIABILITY INSURANCE
 10 POLICY, INCLUDING, BUT NOT LIMITED TO:

11 (A) LIABILITY COVERAGE FOR BODILY INJURY AND PROPERTY DAMAGE INCLUDING INSURANCE REQUIRED UNDER
 12 TITLE 61, CHAPTER 6;

13 (B) PERSONAL INJURY PROTECTION COVERAGE;

14 (C) UNINSURED AND UNDERINSURED MOTORIST COVERAGE, INCLUDING INSURANCE PROVIDED UNDER 33-23-201;

15 (D) MEDICAL PAYMENTS COVERAGE;

16 (E) COMPREHENSIVE PHYSICAL DAMAGE COVERAGE; AND

17 (F) COLLISION PHYSICAL DAMAGE COVERAGE.

18 (2) NOTHING IN THIS SECTION REQUIRES THAT A PERSONAL MOTOR VEHICLE LIABILITY INSURANCE POLICY
 19 PROVIDE COVERAGE WHILE THE DRIVER IS LOGGED ON TO THE TRANSPORTATION NETWORK CARRIER'S DIGITAL NETWORK,
 20 WHILE THE DRIVER IS ENGAGED IN A PREARRANGED RIDE, OR WHILE THE DRIVER OTHERWISE USES A PERSONAL VEHICLE
 21 TO TRANSPORT RIDERS FOR COMPENSATION. AN INSURER MAY PROVIDE COVERAGE FOR THE TRANSPORTATION NETWORK
 22 CARRIER DRIVER'S PERSONAL VEHICLE, IF IT CHOOSES TO DO SO BY CONTRACT OR ENDORSEMENT.

23 (3) A MOTOR VEHICLE LIABILITY INSURER THAT EXCLUDES THE COVERAGE DESCRIBED IN [SECTION 4] HAS NO
 24 DUTY TO DEFEND OR INDEMNIFY ANY CLAIM EXPRESSLY EXCLUDED. [SECTIONS 4 THROUGH 6] DO NOT INVALIDATE OR LIMIT
 25 AN EXCLUSION CONTAINED IN A POLICY, INCLUDING ANY POLICY IN USE OR APPROVED FOR USE PRIOR TO THE ENACTMENT
 26 OF [SECTIONS 4 THROUGH 6]. A MOTOR VEHICLE LIABILITY INSURER THAT DEFENDS OR INDEMNIFIES A CLAIM AGAINST A
 27 DRIVER THAT IS EXCLUDED UNDER THE TERMS OF ITS MOTOR VEHICLE LIABILITY POLICY HAS A RIGHT OF CONTRIBUTION
 28 AGAINST OTHER INSURERS THAT PROVIDE MOTOR VEHICLE LIABILITY INSURANCE TO THE SAME DRIVER IN SATISFACTION
 29 OF THE COVERAGE REQUIREMENTS OF [SECTION 4] AT THE TIME OF LOSS.

30 (4) IN A CLAIMS COVERAGE INVESTIGATION, TRANSPORTATION NETWORK CARRIERS AND ANY INSURER

1 POTENTIALLY PROVIDING ~~COVERAGE~~ LIABILITY OR OPTIONAL COVERAGES UNDER [SECTION 4] SHALL COOPERATE TO
 2 FACILITATE THE EXCHANGE OF RELEVANT INFORMATION WITH DIRECTLY INVOLVED PARTIES AND ANY INSURER OF THE
 3 TRANSPORTATION NETWORK CARRIER DRIVER, IF APPLICABLE, INCLUDING THE PRECISE TIMES THAT A TRANSPORTATION
 4 NETWORK CARRIER DRIVER LOGGED ON AND OFF THE TRANSPORTATION NETWORK CARRIER'S DIGITAL NETWORK IN THE
 5 12-HOUR PERIOD IMMEDIATELY PRECEDING AND IN THE 12-HOUR PERIOD IMMEDIATELY FOLLOWING THE ACCIDENT AND
 6 DISCLOSE TO ONE ANOTHER A CLEAR DESCRIPTION OF THE COVERAGE, EXCLUSIONS, AND LIMITS PROVIDED UNDER ANY
 7 MOTOR VEHICLE LIABILITY INSURANCE MAINTAINED UNDER [SECTION 4].

8 (5) NOTHING IN THIS CHAPTER LIMITS THE RIGHT OF A LENDER OR SECURED PARTY ON A DRIVER'S VEHICLE TO
 9 REQUIRE A DRIVER TO MAINTAIN COMPREHENSIVE AND COLLISION DAMAGE COVERAGE FOR A DRIVER'S VEHICLE OR TO
 10 SHOW EVIDENCE OF THAT COVERAGE TO THE LENDER OR SECURED PARTY THAT WOULD COVER THE PERIOD WHEN THE
 11 DRIVER IS LOGGED ON TO THE TRANSPORTATION NETWORK CARRIER'S DIGITAL NETWORK REGARDLESS OF WHETHER THE
 12 DRIVER IS ENGAGED IN A PREARRANGED RIDE. IF THE DRIVER FAILS TO MAINTAIN THE REQUIRED COMPREHENSIVE AND
 13 COLLISION COVERAGE OR TO SHOW EVIDENCE TO THE LENDER OR SECURED PARTY OF THE COVERAGE UPON REASONABLE
 14 REQUEST BY THE LENDER OR SECURED PARTY, THE LENDER OR SECURED PARTY MAY OBTAIN THE COVERAGE AT THE
 15 EXPENSE OF THE DRIVER AND IS NOT REQUIRED TO PROVIDE DISCLOSURE UNDER [SECTION 5].

16 (6) IF A LENDER OR A SECURED PARTY HAS A SECURED INTEREST IN A DRIVER'S VEHICLE AND A TRANSPORTATION
 17 NETWORK CARRIER'S INSURER MAKES A PAYMENT FOR A CLAIM FOR DAMAGE TO THE DRIVER'S VEHICLE THAT IS COVERED
 18 UNDER COMPREHENSIVE OR COLLISION DAMAGE COVERAGE HELD BY THE TRANSPORTATION NETWORK CARRIER, THE
 19 INSURER SHALL ISSUE THE PAYMENT DIRECTLY TO THE VEHICLE REPAIR SHOP OR JOINTLY TO THE OWNER OF THE VEHICLE
 20 AND THE PRIMARY LENDER OR SECURED PARTY ON THE COVERED VEHICLE.

21
 22 **Section 7.** Section 7-1-111, MCA, is amended to read:

23 **"7-1-111. Powers denied.** A local government unit with self-government powers is prohibited from
 24 exercising the following:

25 (1) any power that applies to or affects any private or civil relationship, except as an incident to the
 26 exercise of an independent self-government power;

27 (2) any power that applies to or affects the provisions of 7-33-4128 or Title 39 (labor, collective
 28 bargaining for public employees, unemployment compensation, or workers' compensation), except that subject
 29 to those provisions, it may exercise any power of a public employer with regard to its employees;

30 (3) any power that applies to or affects the public school system, except that a local unit may impose an

- 1 assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise
2 any power that it is required by law to exercise regarding the public school system;
- 3 (4) any power that prohibits the grant or denial of a certificate of compliance or a certificate of public
4 convenience and necessity pursuant to Title 69, chapter 12;
- 5 (5) any power that establishes a rate or price otherwise determined by a state agency;
- 6 (6) any power that applies to or affects any determination of the department of environmental quality with
7 regard to any mining plan, permit, or contract;
- 8 (7) any power that applies to or affects any determination by the department of environmental quality
9 with regard to a certificate of compliance;
- 10 (8) any power that defines as an offense conduct made criminal by state statute, that defines an offense
11 as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of \$500, 6 months'
12 imprisonment, or both, except as specifically authorized by statute;
- 13 (9) any power that applies to or affects the right to keep or bear arms, except that a local government
14 has the power to regulate the carrying of concealed weapons;
- 15 (10) any power that applies to or affects a public employee's pension or retirement rights as established
16 by state law, except that a local government may establish additional pension or retirement systems;
- 17 (11) any power that applies to or affects the standards of professional or occupational competence
18 established pursuant to Title 37 (professions and occupations) as prerequisites to the carrying on of a profession
19 or occupation;
- 20 (12) except as provided in 7-3-1105, 7-3-1222, or 7-31-4110, any power that applies to or affects Title
21 75, chapter 7, part 1 (streambeds), or Title 87 (fish and wildlife);
- 22 (13) any power that applies to or affects landlords, as defined in 70-24-103, when that power is intended
23 to license landlords or to regulate their activities with regard to tenants beyond what is provided in Title 70,
24 chapters 24 and 25. This subsection is not intended to restrict a local government's ability to require landlords
25 to comply with ordinances or provisions that are applicable to all other businesses or residences within the local
26 government's jurisdiction.
- 27 (14) subject to 7-32-4304, any power to enact ordinances prohibiting or penalizing vagrancy;
- 28 (15) subject to 80-10-110, any power to regulate the registration, packaging, labeling, sale, storage,
29 distribution, use, or application of commercial fertilizers or soil amendments, except that a local government may
30 enter into a cooperative agreement with the department of agriculture concerning the use and application of

1 commercial fertilizers or soil amendments. This subsection is not intended to prevent or restrict a local
 2 government from adopting or implementing zoning regulations or fire codes governing the physical location or
 3 siting of fertilizer manufacturing, storage, and sales facilities;

4 (16) any power that prohibits the operation of a mobile amateur radio station from a motor vehicle,
 5 including while the vehicle is in motion, that is operated by a person who holds an unrevoked and unexpired
 6 official amateur radio station license and operator's license, "technician" or higher class, issued by the federal
 7 communications commission of the United States;

8 (17) subject to 76-2-240 and 76-2-340, any power that prevents the erection of an amateur radio antenna
 9 at heights and dimensions sufficient to accommodate amateur radio service communications by a person who
 10 holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or
 11 higher class, issued by the federal communications commission of the United States."

12

13 **Section 8.** Section 69-12-101, MCA, is amended to read:

14 **"69-12-101. Definitions.** Unless the context requires otherwise, in this chapter the following definitions
 15 apply:

16 (1) "Between fixed termini" or "over a regular route" means the termini or route between or over which
 17 a motor carrier usually or ordinarily operates motor vehicles, even though there may be periodical or irregular
 18 departures from the termini or route.

19 (2) "Certificate" means the a certificate of public convenience and necessity or a certificate of compliance
 20 issued under this chapter.

21 (3) "Certificate of compliance" means written authorization to operate issued by the commission for Class
 22 A, Class B, or Class E motor carriers that transport passengers declaring that the motor carrier meets the fitness
 23 requirements of this chapter.

24 (4) "Certificate of public convenience and necessity" means a written authorization to operate issued by
 25 the commission for Class A and Class B motor carriers that transport property or persons and property, Class
 26 C motor carriers, and Class D motor carriers declaring that the motor carrier service is required by the public
 27 convenience and necessity, as provided in this chapter.

28 (3)(5) "Charter service" means a service used for the transportation of passengers by a motor carrier
 29 with rates not subject to approval by the commission if:

30 (a) the transportation of passengers is based on a single contract;

1 (b) the contract is entered into in advance of the transportation and does not result from a spontaneous,
2 curbside agreement;

3 (c) the contract includes a single fixed charge and fares are not assessed per passenger;

4 (d) the passenger or group of passengers acquires exclusive use of the motor vehicle through the
5 contract; and

6 (e) when applied to a group of passengers being transported, the group of passengers travels together
7 to a specified destination.

8 ~~(4)(6)~~ "Compensation" means the charge imposed on motor carriers for the use of the highways in this
9 state by motor carriers under 69-12-421.

10 ~~(5)(7)~~ "Corporation" means a corporation, company, association, or joint-stock association.

11 ~~(8)~~ "DIGITAL NETWORK" MEANS ANY ONLINE-ENABLED APPLICATION, SOFTWARE, WEBSITE, OR SYSTEM OFFERED
12 OR UTILIZED BY A TRANSPORTATION NETWORK CARRIER THAT ENABLES THE PREARRANGEMENT OF RIDES WITH
13 TRANSPORTATION NETWORK CARRIER DRIVERS.

14 ~~(6)(8)(9)~~ "For hire" means for remuneration of any kind, paid or promised, either directly or indirectly, or
15 received or obtained through leasing, brokering, or buy-and-sell arrangements from which a remuneration is
16 obtained or derived for transportation service.

17 ~~(7)(9)(10)~~ "Garbage" means ashes, trash, waste, refuse, rubbish, organic or inorganic matter that is
18 transported to a licensed transfer station, licensed landfill, licensed municipal solid waste incinerator, or licensed
19 disposal well. The term does not include wastewater and waste tires.

20 ~~(8)(10)(11)~~ "Household goods" means any of the following:

21 (a) personal effects and property used or to be used in a dwelling when they are a part of the equipment
22 or supply of the dwelling. The term does not include property moving from a factory or store unless the property
23 is purchased by a householder for use in a dwelling and is transported at the request of the householder.

24 (b) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals,
25 or other establishments when those items are a part of the stock, equipment, or supply of the stores, offices,
26 museums, institutions, hospitals, or other establishments. The term does not include the stock-in-trade of an
27 establishment, whether consignor or consignee, other than used furniture and used fixtures, except when
28 transported as incidental to moving of the establishment or a portion of the establishment from one location to
29 another.

30 (c) articles, including objects of art, displays, and exhibitions that because of their unusual nature or

1 value, require the specialized handling and equipment usually employed in moving household goods and other
2 similar articles.

3 ~~(9)(11)(12)~~ "Motor carrier" means a person or corporation, or its lessees, trustees, or receivers appointed
4 by a court, operating motor vehicles upon a public highway in this state for the transportation of passengers,
5 household goods, or garbage for hire on a commercial basis, either as a common carrier or under private
6 contract, agreement, charter, or undertaking. A motor carrier includes a transportation network carrier.

7 ~~(10)(12)(13)~~ "Motor vehicle" includes vehicles or machines, motor trucks, tractors, or other self-propelled
8 vehicles used for the transportation of property or persons over the public highways of the state.

9 ~~(11)(13)(14)~~ "Person" means an individual, firm, or partnership.

10 (15) "PERSONAL VEHICLE" MEANS A VEHICLE THAT IS USED BY A TRANSPORTATION NETWORK CARRIER DRIVER
11 IN CONNECTION WITH PROVIDING A PREARRANGED RIDE AND IS:

12 (A) OWNED, LEASED, OR OTHERWISE AUTHORIZED FOR USE BY THE TRANSPORTATION NETWORK CARRIER
13 DRIVER; AND

14 (B) NOT A TAXICAB, LIMOUSINE, OR FOR-HIRE VEHICLE.

15 (16) "PREARRANGED RIDE" MEANS TRANSPORTATION PROVIDED BY A DRIVER TO A RIDER, BEGINNING WHEN A
16 DRIVER ACCEPTS A RIDE REQUESTED BY A RIDER THROUGH A DIGITAL NETWORK CONTROLLED BY A TRANSPORTATION
17 NETWORK CARRIER, CONTINUING WHILE THE DRIVER TRANSPORTS A REQUESTING RIDER, AND ENDING WHEN THE LAST
18 REQUESTING RIDER DEPARTS FROM THE PERSONAL VEHICLE. A PREARRANGED RIDE DOES NOT INCLUDE TRANSPORTATION
19 PROVIDED USING A TAXICAB, LIMOUSINE, OR OTHER FOR-HIRE VEHICLE PURSUANT TO TITLE 69, CHAPTER 12.

20 ~~(12)(14)(17)~~ "Public highway" means a public street, road, highway, or way in this state.

21 ~~(13)(15)(18)~~ "Railroad" means the movement of cars on rails, regardless of the motive power used.

22 ~~(14)(16)(19)~~ "Recyclable" means any material diverted from the solid waste stream that can be reused
23 in the production of heat or energy or as raw material for new products and for which markets exist.

24 ~~(17)(20)~~ "Transportation network carrier" means an entity that uses a digital network or software
25 application service to connect passengers to transportation network carrier services provided by transportation
26 network carrier drivers. A TRANSPORTATION NETWORK CARRIER SHALL NOT BE DEEMED TO CONTROL, DIRECT, OR
27 MANAGE THE PERSONAL VEHICLES OR TRANSPORTATION NETWORK CARRIER DRIVERS THAT CONNECT TO ITS DIGITAL
28 NETWORK, EXCEPT WHERE AGREED TO BY WRITTEN CONTRACT.

29 ~~(18)(21)~~ "Transportation network carrier driver" OR "DRIVER" means an individual who ~~operates a motor~~
30 vehicle that is:

- 1 ~~_____ (a) owned, leased, or otherwise authorized for use by the individual;~~
- 2 ~~_____ (b) not a taxi service, a street-hail service, or a for-hire vehicle service; and~~
- 3 ~~_____ (c) used to provide transportation network carrier services.:~~

4 (A) RECEIVES CONNECTIONS TO POTENTIAL RIDERS AND RELATED SERVICES FROM A TRANSPORTATION NETWORK
 5 CARRIER IN EXCHANGE FOR PAYMENT OF A FEE TO THE TRANSPORTATION NETWORK CARRIER; AND

6 (B) USES A PERSONAL VEHICLE TO PROVIDE A PREARRANGED RIDE TO RIDERS UPON CONNECTION THROUGH A
 7 DIGITAL NETWORK CONTROLLED BY A TRANSPORTATION NETWORK CARRIER IN RETURN FOR COMPENSATION OR PAYMENT
 8 OF A FEE.

9 (22) "TRANSPORTATION NETWORK CARRIER RIDER" OR "RIDER" MEANS AN INDIVIDUAL OR PERSONS WHO USE
 10 A TRANSPORTATION NETWORK CARRIER'S DIGITAL NETWORK TO CONNECT WITH A TRANSPORTATION NETWORK CARRIER
 11 DRIVER WHO PROVIDES PREARRANGED RIDES TO THE RIDER IN THE DRIVER'S PERSONAL VEHICLE BETWEEN POINTS
 12 CHOSEN BY THE RIDER.

13 ~~(19)(23) "Transportation network carrier services" means the transportation of a passenger between~~
 14 ~~points chosen by the passenger and prearranged with a transportation network carrier driver through the use of~~
 15 ~~a transportation network carrier digital network or software application. Transportation network carrier services~~
 16 ~~begin when a transportation network carrier driver accepts a request for transportation received through the~~
 17 ~~transportation network carrier's digital network or software application service. Services continue while the~~
 18 ~~transportation network carrier driver transports the passenger in the transportation network carrier driver's vehicle~~
 19 ~~and end when the passenger exits the transportation network carrier driver's vehicle. Transportation network~~
 20 ~~carrier service is not taxi service, street-hail service, or a for-hire vehicle service."~~

21
 22 **Section 9.** Section 69-12-102, MCA, is amended to read:

23 **"69-12-102. Scope of chapter -- exemptions.** (1) This chapter does not affect:

- 24 (a) the operation of school buses that are used in conveying pupils or other students enrolled in classes
- 25 to and from district or other schools or in transportation movements related to school activities that are sponsored
- 26 or supervised by school authorities;
- 27 (b) the transportation by means of motor vehicles in the regular course of business of employees by a
- 28 person or corporation engaged exclusively in the construction or maintenance of highways or engaged exclusively
- 29 in logging or mining operations, insofar as the use of employees in construction and production is concerned;
- 30 (c) the transportation of household goods and garbage by motor vehicle in a city, town, or village with

- 1 a population of less than 500 persons according to the latest United States census or in the commercial areas
2 of a city, town, or village with a population of less than 500 persons, as determined by the commission;
- 3 (d) the transportation of newspapers, newspaper supplements, periodicals, or magazines;
- 4 (e) motor vehicles used exclusively in carrying junk vehicles from a collection point to a motor vehicle
5 wrecking facility or a motor vehicle graveyard;
- 6 (f) ambulances;
- 7 (g) the transportation by motor vehicle of not more than 15 passengers between their places of residence
8 or termini near their residences and their places of employment in a single daily round trip if the driver is also
9 going to or from the driver's place of employment;
- 10 (h) the operation of:
- 11 (i) a transportation system by a municipality or transportation district as provided in Title 7, chapter 14,
12 part 2;
- 13 (ii) a municipal bus service pursuant to Title 7, chapter 14, part 44; or
- 14 (iii) any public transportation system recognized by the Montana department of transportation as a federal
15 transit administration provider pursuant to 49 U.S.C. 5311;
- 16 (i) armored motor vehicles used for the transportation of valuable paintings and other items of unusual
17 value requiring special handling and security;
- 18 (j) the transportation of household goods or garbage under an agreement between a motor carrier and
19 an office or agency of the United States government;
- 20 (k) the transportation of persons provided by private, nonprofit organizations, including those recognized
21 by the Montana department of transportation as federal transit administration providers pursuant to 49 U.S.C.
22 5310. As used in this subsection (1)(k), "private, nonprofit organizations" means organizations recognized as
23 nonprofit under section 501(c) of the Internal Revenue Code.
- 24 (l) the transportation of a group of passengers ~~by charter service~~ if:
- 25 (i) the motor vehicle used for the transportation of the passengers is designed to carry more than 26
26 passengers; and
- 27 (ii) the motor carrier has obtained a USDOT number from the U.S. department of transportation as
28 provided in 49 CFR 390.19; or
- 29 (m) the transportation of a group of employees to or from a worksite by a motor carrier under contract
30 with the employer for a period of time of at least 1 year.

1 (2) Except for the identification of ownership requirements provided in 69-12-408, this chapter does not
 2 affect commercial tow trucks designed and exclusively used in towing wrecked, disabled, or abandoned vehicles
 3 or while these tow trucks are rendering assistance to wrecked, disabled, or abandoned vehicles.

4 (3) This chapter does not prevent bona fide leases, brokerage agreements, or buy-and-sell agreements."
 5

6 **Section 10.** Section 69-12-205, MCA, is amended to read:

7 "**69-12-205. Rules to reflect differences between carrier classes.** All rules in relation (1) Except as
 8 provided in subsection (3), rules related to schedules, service, tariffs, rates, facilities, accounts, and reports must
 9 have due regard for recognize the differences existing between types of Class A, Class B, Class C, and Class
 10 D, and Class E motor carriers, as defined in this chapter, and must be just, fair, and reasonable to the classes
 11 and types of motor carriers in their relations relation to each other and to the public.

12 (2) (a) In fixing establishing the tariff or rates to be charged by Class A and Class B motor carriers for
 13 the carrying of persons or property, or both, the commission shall take into consideration the kind and character
 14 of service to be performed, the public necessity of the service, and the effect of the tariff and rates upon other
 15 transportation agencies, if any, and shall, as far as possible, avoid detrimental or unreasonable competition with
 16 existing railroad service or service furnished by a motor carrier.

17 (b) In establishing the tariff or rates to be charged by Class A and Class B motor carriers for the carrying
 18 of property or persons and property, the commission shall take into consideration the public necessity of the
 19 service, the kind and character of service to be performed, and the effect of the tariff and rates on other
 20 transportation agencies, if any. The commission shall, as far as possible, avoid detrimental or unreasonable
 21 competition with existing railroad service or service furnished by a motor carrier.

22 (3) Except as provided in [section 2], a Class E motor carrier is not subject to commission rules related
 23 to schedules, tariffs, or rates."

24

25 **Section 11.** Section 69-12-210, MCA, is amended to read:

26 "**69-12-210. Complaints.** (1) The commission has jurisdiction to may conduct investigations and hear
 27 complaints to determine whether a motor carrier has violated any of the commission's rules or orders or any
 28 provision of this chapter.

29 (2) Following an opportunity for hearing and upon a finding that a motor carrier has violated any of the
 30 commission's rules or orders or any provision of this chapter, the commission may suspend or revoke the motor

1 carrier's certificate of operating authority or impose any penalty provided for under 69-12-108."

2

3 **Section 12.** Section 69-12-301, MCA, is amended to read:

4 **"69-12-301. Classification of motor carriers.** (1) Motor carriers are divided into ~~four~~ five classes to be
5 known as:

6 (a) Class A motor carriers;

7 (b) Class B motor carriers;

8 (c) Class C motor carriers; ~~and~~

9 (d) Class D motor carriers; and

10 (e) Class E motor carriers.

11 (2) Class A motor carriers include all motor carriers operating between fixed termini or over a regular
12 route and under regular rates or charges, based upon either station-to-station rates or upon a mileage rate or
13 scale.

14 (3) Class B motor carriers include all motor carriers operating under regular rates or charges based upon
15 either station-to-station rates or upon a mileage rate or scale and not between fixed termini or over a regular
16 route.

17 (4) Class C motor carriers include all motor carriers where the remuneration is fixed in and the
18 transportation service furnished under a contract, charter, agreement, or undertaking.

19 (5) Class D motor carriers include all motor carriers operating motor vehicles transporting garbage.

20 (6) Class E motor carriers include all transportation network carriers."

21

22 **Section 13.** Section 69-12-311, MCA, is amended to read:

23 **"69-12-311. Class A motor carrier certificate.** (1) (a) A Class A motor carrier may not transport
24 persons, ~~property, or both~~ for hire on any public highway in this state without obtaining, pursuant to this chapter,
25 a certificate of compliance ~~declaring that public convenience and necessity require the operation.~~

26 (b) A Class A motor carrier may not transport property or persons and property for hire on any public
27 highway in this state without obtaining, pursuant to this chapter, a certificate of public convenience and necessity.

28 (2) A Class A motor carrier shall apply for a certificate, in writing, separately for each route. The
29 application must be verified by the applicant and specify the following:

30 (a) the name and address of the applicant and its officers, if any;

1 (b) the public highway or highways and the fixed termini between the regular route or routes where the
2 applicant intends to operate;

3 (c) a full and complete description of the character of the vehicle or vehicles to be used, including the
4 seating capacity;

5 (d) the proposed time schedule;

6 (e) a proposed schedule of the tariff or rates to be charged;

7 (f) a complete and detailed description of the property proposed to be devoted to the public service;

8 (g) a detailed statement showing the assets and liabilities of the applicant; and

9 (h) other information required by the commission.

10 (3) The application must be accompanied by a filing fee to be set by rule of the commission."
11

12 **Section 14.** Section 69-12-312, MCA, is amended to read:

13 **"69-12-312. Class B motor carrier certificate.** (1) (a) A Class B motor carrier may not transport
14 persons, ~~property, or both~~ for hire on any public highway in this state without obtaining, pursuant to this chapter,
15 a certificate of compliance ~~declaring that public convenience and necessity require the operation.~~

16 (b) A Class B motor carrier may not transport property or persons and property for hire on any public
17 highway in this state without obtaining, pursuant to this chapter, a certificate of public convenience and necessity.

18 (2) A Class B motor carrier shall apply for a certificate in writing, separately for each locality under
19 consideration. The application must be verified by the applicant and specify the following:

20 (a) the name and address of the applicant and its officers, if any;

21 (b) the kind of transportation, whether passenger, household goods, or both, together with a full and
22 complete description of the character of the vehicle or vehicles to be used, including the seating capacity of any
23 vehicle to be used for passenger traffic and the tonnage capacity of any vehicle to be used in household goods
24 traffic;

25 (c) the locality and character of operations to be conducted;

26 (d) a proposed schedule of the tariff or rates to be charged for the transportation of passengers,
27 household goods, or both;

28 (e) a complete and detailed description of the property proposed to be devoted to the public service;

29 (f) a detailed statement showing the assets and liabilities of the applicant; and

30 (g) other information required by the commission.

1 (3) The application must be accompanied by a filing fee to be set by rule of the commission."
 2

3 **Section 15.** Section 69-12-313, MCA, is amended to read:

4 **"69-12-313. Class C motor carrier certificate of public necessity.** (1) ~~No A Class C motor carrier,~~
 5 ~~except any a Class C motor carrier operating pursuant to the terms and conditions of a contract as provided in~~
 6 ~~69-12-324, shall may not~~ operate for the distribution, delivery, or collection of goods, wares, merchandise, or
 7 commodities or for the transportation of persons on any public highway in this state without ~~first having obtained~~
 8 ~~from the commission,~~ obtaining a certificate of public convenience and necessity under the provisions of this
 9 chapter; ~~a certificate that public convenience and necessity require such operation.~~

10 (2) A Class C motor carrier ~~making application for such permit shall do so~~ apply for a certificate of public
 11 convenience and necessity in writing; ~~separately for each route or locality, for which consideration is desired,~~
 12 ~~which petition shall be verified by the applicant and shall specify the following matters: The application must be~~
 13 verified by the applicant and include:

14 (a) the name and address of the applicant and ~~the names and addresses of its officers, if any;~~

15 (b) the public highways or highways over which and the fixed termini between which or the route or
 16 routes over which it the applicant intends to operate, if the ~~same routes~~ are fixed, or the particular city, town,
 17 station, or locality from ~~and/or~~ or to which, or both, the applicant intends to operate;

18 (c) the kind of transportation and the character of the goods, wares, merchandise, or commodities to be
 19 distributed, delivered, or collected, together with a full and complete description of the character of the vehicle
 20 or vehicles, including the rated tonnage capacity of ~~such~~ the vehicles, to be used in ~~such service of the~~
 21 distribution, delivery, or collection; and

22 (d) ~~such other or additional information as the~~ required by the commission ~~may by order require.~~

23 (3) ~~Such~~ The application ~~shall~~ must be accompanied by a fee ~~to be~~ set by rule of the commission.

24 (4) ~~The submission of a A Class C motor carrier application must be accompanied by~~ include the names
 25 and addresses of any person, corporation, or other legal entity with whom the applicant has executed a contract
 26 for the distribution, delivery, or collection of wares, merchandise, or commodities or transporting persons. ~~Such~~
 27 The contracts must be in writing, executed by the parties, and submitted to the commission for examination."
 28

29 **Section 16.** Section 69-12-314, MCA, is amended to read:

30 **"69-12-314. Class D motor carrier certificate of public convenience and necessity.** (1) Class D

1 carriers shall conduct operations pursuant to a certificate of public convenience and-necessity issued by the
 2 commission authorizing the transportation of the commodities described in 69-12-301(5). Class D carriers, when
 3 applying for a new or additional ~~authority~~ certificate of public convenience and necessity, shall file an application
 4 with the commission in accordance with the requirements of this chapter and the rules of the commission.

5 (2) A motor carrier may not possess a Class D motor carrier certificate of public convenience or
 6 necessity or operate as a Class D motor carrier unless the motor carrier actually engages in the transportation
 7 of garbage on a regular basis as part of the motor carrier's usual business operation."
 8

9 **Section 17.** Section 69-12-321, MCA, is amended to read:

10 **"69-12-321. Hearing on application for motor carrier certificate.** (1) (a) Upon the filing of an
 11 application for a certificate by a Class A, Class B, Class C, ~~or Class D,~~ or Class E motor carrier, except a Class
 12 C motor carrier authorized to operate under the terms of a contract as provided in 69-12-324, or upon the filing
 13 of a request for a transfer of authority, the commission shall ~~give~~ provide notice of the ~~filing of the~~ application to
 14 any interested party.

15 (b) ~~The~~ If a protest or a request for hearing is received, the commission shall fix a time and place for a
 16 hearing on the application ~~whenever a protest or a request for a hearing is received.~~ The hearing must be set for
 17 ~~a date~~ not later than 60 days after receipt of a protest or a hearing request, ~~by the commission. Whenever no~~
 18 ~~protests or hearing requests are received,~~ if a protest or a request for hearing is not received, the commission
 19 may act on the application without a hearing as prescribed by commission rules.

20 (c) A protest related to an application by a motor carrier pursuant to 69-12-311(1)(a) or 69-12-312(1)(a)
 21 or by a Class E motor carrier is limited to a protest of the motor carrier's ability to meet the requirements of
 22 69-12-323(5).

23 (2) A motor carrier referred to in 69-12-322, the department of transportation, the governing board or
 24 boards of any county, town, or city into or through which the route or service as proposed may extend, and any
 25 person or corporation concerned are interested parties to the proceedings and may offer testimony for or against
 26 the granting of the certificate.

27 (3) The contracting parties referred to in 69-12-313(4) ~~must~~ shall appear and offer testimony in support
 28 of the applicant.

29 (4) ~~However, an application by a Class A, Class B, Class C, or~~ An application by a motor carrier pursuant
 30 to 69-12-311(1)(b) or 69-12-312(1)(b), by a Class C motor carrier, or by a Class D motor carrier for a certificate

1 ~~of public convenience and necessity~~ may be ~~disallowed~~ denied without a public hearing when it ~~appears from the~~
 2 records of the commission demonstrate that the route or territory sought to be served by the applicant has
 3 previously been made the basis of a public investigation and finding by the commission that public convenience
 4 and necessity do not require the proposed motor carrier service, ~~unless it is made to affirmatively appear in the~~
 5 ~~application by a recital of the~~ A hearing must be held if the applicant presents facts demonstrating that conditions
 6 ~~obtaining~~ over the route or in the territory and affecting transportation facilities have materially changed since the
 7 previous public investigation and finding and that public convenience and necessity now require the motor carrier
 8 operation."

9

10 **Section 18.** Section 69-12-323, MCA, is amended to read:

11 **"69-12-323. Decision on application.** (1) ~~(a) The commission must issue, within~~ Except as provided
 12 in subsection (1)(b), within 180 days from ~~and after~~ the date of the completed filing of ~~said an~~ said an application, the
 13 commission shall issue its finding, order, or decision on ~~said the~~ said the application and the evidence presented in
 14 support ~~thereof of the application~~ at the time of said the hearing.

15 (b) The commission may extend the foregoing time for making a decision to a date requested by the
 16 applicant.

17 (2) (a) If after a hearing ~~upon application for~~ on the request for a certificate of public convenience and
 18 necessity, the commission finds from the evidence that public convenience and necessity require the
 19 authorization of the service proposed or any part ~~thereof of the service proposed, as the commission shall~~
 20 ~~determine~~, a certificate ~~therefor shall~~ of public convenience and necessity must be issued. In determining whether
 21 a certificate of public convenience and necessity should be issued, the commission shall ~~give reasonable~~
 22 ~~consideration to~~ consider:

23 (i) the transportation service being furnished or that will be furnished by any railroad or other existing
 24 transportation agency; and shall give due consideration to

25 (ii) the likelihood of the proposed service being permanent and continuous throughout 12 months of the
 26 year; and

27 (iii) the effect which that the proposed transportation service may have upon on other forms of
 28 transportation service which that are essential and indispensable to the communities to be affected by such the
 29 proposed transportation service or that might be affected thereby by the proposed transportation service.

30 (b) For the purposes of Class D certificates issuing a certificate of public convenience and necessity to

1 a Class D motor carrier, a determination of public convenience and necessity may include a consideration of
2 competition.

3 (3) The commission may issue the certificate as ~~prayed for or issue it for the partial exercise only of the~~
4 ~~privilege sought~~ requested in the application or in part and may attach ~~to the exercise of the rights granted by~~
5 ~~such certificate~~ such terms and conditions to a certificate of public convenience and necessity for a motor carrier
6 pursuant to 69-12-311(1)(b) or 69-12-312(1)(b), a Class C motor carrier, or a Class D motor carrier ~~as that~~ in its
7 judgment the public convenience and necessity ~~may~~ require. ~~When~~

8 (4) ~~If a certificate has once been~~ is issued to a motor carrier as provided in this part, ~~such the~~ certificate
9 ~~shall continue in force~~ is in effect until terminated by the commission for cause ~~as herein provided~~ or until
10 terminated by the owner's failure to comply with 69-12-402.

11 (5) (a) In determining whether to approve a certificate of compliance for a motor carrier pursuant to
12 69-12-311(1)(a) or 69-12-312(1)(a) or for a Class E motor carrier, the commission shall consider only whether
13 the applicant meets the requirements of 69-12-415. The commission shall provide notice and may require a
14 hearing in accordance with 69-12-321.

15 (b) An applicant seeking a certificate of compliance establishes a rebuttable presumption that it meets
16 the requirements of 69-12-415 by demonstrating compliance with insurance, bonding, and security requirements
17 established by the commission in accordance with 69-12-402."

18

19 **Section 19.** Section 69-12-324, MCA, is amended to read:

20 **"69-12-324. Special provisions when federal or state contract involved.** (1) ~~The presentation of the~~
21 A written contract presented to the commission shall be deemed is sufficient proof that a motor carrier pursuant
22 to 69-12-311(1)(a) or 69-12-312(1)(a) or a Class E motor carrier meets the requirements for a certificate of
23 compliance or that a motor carrier pursuant to 69-12-311(1)(b) or 69-12-312(1)(b), a Class C motor carrier, or
24 a Class D motor carrier meets the requirements for a certificate of public convenience and necessity in
25 accordance with the terms and conditions contained within the United States government or state government
26 contracts. Subject to the provisions of this section, a transportation movement is considered to be:

27 (a) the transportation for hire of persons between two points within the state by a motor carrier pursuant
28 to the terms of a written contract between the carrier and the United States government or an agency or
29 department ~~thereof~~ of the United States; or

30 (b) the transportation for hire of solid waste between two points within the state by a motor carrier

1 pursuant to the terms of a written contract between the carrier and the state government or an agency or
2 department ~~thereof of the state.~~

3 (2) The Class C certificate of public convenience and necessity issued pursuant to the terms and
4 conditions of the United States government or state government contract may be issued by the commission upon
5 receipt of an executed copy of the United States government or state government contract. The certificate of
6 public convenience and necessity may be issued ~~thereafter~~ without ~~requiring the commission to fix a time and~~
7 ~~place for a~~ public hearing.

8 (3) The certificate ~~of public convenience and necessity,~~ issued pursuant to the terms of the United States
9 government or state government contract; is authorized only for the duration of the United States government or
10 state government contract concerned. The certificate may be renewed for another definite term if the ~~same~~ motor
11 carrier is the motor carrier authorized to operate under the United States government or state government
12 contract."

13

14 **Section 20.** Section 69-12-404, MCA, is amended to read:

15 **"69-12-404. Suspension of intrastate operating authority certificate by petition.** (1) (a) Every A
16 motor carrier as defined within this chapter may petition the commission in writing to suspend its intrastate
17 operating authority certificate for a period not to exceed 6 months. ~~An~~ Only one additional ~~6 months'~~ 6-month
18 suspension may be requested and granted, but no other. Such

19 (b) The suspension of a certificate of public convenience and necessity requested by a motor carrier
20 pursuant to 69-12-311(1)(b) or 69-12-312(1)(b), by a Class C motor carrier, or by a Class D motor carrier may
21 be granted ~~by the commission~~ upon a showing of present absence of public convenience and necessity or other
22 showing of matters affecting motor carrier transportation.

23 (2) (a) The suspension of any intrastate operating authority of any carrier a certificate of compliance for
24 a motor carrier pursuant to 69-12-311(1)(a) or 69-12-312(1)(a) or for a Class E motor carrier as provided for in
25 subsection (1) for a period of 12 consecutive months shall be deemed to establish automatically terminates a
26 certificate of compliance and requires a motor carrier pursuant to 69-12-311(1)(a) or 69-12-312(1)(a) or a Class
27 E motor carrier to reapply for a certificate of compliance.

28 (b) The suspension of a certificate of public convenience and necessity for a motor carrier pursuant to
29 69-12-311(1)(b) or 69-12-312(1)(b), a Class C motor carrier, or a Class D motor carrier as provided in subsection
30 (1) for a period of 12 consecutive months establishes a prima facie presumption of absence of public convenience

1 and necessity. If after notice and hearing the motor carrier pursuant to 69-12-311(1)(b) or 69-12-312(1)(b), the
 2 Class C motor carrier, or the Class D motor carrier is unable to prove the existence of public convenience and
 3 necessity or existing demand for the transportation service, the commission ~~is authorized to~~ may cancel ~~such a~~
 4 certificate of public convenience and necessity."

5

6 **Section 21.** Section 69-12-406, MCA, is amended to read:

7 **"69-12-406. Restriction on transportation of certain waste.** Except as provided in 69-12-324, a Class
 8 A, Class B, or Class C, or Class E motor carrier may not be authorized or permitted to transport garbage within
 9 the state. This restriction does not apply to recyclables."

10

11 **Section 22.** Section 69-12-407, MCA, is amended to read:

12 **"69-12-407. Records and reports.** (1) All records, books, accounts, and files of a Class A, Class B,
 13 Class C, and Class D motor carrier in this state, as they relate to the business of transportation conducted by the
 14 motor carrier, must at all times be subject to examination by the commission or by any authorized agent or
 15 employee of the commission. The commission shall prescribe a uniform system of accounts and uniform reports
 16 covering the operations of Class A, Class B, Class C, and Class D motor carriers. A motor carrier authorized to
 17 operate in accordance with the provisions of this chapter shall keep its records, books, and accounts according
 18 to the uniform system to the extent possible.

19 (2) Before April 1 of each year, unless this deadline has been extended for good cause by the
 20 commission, a motor carrier authorized to engage in business shall file with the commission a report, under oath,
 21 on a form prescribed and furnished by the commission.

22 (3) In addition to other reporting requirements, a Class D motor carrier shall provide sufficient information
 23 to the commission to show that the carrier is entitled to possess the Class D motor carrier certificate of public
 24 convenience and necessity under the requirements of 69-12-314.

25 (4) (a) To ensure safety with respect to transportation network carrier drivers affiliated with Class E motor
 26 carriers, the commission may conduct audits of a Class E motor carrier, but not more than twice annually.

27 (b) A Class E motor carrier shall, upon request from the commission, provide to the commission up to
 28 1,000 unique identification numbers, each of which has been assigned by the motor carrier to an individual
 29 transportation network carrier driver affiliated with the motor carrier.

30 (c) The commission may request from the Class E motor carrier copies of records held by the motor

1 carrier for up to 10 of the motor carrier's drivers, who may be identified in the request only by the driver's unique
 2 identification number.

3 (d) The Class E motor carrier shall comply with the request in an electronic format acceptable to the
 4 commission within 1 business day after receiving the request.

5 (e) The Class E motor carrier may redact the records provided to the commission under subsection (4)(d)
 6 to protect the individual privacy of the transportation network carrier's drivers, including information that could be
 7 used to identify a driver. Information that a Class E motor carrier may redact includes but is not limited to the
 8 transportation network carrier driver's name, address, and social security number, other than the last four digits.

9 (5) Except as required by Article II, section 9 or 10, of the Montana constitution, the records obtained
 10 by the commission under subsection (4) may not be publicly disclosed by the commission."

11

12 **Section 23.** Section 69-12-415, MCA, is amended to read:

13 **"69-12-415. Carrier fitness.** A certificate ~~of operating authority~~ may not be issued or remain in force
 14 unless the ~~holder of the~~ certificate holder is fit, willing, and able to perform the authorized service and conforms
 15 to the provisions of this chapter and the rules and orders of the commission."

16

17 **Section 24.** Section 69-12-501, MCA, is amended to read:

18 **"69-12-501. Rate schedules to be maintained.** (1) ~~Every~~ A Class A or B motor carrier ~~holding~~ issuing
 19 a certificate ~~must~~ shall maintain on file with the commission, ~~if applicable,~~ a full and complete schedule of its rates,
 20 fares, charges, classifications, and rules of service and any and all tariff provisions relating to ~~such~~ rates, fares,
 21 charges, classifications, or rules. ~~Every~~ A schedule on file and approved on March 7, 1961, ~~shall remain~~ remains
 22 in full force and effect until changed or modified by the commission or by the carrier with the approval of the
 23 commission.

24 (2) ~~No~~ A change, modification, alteration, increase, or decrease in any rate, fare, charge, classification,
 25 or rule of service ~~shall~~ may not be made by ~~any~~ a motor carrier without first obtaining the approval of the
 26 commission. The commission shall prescribe rules providing for the form and style of all schedules and tariffs and
 27 for the procedures to be followed in filing or publishing any changes or modifications of ~~the same~~ schedules and
 28 tariffs."

29

30 NEW SECTION. **Section 25. Repealer.** The following section of the Montana Code Annotated is

1 repealed:

2 69-12-328. Certificate for charter service.

3

4 NEW SECTION. Section 26. Grandfather clause -- transition. A motor carrier that possesses a
5 certificate issued by the commission on or before June 30, 2015, is considered to possess a valid certificate.

6

7 NEW SECTION. Section 27. Codification instruction. [Sections 1 through 3 6] are intended to be
8 codified as an integral part of Title 69, chapter 12, and the provisions of Title 69, chapter 12, apply to [sections
9 1 through 3 6].

10

11 NEW SECTION. Section 28. Saving clause. [This act] does not affect rights and duties that matured,
12 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

13

14 NEW SECTION. Section 29. Severability. If a part of [this act] is invalid, all valid parts that are
15 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
16 the part remains in effect in all valid applications that are severable from the invalid applications.

17

18 NEW SECTION. Section 30. Effective date. [This act] is effective July 1, 2015.

19

- END -