

1 HOUSE BILL NO. 532

2 INTRODUCED BY T. JACOBSON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT THAT A LIMOUSINE SERVICE
5 DEMONSTRATE PUBLIC CONVENIENCE AND NECESSITY TO ACQUIRE AN AUTHORIZATION TO
6 OPERATE FROM THE PUBLIC SERVICE COMMISSION; DEFINING CERTAIN TERMS; ESTABLISHING
7 REQUIREMENTS FOR AUTHORIZATION TO OPERATE A LIMOUSINE SERVICE; PROVIDING A
8 TRANSITION; PROVIDING A GRANDFATHER CLAUSE FOR EXISTING MOTOR CARRIERS; AMENDING
9 SECTIONS 7-1-111, 69-12-101, 69-12-205, 69-12-210, 69-12-311, 69-12-312, 69-12-313, 69-12-314, 69-12-321,
10 69-12-323, 69-12-324, 69-12-404, 69-12-407, 69-12-415, AND 69-12-501, MCA; AND PROVIDING AN
11 EFFECTIVE DATE."
12

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14

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

16 **"7-1-111. Powers denied.** A local government unit with self-government powers is prohibited from
17 exercising the following:

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

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

23 (3) any power that applies to or affects the public school system, except that a local unit may impose an
24 assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise
25 any power that it is required by law to exercise regarding the public school system;

26 (4) any power that prohibits the grant or denial of a certificate of compliance or a certificate of public
27 convenience and necessity pursuant to Title 69, chapter 12;

28 (5) any power that establishes a rate or price otherwise determined by a state agency;

29 (6) any power that applies to or affects any determination of the department of environmental quality with
30 regard to any mining plan, permit, or contract;

- 1 (7) any power that applies to or affects any determination by the department of environmental quality
2 with regard to a certificate of compliance;
- 3 (8) any power that defines as an offense conduct made criminal by state statute, that defines an offense
4 as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of \$500, 6 months'
5 imprisonment, or both, except as specifically authorized by statute;
- 6 (9) any power that applies to or affects the right to keep or bear arms, except that a local government
7 has the power to regulate the carrying of concealed weapons;
- 8 (10) any power that applies to or affects a public employee's pension or retirement rights as established
9 by state law, except that a local government may establish additional pension or retirement systems;
- 10 (11) any power that applies to or affects the standards of professional or occupational competence
11 established pursuant to Title 37 (professions and occupations) as prerequisites to the carrying on of a profession
12 or occupation;
- 13 (12) except as provided in 7-3-1105, 7-3-1222, or 7-31-4110, any power that applies to or affects Title
14 75, chapter 7, part 1 (streambeds), or Title 87 (fish and wildlife);
- 15 (13) any power that applies to or affects landlords, as defined in 70-24-103, when that power is intended
16 to license landlords or to regulate their activities with regard to tenants beyond what is provided in Title 70,
17 chapters 24 and 25. This subsection is not intended to restrict a local government's ability to require landlords
18 to comply with ordinances or provisions that are applicable to all other businesses or residences within the local
19 government's jurisdiction.
- 20 (14) subject to 7-32-4304, any power to enact ordinances prohibiting or penalizing vagrancy;
- 21 (15) subject to 80-10-110, any power to regulate the registration, packaging, labeling, sale, storage,
22 distribution, use, or application of commercial fertilizers or soil amendments, except that a local government may
23 enter into a cooperative agreement with the department of agriculture concerning the use and application of
24 commercial fertilizers or soil amendments. This subsection is not intended to prevent or restrict a local
25 government from adopting or implementing zoning regulations or fire codes governing the physical location or
26 siting of fertilizer manufacturing, storage, and sales facilities;
- 27 (16) any power that prohibits the operation of a mobile amateur radio station from a motor vehicle,
28 including while the vehicle is in motion, that is operated by a person who holds an unrevoked and unexpired
29 official amateur radio station license and operator's license, "technician" or higher class, issued by the federal
30 communications commission of the United States;

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

5

6 **Section 2.** Section 69-12-101, MCA, is amended to read:

7 **"69-12-101. Definitions.** Unless the context requires otherwise, in this chapter the following definitions
 8 apply:

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

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

14 (3) "Certificate of compliance" means a written authorization to operate that is issued to a limousine
 15 service by the commission declaring that the limousine service meets the fitness requirements of this chapter.

16 (4) "Certificate of public convenience and necessity" means a written authorization to operate that is
 17 issued to a motor carrier by the commission declaring that the motor carrier service is required by the public
 18 convenience and necessity as provided in this chapter.

19 ~~(3)~~(5) (a) "Charter service" means a service used for the transportation of passengers by a motor carrier
 20 with rates not subject to approval by the commission if:

21 ~~(a)~~(i) the transportation of passengers is based on a single contract;

22 ~~(b)~~(ii) the contract is entered into in advance of the transportation and does not result from a
 23 spontaneous, curbside agreement;

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

25 ~~(d)~~(iv) the passenger or group of passengers acquires exclusive use of the motor vehicle through the
 26 contract; and

27 ~~(e)~~(v) when applied to a group of passengers being transported, the group of passengers travels together
 28 to a specified destination.

29 (b) The term does not include limousine service.

30 ~~(4)~~(6) "Compensation" means the charge imposed on motor carriers for the use of the highways in this

1 state by motor carriers under 69-12-421.

2 ~~(5)(7)~~ "Corporation" means a corporation, company, association, or joint-stock association.

3 ~~(6)(8)~~ "For hire" means for remuneration of any kind, paid or promised, either directly or indirectly, or
4 received or obtained through leasing, brokering, or buy-and-sell arrangements from which a remuneration is
5 obtained or derived for transportation service.

6 ~~(7)(9)~~ "Garbage" means ashes, trash, waste, refuse, rubbish, or organic or inorganic matter that is
7 transported to a licensed transfer station, licensed landfill, licensed municipal solid waste incinerator, or licensed
8 disposal well. The term does not include wastewater and waste tires.

9 ~~(8)(10)~~ "Household goods" means any of the following:

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

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

19 (c) articles, including objects of art, displays, and exhibitions that because of their unusual nature or
20 value, require the specialized handling and equipment usually employed in moving household goods and other
21 similar articles.

22 (11) "Limousine" means a motor vehicle specifically designed to carry passengers with a wheelbase that
23 has been lengthened beyond the manufacturer's original specifications, whether at the manufacturer's factory
24 or otherwise, and that carries no more than 32 passengers. A limousine must have a gross vehicle weight, as
25 defined in 61-1-101, of less than 26,000 pounds.

26 (12) "Limousine service" means prearranged, for-hire transportation provided by a hired chauffeur for
27 exclusive use of a person or group over a nonscheduled route. Limousine service is not a rate-regulated service
28 and is not a taxi service.

29 ~~(9)(13)~~ "Motor carrier" means a person or corporation, or its lessees, trustees, or receivers appointed
30 by a court, operating motor vehicles upon a public highway in this state for the transportation of passengers,

1 household goods, or garbage for hire on a commercial basis, either as a common carrier or under private
 2 contract, agreement, charter, or undertaking.

3 ~~(10)~~(14) "Motor vehicle" includes vehicles or machines, motor trucks, tractors, or other self-propelled
 4 vehicles used for the transportation of property or persons over the public highways of the state.

5 ~~(11)~~(15) "Person" means an individual, firm, or partnership.

6 ~~(12)~~(16) "Public highway" means a public street, road, highway, or way in this state.

7 ~~(13)~~(17) "Railroad" means the movement of cars on rails, regardless of the motive power used.

8 ~~(14)~~(18) "Recyclable" means any material diverted from the solid waste stream that can be reused in the
 9 production of heat or energy or as raw material for new products and for which markets exist."

10

11 **Section 3.** Section 69-12-205, MCA, is amended to read:

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

17 ~~(2) In fixing~~ (2) When applicable, in establishing the tariff or rates to be charged by Class A and Class B
 18 motor carriers for the carrying of persons or property, or both, the commission shall take into consideration the
 19 kind and character of service to be performed, the public necessity of the service, and the effect of the tariff and
 20 rates upon other transportation agencies, if any, and shall, as far as possible, avoid detrimental or unreasonable
 21 competition with existing railroad service or service furnished by a motor carrier."

22

23 **Section 4.** Section 69-12-210, MCA, is amended to read:

24 **"69-12-210. Complaints.** (1) The commission ~~has jurisdiction to~~ may conduct investigations and hear
 25 complaints to determine whether a motor carrier has violated any of the commission's rules or orders or any
 26 provision of this chapter.

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

30

1 **Section 5.** Section 69-12-311, MCA, is amended to read:

2 **"69-12-311. Class A motor carrier certificate.** (1) A Class A motor carrier may not transport persons,
3 property, or both for hire on any public highway in this state without obtaining, pursuant to this chapter, a
4 certificate of public convenience and necessity declaring that public convenience and necessity require the
5 operation.

6 (2) A Class A motor carrier shall apply for a certificate of public convenience and necessity, in writing,
7 separately for each route. The application must be verified by the applicant and specify the following:

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

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

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

13 (d) the proposed time schedule;

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

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

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

17 (h) other information required by the commission.

18 (3) The application must be accompanied by a filing fee to be set by rule of the commission."
19

20 **Section 6.** Section 69-12-312, MCA, is amended to read:

21 **"69-12-312. Class B motor carrier certificate or authorization to operate.** ~~(1) A~~ (1) (a) Except as
22 provided in subsection (1)(b), a Class B motor carrier may not transport persons, property, or both for hire on
23 any public highway in this state without obtaining, pursuant to this chapter, a certificate of public convenience and
24 necessity declaring that public convenience and necessity require the operation.

25 (b) A Class B motor carrier that provides limousine service may not transport persons for hire on a public
26 highway in this state without obtaining, pursuant to this chapter, a certificate of compliance. Limousine service
27 rates are not subject to approval by the commission.

28 (2) A Class B motor carrier shall apply for a certificate in writing, separately for each locality under
29 consideration. The 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 kind of transportation, whether passenger, household goods, or both, together with a full and
 2 complete description of the character of the vehicle or vehicles to be used, including the seating capacity of any
 3 vehicle to be used for passenger traffic and the tonnage capacity of any vehicle to be used in household goods
 4 traffic;

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

6 (d) except as provided in subsection (1)(b), a proposed schedule of the tariff or rates to be charged for
 7 the transportation of passengers, household goods, or both;

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

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

10 (g) other information required by the commission.

11 (3) The application must be accompanied by a filing fee to be set by rule of the commission."
 12

13 **Section 7.** Section 69-12-313, MCA, is amended to read:

14 **"69-12-313. Class C motor carrier certificate.** (1) ~~No~~ A Class C motor carrier, except any Class C
 15 motor carrier operating pursuant to the terms and conditions of a contract as provided in 69-12-324, ~~shall~~ may
 16 not operate for the distribution, delivery, or collection of goods, wares, merchandise, or commodities or for the
 17 transportation of persons on any public highway in this state without ~~first having obtained~~ obtaining from the
 18 commission, ~~under the provisions of this chapter, a certificate that public convenience and necessity require such~~
 19 ~~operation~~ a certificate of public convenience and necessity.

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

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

25 (b) the public ~~highways~~ highway or highways ~~over which~~ and the fixed termini between ~~which~~ or the route
 26 or routes ~~over which it~~ where the applicant intends to operate, if the ~~same routes~~ are fixed, or the particular city,
 27 town, station, or locality ~~from and/or to which~~ to or from which the applicant intends to operate;

28 (c) the kind of transportation and ~~the character~~ a description of the goods, wares, merchandise, or
 29 commodities to be distributed, delivered, or collected, ~~together with~~ including a full and complete description of
 30 the character of the vehicle or vehicles, including the rated tonnage capacity of ~~such~~ the vehicles, to be used in

1 ~~such service of~~ the distribution, delivery, or collection; and

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

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

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

8

9 **Section 8.** Section 69-12-314, MCA, is amended to read:

10 **"69-12-314. Class D motor carrier certificate.** (1) Class D carriers shall conduct operations pursuant
11 to a certificate of public convenience and necessity issued by the commission authorizing the transportation of
12 the commodities described in 69-12-301(5). Class D carriers when applying for a new or additional ~~authority~~
13 certificate of public convenience and necessity shall file an application with the commission in accordance with
14 the requirements of this chapter and the rules of the commission.

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

18

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

20 **"69-12-321. Hearing on application for motor carrier certificate.** (1) (a) Upon the filing of an
21 application by a Class A, Class B, Class C, or Class D motor carrier, except a Class C motor carrier authorized
22 to operate under the terms of a contract as provided in 69-12-324, or upon the filing of a request for a transfer
23 of authority, the commission shall ~~give~~ provide notice of the ~~filing of the~~ application to any interested party.

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

29 (c) A protest related to an application by a motor carrier pursuant to 69-12-312(1)(b) for a certificate of
30 compliance is limited to a protest of the motor carrier's ability to meet the requirements of 69-12-323(5).

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

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

7 (4) ~~However, an An~~ application by a Class A, Class B, Class C, or Class D motor carrier for a certificate
 8 of public convenience and necessity may be ~~disallowed~~ denied without a public hearing when ~~it appears from the~~
 9 records of the commission demonstrate that the route or territory sought to be served by the applicant has
 10 previously been made the basis of a public investigation and finding by the commission that public convenience
 11 and necessity do not require the proposed motor carrier service, ~~unless it is made to affirmatively appear in the~~
 12 application by a recital of the A hearing must be held if the applicant presents facts demonstrating that conditions
 13 ~~obtaining~~ over the route or in the territory and affecting transportation facilities have materially changed since the
 14 previous public investigation and finding and that public convenience and necessity now require the motor carrier
 15 operation."
 16

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

18 **"69-12-323. Decision on application.** (1) ~~(a) The commission must issue, within~~ Except as provided
 19 in subsection (1)(b), within 180 days from ~~and after~~ the date of the completed filing of ~~said an~~ application, the
 20 commission shall issue its finding, order, or decision on ~~said the~~ application and the evidence presented in
 21 support ~~thereof of the application~~ at the time of ~~said the~~ hearing.

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

24 (2) (a) If after ~~a hearing upon application for~~ on an application for a certificate of public convenience and
 25 necessity, the commission finds from the evidence that public convenience and necessity require the
 26 authorization of the service proposed or any part ~~thereof of the service proposed, as the commission shall~~
 27 ~~determine,~~ a certificate ~~therefor shall~~ of public convenience and necessity must be issued. In determining whether
 28 a certificate of public convenience and necessity should be issued, the commission shall ~~give reasonable~~
 29 ~~consideration to~~ consider:

30 (i) the transportation service being furnished or that will be furnished by any railroad or other existing

1 transportation agency; ~~and shall give due consideration to~~

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

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

7 (b) For the purposes of Class D certificates of public convenience and necessity, a determination of
8 public convenience and necessity may include a consideration of competition.

9 (3) The commission may issue ~~the a~~ certificate as ~~prayed for or issue it for the partial exercise only of~~
10 ~~the privilege sought~~ requested in the application or in part and may attach ~~to the exercise of the rights granted~~
11 ~~by such certificate~~ such terms and conditions to a certificate of public convenience and necessity as that in its
12 judgment ~~the public convenience and necessity may require. When~~

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

16 (5) (a) In determining whether to approve a certificate of compliance for a limousine service pursuant
17 to 69-12-312(1)(b), the commission shall consider only whether the applicant meets the requirements of
18 69-12-415. The commission may provide notice and require a hearing in accordance with 69-12-321.

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

22

23 **Section 11.** Section 69-12-324, MCA, is amended to read:

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

30 (a) the transportation for hire of persons between two points within the state by a motor carrier pursuant

1 to the terms of a written contract between the carrier and the United States government or an agency or
2 department ~~thereof~~ of the United States; or

3 (b) the transportation for hire of solid waste between two points within the state by a motor carrier
4 pursuant to the terms of a written contract between the carrier and the state government or an agency or
5 department ~~thereof~~ of the state.

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

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

16

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

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

22 (b) The suspension of a certificate of public convenience and necessity may be granted ~~by the~~
23 ~~commission~~ upon a showing of ~~present absence of that~~ public convenience and necessity no longer require the
24 service or other showing of matters affecting motor carrier transportation.

25 (2) (a) The suspension of any intrastate operating authority of any carrier a certificate of compliance as
26 provided for in subsection (1) for a period of 12 consecutive months ~~shall be deemed to establish~~ automatically
27 terminates a certificate of compliance and requires a limousine service to reapply for a certificate of compliance.

28 (b) The suspension of a certificate of public convenience and necessity as provided for in subsection (1)
29 for a period of 12 consecutive months establishes a prima facie presumption of absence of public convenience
30 and necessity. If after notice and hearing the carrier is unable to prove the existence of public convenience and

1 necessity or existing demand for the transportation service, the commission ~~is authorized to~~ may cancel such a
 2 certificate of public convenience and necessity."

3

4 **Section 13.** Section 69-12-407, MCA, is amended to read:

5 **"69-12-407. Records and reports.** (1) All records, books, accounts, and files of a Class A, Class B,
 6 Class C, and Class D motor carrier in this state, as they relate to the business of transportation conducted by the
 7 motor carrier, must at all times be subject to examination by the commission or by any authorized agent or
 8 employee of the commission. The commission shall prescribe a uniform system of accounts and uniform reports
 9 covering the operations of Class A, Class B, Class C, and Class D motor carriers. A motor carrier authorized to
 10 operate in accordance with the provisions of this chapter shall keep its records, books, and accounts according
 11 to the uniform system to the extent possible.

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

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

18

19 **Section 14.** Section 69-12-415, MCA, is amended to read:

20 **"69-12-415. Carrier fitness.** A certificate ~~of operating authority~~ may not be issued or remain in force
 21 unless the holder of the certificate is fit, willing, and able to perform the authorized service and conforms to the
 22 provisions of this chapter and the rules and orders of the commission."

23

24 **Section 15.** Section 69-12-501, MCA, is amended to read:

25 **"69-12-501. Rate schedules to be maintained.** (1) ~~Every A~~ Class A or B motor carrier ~~holding~~ issued
 26 a certificate must maintain on file with the commission, if applicable, a full and complete schedule of its rates,
 27 fares, charges, classifications, and rules of service and any and all tariff provisions relating to ~~such~~ rates, fares,
 28 charges, classifications, or rules. ~~Every A~~ schedule on file and approved on March 7, 1961, ~~shall remain~~ remains
 29 in full force and effect until changed or modified by the commission or by the carrier with the approval of the
 30 commission.

