

1 SENATE BILL NO. 396

2 INTRODUCED BY E. BUTTREY, E. HILL, A. KNUDSEN, S. LAVIN, N. SCHWADERER, F. THOMAS,
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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 INSURANCE REQUIREMENTS APPLY:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22
 23 NEW SECTION. SECTION 5. DISCLOSURES. A TRANSPORTATION NETWORK CARRIER SHALL DISCLOSE IN
 24 WRITING TO A TRANSPORTATION NETWORK CARRIER DRIVER THE FOLLOWING BEFORE THE DRIVER IS ALLOWED TO ACCEPT
 25 A REQUEST FOR A PREARRANGED RIDE ON THE TRANSPORTATION NETWORK CARRIER'S DIGITAL NETWORK:

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

29 (2) THAT THE TRANSPORTATION NETWORK CARRIER DRIVER'S OWN MOTOR VEHICLE LIABILITY INSURANCE POLICY
 30 MIGHT NOT PROVIDE ANY COVERAGE WHILE THE DRIVER IS LOGGED ON TO THE TRANSPORTATION NETWORK CARRIER'S

1 DIGITAL NETWORK AND IS AVAILABLE TO RECEIVE TRANSPORTATION REQUESTS OR IS ENGAGED IN A PREARRANGED RIDE,
 2 DEPENDING ON ITS TERMS.

3
 4 NEW SECTION. SECTION 6. MOTOR VEHICLE LIABILITY INSURANCE PROVISIONS. (1) INSURERS THAT WRITE
 5 MOTOR VEHICLE LIABILITY INSURANCE IN MONTANA MAY EXCLUDE ANY AND ALL COVERAGE AFFORDED UNDER THE
 6 OWNER'S INSURANCE POLICY FOR ANY LOSS OR INJURY THAT OCCURS WHILE A DRIVER IS LOGGED ON TO A
 7 TRANSPORTATION NETWORK CARRIER'S DIGITAL NETWORK OR WHILE A DRIVER PROVIDES A PREARRANGED RIDE. THIS
 8 RIGHT TO EXCLUDE ALL COVERAGE MAY APPLY TO ANY COVERAGE INCLUDED IN A MOTOR VEHICLE LIABILITY INSURANCE
 9 POLICY, INCLUDING, BUT NOT LIMITED TO:

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

12 (B) PERSONAL INJURY PROTECTION COVERAGE;

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

14 (D) MEDICAL PAYMENTS COVERAGE;

15 (E) COMPREHENSIVE PHYSICAL DAMAGE COVERAGE; AND

16 (F) COLLISION PHYSICAL DAMAGE COVERAGE.

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

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

29 (4) IN A CLAIMS COVERAGE INVESTIGATION, TRANSPORTATION NETWORK CARRIERS AND ANY INSURER
 30 POTENTIALLY PROVIDING COVERAGE UNDER [SECTION 4] SHALL COOPERATE TO FACILITATE THE EXCHANGE OF RELEVANT

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

7

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

9 **"7-1-111. Powers denied.** A local government unit with self-government powers is prohibited from
 10 exercising the following:

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

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

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

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

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

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

24 (7) any power that applies to or affects any determination by the department of environmental quality
 25 with regard to a certificate of compliance;

26 (8) any power that defines as an offense conduct made criminal by state statute, that defines an offense
 27 as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of \$500, 6 months'
 28 imprisonment, or both, except as specifically authorized by statute;

29 (9) any power that applies to or affects the right to keep or bear arms, except that a local government
 30 has the power to regulate the carrying of concealed weapons;

1 (10) any power that applies to or affects a public employee's pension or retirement rights as established
2 by state law, except that a local government may establish additional pension or retirement systems;

3 (11) any power that applies to or affects the standards of professional or occupational competence
4 established pursuant to Title 37 (professions and occupations) as prerequisites to the carrying on of a profession
5 or occupation;

6 (12) except as provided in 7-3-1105, 7-3-1222, or 7-31-4110, any power that applies to or affects Title
7 75, chapter 7, part 1 (streambeds), or Title 87 (fish and wildlife);

8 (13) any power that applies to or affects landlords, as defined in 70-24-103, when that power is intended
9 to license landlords or to regulate their activities with regard to tenants beyond what is provided in Title 70,
10 chapters 24 and 25. This subsection is not intended to restrict a local government's ability to require landlords
11 to comply with ordinances or provisions that are applicable to all other businesses or residences within the local
12 government's jurisdiction.

13 (14) subject to 7-32-4304, any power to enact ordinances prohibiting or penalizing vagrancy;

14 (15) subject to 80-10-110, any power to regulate the registration, packaging, labeling, sale, storage,
15 distribution, use, or application of commercial fertilizers or soil amendments, except that a local government may
16 enter into a cooperative agreement with the department of agriculture concerning the use and application of
17 commercial fertilizers or soil amendments. This subsection is not intended to prevent or restrict a local
18 government from adopting or implementing zoning regulations or fire codes governing the physical location or
19 siting of fertilizer manufacturing, storage, and sales facilities;

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

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

28

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

30 **"69-12-101. Definitions.** Unless the context requires otherwise, in this chapter the following definitions

1 apply:

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

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

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

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

14 ~~(3)~~(5) "Charter service" means a service used for the transportation of passengers by a motor carrier
15 with rates not subject to approval by the commission if:

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

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

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

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

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

24 ~~(4)~~(6) "Compensation" means the charge imposed on motor carriers for the use of the highways in this
25 state by motor carriers under 69-12-421.

26 ~~(5)~~(7) "Corporation" means a corporation, company, association, or joint-stock association.

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

30 ~~(6)~~(8)(9) "For hire" means for remuneration of any kind, paid or promised, either directly or indirectly, or

1 received or obtained through leasing, brokering, or buy-and-sell arrangements from which a remuneration is
 2 obtained or derived for transportation service.

3 ~~(7)(9)(10)~~ "Garbage" means ashes, trash, waste, refuse, rubbish, organic or inorganic matter that is
 4 transported to a licensed transfer station, licensed landfill, licensed municipal solid waste incinerator, or licensed
 5 disposal well. The term does not include wastewater and waste tires.

6 ~~(8)(10)(11)~~ "Household goods" means any of the following:

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

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

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

19 ~~(9)(11)(12)~~ "Motor carrier" means a person or corporation, or its lessees, trustees, or receivers appointed
 20 by a court, operating motor vehicles upon a public highway in this state for the transportation of passengers,
 21 household goods, or garbage for hire on a commercial basis, either as a common carrier or under private
 22 contract, agreement, charter, or undertaking. A motor carrier includes a transportation network carrier.

23 ~~(10)(12)(13)~~ "Motor vehicle" includes vehicles or machines, motor trucks, tractors, or other self-propelled
 24 vehicles used for the transportation of property or persons over the public highways of the state.

25 ~~(11)(13)(14)~~ "Person" means an individual, firm, or partnership.

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

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

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

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

6 ~~(12)(14)~~(17) "Public highway" means a public street, road, highway, or way in this state.

7 ~~(13)(15)~~(18) "Railroad" means the movement of cars on rails, regardless of the motive power used.

8 ~~(14)(16)~~(19) "Recyclable" means any material diverted from the solid waste stream that can be reused
 9 in the production of heat or energy or as raw material for new products and for which markets exist.

10 ~~(17)~~(20) "Transportation network carrier" means an entity that uses a digital network or software
 11 application service to connect passengers to transportation network carrier services provided by transportation
 12 network carrier drivers. A TRANSPORTATION NETWORK CARRIER SHALL NOT BE DEEMED TO CONTROL, DIRECT, OR
 13 MANAGE THE PERSONAL VEHICLES OR TRANSPORTATION NETWORK CARRIER DRIVERS THAT CONNECT TO ITS DIGITAL
 14 NETWORK, EXCEPT WHERE AGREED TO BY WRITTEN CONTRACT.

15 ~~(18)~~(21) "Transportation network carrier driver" OR "DRIVER" means an individual who ~~operates a motor~~
 16 vehicle that is:

17 ~~(a) owned, leased, or otherwise authorized for use by the individual;~~

18 ~~(b) not a taxi service, a street hail service, or a for-hire vehicle service; and~~

19 ~~(c) used to provide transportation network carrier services.:~~

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

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

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

29 ~~(19)~~(23) "Transportation network carrier services" means the transportation of a passenger between
 30 points chosen by the passenger and prearranged with a transportation network carrier driver through the use of

1 ~~a transportation network carrier digital network or software application. Transportation network carrier services~~
 2 ~~begin when a transportation network carrier driver accepts a request for transportation received through the~~
 3 ~~transportation network carrier's digital network or software application service. Services continue while the~~
 4 ~~transportation network carrier driver transports the passenger in the transportation network carrier driver's vehicle~~
 5 ~~and end when the passenger exits the transportation network carrier driver's vehicle. Transportation network~~
 6 ~~carrier service is not taxi service, street-hail service, or a for-hire vehicle service."~~

7

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

9 **"69-12-102. Scope of chapter -- exemptions.** (1) This chapter does not affect:

10 (a) the operation of school buses that are used in conveying pupils or other students enrolled in classes
 11 to and from district or other schools or in transportation movements related to school activities that are sponsored
 12 or supervised by school authorities;

13 (b) the transportation by means of motor vehicles in the regular course of business of employees by a
 14 person or corporation engaged exclusively in the construction or maintenance of highways or engaged exclusively
 15 in logging or mining operations, insofar as the use of employees in construction and production is concerned;

16 (c) the transportation of household goods and garbage by motor vehicle in a city, town, or village with
 17 a population of less than 500 persons according to the latest United States census or in the commercial areas
 18 of a city, town, or village with a population of less than 500 persons, as determined by the commission;

19 (d) the transportation of newspapers, newspaper supplements, periodicals, or magazines;

20 (e) motor vehicles used exclusively in carrying junk vehicles from a collection point to a motor vehicle
 21 wrecking facility or a motor vehicle graveyard;

22 (f) ambulances;

23 (g) the transportation by motor vehicle of not more than 15 passengers between their places of residence
 24 or termini near their residences and their places of employment in a single daily round trip if the driver is also
 25 going to or from the driver's place of employment;

26 (h) the operation of:

27 (i) a transportation system by a municipality or transportation district as provided in Title 7, chapter 14,
 28 part 2;

29 (ii) a municipal bus service pursuant to Title 7, chapter 14, part 44; or

30 (iii) any public transportation system recognized by the Montana department of transportation as a federal

1 transit administration provider pursuant to 49 U.S.C. 5311;

2 (i) armored motor vehicles used for the transportation of valuable paintings and other items of unusual
3 value requiring special handling and security;

4 (j) the transportation of household goods or garbage under an agreement between a motor carrier and
5 an office or agency of the United States government;

6 (k) the transportation of persons provided by private, nonprofit organizations, including those recognized
7 by the Montana department of transportation as federal transit administration providers pursuant to 49 U.S.C.
8 5310. As used in this subsection (1)(k), "private, nonprofit organizations" means organizations recognized as
9 nonprofit under section 501(c) of the Internal Revenue Code.

10 (l) the transportation of a group of passengers ~~by charter service~~ if:

11 (i) the motor vehicle used for the transportation of the passengers is designed to carry more than 26
12 passengers; and

13 (ii) the motor carrier has obtained a USDOT number from the U.S. department of transportation as
14 provided in 49 CFR 390.19; or

15 (m) the transportation of a group of employees to or from a worksite by a motor carrier under contract
16 with the employer for a period of time of at least 1 year.

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

20 (3) This chapter does not prevent bona fide leases, brokerage agreements, or buy-and-sell agreements."
21

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

23 **"69-12-205. Rules to reflect differences between carrier classes.** ~~All rules in relation (1) Except as~~
24 ~~provided in subsection (3), rules related~~ to schedules, service, tariffs, rates, facilities, accounts, and reports must
25 ~~have due regard for recognize~~ the differences ~~existing~~ between types of Class A, Class B, Class C, ~~and~~ Class
26 D, and Class E motor carriers, as defined in this chapter, and must be just, fair, and reasonable to the classes
27 ~~and types~~ of motor carriers in ~~their relations~~ relation to each other and to the public.

28 (2) (a) In ~~fixing~~ establishing the tariff or rates to be charged by Class A and Class B motor carriers for
29 the carrying of persons ~~or property, or both~~, the commission shall take into consideration the kind and character
30 of service to be performed, ~~the public necessity of the service, and the effect of the tariff and rates upon other~~

1 ~~transportation agencies, if any, and shall, as far as possible, avoid detrimental or unreasonable competition with~~
 2 ~~existing railroad service or service furnished by a motor carrier.~~

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

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

10

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

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

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

18

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

20 **"69-12-301. Classification of motor carriers.** (1) Motor carriers are divided into ~~four~~ five classes to be
 21 known as:

22 (a) Class A motor carriers;

23 (b) Class B motor carriers;

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

25 (d) Class D motor carriers; and

26 (e) Class E motor carriers.

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

30 (3) Class B motor carriers include all motor carriers operating under regular rates or charges based upon

1 either station-to-station rates or upon a mileage rate or scale and not between fixed termini or over a regular
2 route.

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

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

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

7

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

9 **"69-12-311. Class A motor carrier certificate.** (1) (a) A Class A motor carrier may not transport
10 persons, ~~property, or both~~ for hire on any public highway in this state without obtaining, pursuant to this chapter,
11 a certificate of compliance ~~declaring that public convenience and necessity require the operation.~~

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

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

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

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

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

21 (d) the proposed time schedule;

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

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

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

25 (h) other information required by the commission.

26 (3) The application must be accompanied by a filing fee to be set by rule of the commission."
27

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

29 **"69-12-312. Class B motor carrier certificate.** (1) (a) A Class B motor carrier may not transport
30 persons, ~~property, or both~~ for hire on any public highway in this state without obtaining, pursuant to this chapter,

1 a certificate of compliance ~~declaring that public convenience and necessity require the operation.~~

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

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

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

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

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

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

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

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

16 (g) other information required by the commission.

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

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

20 "**69-12-313. Class C motor carrier certificate of public necessity.** (1) ~~No~~ A Class C motor carrier,
21 ~~except any~~ a Class C motor carrier operating pursuant to the terms and conditions of a contract as provided in
22 69-12-324, shall ~~may not~~ operate for the distribution, delivery, or collection of goods, wares, merchandise, or
23 commodities or for the transportation of persons on any public highway in this state without first having obtained
24 ~~from the commission,~~ obtaining a certificate of public convenience and necessity under the provisions of this
25 ~~chapter, a certificate that public convenience and necessity require such operation.~~

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

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

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

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

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

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

10 (4) ~~The submission of a~~ A Class C motor carrier application ~~must be accompanied by~~ include the names
 11 and addresses of any person, corporation, or other legal entity with whom the applicant has executed a contract
 12 for the distribution, delivery, or collection of wares, merchandise, or commodities or transporting persons. ~~Such~~
 13 The contracts must be in writing, executed by the parties, and submitted to the commission for examination."
 14

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

16 "**69-12-314. Class D motor carrier certificate of public convenience and necessity.** (1) Class D
 17 carriers shall conduct operations pursuant to a certificate of public convenience and necessity issued by the
 18 commission authorizing the transportation of the commodities described in 69-12-301(5). Class D carriers, when
 19 applying for a new or additional ~~authority~~ certificate of public convenience and necessity, shall file an application
 20 with the commission in accordance with the requirements of this chapter and the rules of the commission.

21 (2) A motor carrier may not possess a Class D motor carrier certificate of public convenience or
 22 necessity or operate as a Class D motor carrier unless the motor carrier actually engages in the transportation
 23 of garbage on a regular basis as part of the motor carrier's usual business operation."
 24

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

26 "**69-12-321. Hearing on application for motor carrier certificate.** (1) (a) Upon the filing of an
 27 application for a certificate by a Class A, Class B, Class C, ~~or~~ Class D, or Class E motor carrier, except a Class
 28 C motor carrier authorized to operate under the terms of a contract as provided in 69-12-324, or upon the filing
 29 of a request for a transfer of authority, the commission shall ~~give~~ provide notice of the ~~filing of the~~ application to
 30 any interested party.

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

6 **(c) A protest related to an application by a motor carrier pursuant to 69-12-311(1)(a) or 69-12-312(1)(a)**
 7 or by a Class E motor carrier is limited to a protest of the motor carrier's ability to meet the requirements of
 8 69-12-323(5).

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

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

15 (4) ~~However, an application by a Class A, Class B, Class C, or~~ An application by a motor carrier pursuant
 16 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
 17 of public convenience and necessity may be disallowed denied without a public hearing when it ~~appears from the~~
 18 records of the commission demonstrate that the route or territory sought to be served by the applicant has
 19 previously been made the basis of a public investigation and finding by the commission that public convenience
 20 and necessity do not require the proposed motor carrier service, ~~unless it is made to affirmatively appear in the~~
 21 application by a recital of the A hearing must be held if the applicant presents facts demonstrating that conditions
 22 obtaining over the route or in the territory and affecting transportation facilities have materially changed since the
 23 previous public investigation and finding and that public convenience and necessity now require the motor carrier
 24 operation."
 25

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

27 **"69-12-323. Decision on application.** (1) ~~(a) The commission must issue, within~~ Except as provided
 28 in subsection (1)(b), within 180 days from ~~and after~~ the date of the completed filing of ~~said~~ an application, the
 29 commission shall issue its finding, order, or decision on ~~said~~ the application and the evidence presented in
 30 support ~~thereof~~ of the application at the time of ~~said~~ the hearing.

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

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

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

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

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

16 **(b)** For the purposes of Class D certificates issuing a certificate of public convenience and necessity to
17 a Class D motor carrier, a determination of public convenience and necessity may include a consideration of
18 competition.

19 **(3)** The commission may issue the certificate as ~~prayed for or issue it for the partial exercise only of the~~
20 ~~privilege sought~~ requested in the application or in part and may attach ~~to the exercise of the rights granted by~~
21 ~~such certificate~~ such terms and conditions to a certificate of public convenience and necessity for a motor carrier
22 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
23 judgment ~~the public convenience and necessity may require. When~~

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

27 **(5) (a)** In determining whether to approve a certificate of compliance for a motor carrier pursuant to
28 69-12-311(1)(a) or 69-12-312(1)(a) or for a Class E motor carrier, the commission shall consider only whether
29 the applicant meets the requirements of 69-12-415. The commission shall provide notice and may require a
30 hearing in accordance with 69-12-321.

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

4
 5 **Section 19.** Section 69-12-324, MCA, is amended to read:

6 **"69-12-324. Special provisions when federal or state contract involved.** (1) ~~The presentation of the~~
 7 A written contract presented to the commission shall be deemed is sufficient proof that a motor carrier pursuant
 8 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
 9 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
 10 a Class D motor carrier meets the requirements for a certificate of public convenience and necessity in
 11 accordance with the terms and conditions contained within the United States government or state government
 12 contracts. Subject to the provisions of this section, a transportation movement is considered to be:

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

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

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

24 (3) ~~The certificate of public convenience and necessity, issued pursuant to the terms of the United States~~
 25 ~~government or state government contract, is authorized only for the duration of the United States government or~~
 26 ~~state government contract concerned. The certificate may be renewed for another definite term if the same motor~~
 27 ~~carrier is the motor carrier authorized to operate under the United States government or state government~~
 28 ~~contract."~~

29
 30 **Section 20.** Section 69-12-404, MCA, is amended to read:

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

5 (b) The suspension of a certificate of public convenience and necessity requested by a motor carrier
 6 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
 7 be granted by the commission upon a showing of present absence of public convenience and necessity or other
 8 showing of matters affecting motor carrier transportation.

9 (2) (a) The suspension of any intrastate operating authority of any carrier a certificate of compliance for
 10 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
 11 subsection (1) for a period of 12 consecutive months shall be deemed to establish automatically terminates a
 12 certificate of compliance and requires a motor carrier pursuant to 69-12-311(1)(a) or 69-12-312(1)(a) or a Class
 13 E motor carrier to reapply for a certificate of compliance.

14 (b) The suspension of a certificate of public convenience and necessity for a motor carrier pursuant to
 15 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
 16 (1) for a period of 12 consecutive months establishes a prima facie presumption of absence of public convenience
 17 and necessity. If after notice and hearing the motor carrier pursuant to 69-12-311(1)(b) or 69-12-312(1)(b), the
 18 Class C motor carrier, or the Class D motor carrier is unable to prove the existence of public convenience and
 19 necessity or existing demand for the transportation service, the commission is authorized to may cancel such a
 20 certificate of public convenience and necessity."

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

23 **"69-12-406. Restriction on transportation of certain waste.** Except as provided in 69-12-324, a Class
 24 A, Class B, or Class C, or Class E motor carrier may not be authorized or permitted to transport garbage within
 25 the state. This restriction does not apply to recyclables."

26
 27 **Section 22.** Section 69-12-407, MCA, is amended to read:

28 **"69-12-407. Records and reports.** (1) All records, books, accounts, and files of a Class A, Class B,
 29 Class C, and Class D motor carrier in this state, as they relate to the business of transportation conducted by the
 30 motor carrier, must at all times be subject to examination by the commission or by any authorized agent or

1 employee of the commission. The commission shall prescribe a uniform system of accounts and uniform reports
2 covering the operations of Class A, Class B, Class C, and Class D motor carriers. A motor carrier authorized to
3 operate in accordance with the provisions of this chapter shall keep its records, books, and accounts according
4 to the uniform system to the extent possible.

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

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

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

13 (b) A Class E motor carrier shall, upon request from the commission, provide to the commission up to
14 1,000 unique identification numbers, each of which has been assigned by the motor carrier to an individual
15 transportation network carrier driver affiliated with the motor carrier.

16 (c) The commission may request from the Class E motor carrier copies of records held by the motor
17 carrier for up to 10 of the motor carrier's drivers, who may be identified in the request only by the driver's unique
18 identification number.

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

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

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

27

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

29 **"69-12-415. Carrier fitness.** A certificate ~~of operating authority~~ may not be issued or remain in force
30 unless the ~~holder of the~~ certificate holder is fit, willing, and able to perform the authorized service and conforms

1 to the provisions of this chapter and the rules and orders of the commission."
 2

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

4 **"69-12-501. Rate schedules to be maintained.** (1) ~~Every~~ A Class A or B motor carrier ~~holding~~ issued
 5 a certificate ~~must~~ shall maintain on file with the commission, if applicable, a full and complete schedule of its rates,
 6 fares, charges, classifications, and rules of service and any and all tariff provisions relating to ~~such~~ rates, fares,
 7 charges, classifications, or rules. ~~Every~~ A schedule on file and approved on March 7, 1961, ~~shall remain~~ remains
 8 in full force and effect until changed or modified by the commission or by the carrier with the approval of the
 9 commission.

10 (2) ~~No~~ A change, modification, alteration, increase, or decrease in any rate, fare, charge, classification,
 11 or rule of service ~~shall~~ may not be made by ~~any~~ a motor carrier without first obtaining the approval of the
 12 commission. The commission shall prescribe rules providing for the form and style of all schedules and tariffs and
 13 for the procedures to be followed in filing or publishing any changes or modifications of ~~the same~~ schedules and
 14 tariffs."
 15

16 NEW SECTION. **Section 25. Repealer.** The following section of the Montana Code Annotated is
 17 repealed:

18 69-12-328. Certificate for charter service.
 19

20 NEW SECTION. **Section 26. Grandfather clause -- transition.** A motor carrier that possesses a
 21 certificate issued by the commission on or before June 30, 2015, is considered to possess a valid certificate.
 22

23 NEW SECTION. **Section 27. Codification instruction.** [Sections 1 through ~~3~~ 6] are intended to be
 24 codified as an integral part of Title 69, chapter 12, and the provisions of Title 69, chapter 12, apply to [sections
 25 1 through ~~3~~ 6].
 26

27 NEW SECTION. **Section 28. Saving clause.** [This act] does not affect rights and duties that matured,
 28 penalties that were incurred, or proceedings that were begun before [the effective date of this act].
 29

30 NEW SECTION. **Section 29. Severability.** If a part of [this act] is invalid, all valid parts that are

1 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
2 the part remains in effect in all valid applications that are severable from the invalid applications.

3

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

5

- END -