

220 CMR 260.00: MOTOR CARRIERS AND BROKERS

Section

260.01: General

260.02: Rules Governing the Form and Filing of Freight Rate Tariffs and Contracts by Motor Carriers

260.01: General

- (1) Condition of Issuance of Certificate. No certificate shall be issued to any person or corporation to operate as a common carrier unless the Department is satisfied that the applicant is adequately insured for the loss of or damage to property transported by the applicant.
- (2) Transfer and Assignment of Rights. Certificates issued by the Department may be assigned and transferred with the approval of the Department after a public hearing.

The Department shall withhold approval of any transfer until the certificate granted to the original holder is surrendered or the Department is satisfied that the original certificate cannot be surrendered. The Transferor and Transferee shall appear in person or by duly authorized representative at the public hearing.
- (3) Insurance. When insurance is required by the Department, the insurance policy shall contain a provision to the effect that said policy shall not expire nor be cancelled except upon 20 days prior notice in writing by the insurance company to the Department.
- (4) Filing of Common Carrier Tariffs and Contracts. Any person to whom a certificate is granted for the common carriage of property for hire shall file with the Department acceptable tariffs as required by M.G.L. c. 159B, § 6, as amended, before beginning operations.

Such tariffs shall be filed with the Department within 30 days after the date of issuance of Memorandum of Decision by the Department and no certificate will be issued until such filing is made. A failure to file acceptable tariffs in writing will be deemed evidence of the prospective carrier's inability to conform with the statute and the lawful rules of the Department and shall be cause for revocation of the certificate.
- (5) Non-Resident Motor Carrier. A motor carrier not having a place of business within the Commonwealth and required by the Department to maintain records, shall notify the Department in writing of the address within the Commonwealth and any changes thereof, where such records shall be available for inspection at reasonable hours by authorized representatives of the Department on request.

- (6) Vehicle Identification Devices. Certificate holders shall apply for a Vehicle Identification Device on or before the 15th day of December each year for such vehicle(s) that will be used in the motor carrier's operation.
- (7) Observance of Other Laws and Regulations. Certificate holders shall comply with all laws, ordinances, by-laws, and regulations relating to the operation of motor vehicles upon public ways and to the transportation of property.
- (8) Payment of Judgments. Certificate holders shall pay any final judgment rendered against them for loss or damage to property delivered to them for transportation within 30 days from the date of demand on execution.
- (9) Freight Bills and Records of Transportation Charges. Common carriers engaged in the transportation of property in Massachusetts shall issue duplicate copies of freight bills for all transportation services performed, one copy of which shall be retained by the carrier. Such freight bills shall contain the following information:
 - (a) Name and address of motor carrier and customer(s).
 - (b) Description of commodity.
 - (c) Total units of shipment in pounds, yards, miles, hours, etc.
 - (d) Unit rate of charge or basis in tariffs, lawfully on file with the Department.
 - (e) Accessorial charges not included in freight rate or charge.
 - (f) Total of all charges collected by the carrier.All freight bills shall be retained by the motor carrier for a period of three years at his principal place of business and be available for inspection at reasonable hours by authorized representatives of the Department on request.

Motor carriers shall provide to the customer(s) a bill for the service rendered and shall be responsible for the collection of the charges.

260.02: Rules Governing the Filing of Freight Rate Tariffs

Every certificated common carrier is responsible for the proper filing of its tariff.

The term "tariff" means a publication stating the rates and charges between designated points or fixed distances of a common carrier and all rules in connection therewith.

- (1) Form and Filing of Common Carrier and Broker Tariffs.
 - (a) Issuing carriers or their agents shall file two copies of each tariff or supplement with the Department.
 - (b) On all tariffs filed with the Department, the personal signature of the owner, partner or corporate officer of the motor carrier shall appear on the title page.
 - (c) All tariffs or supplements thereto shall be prepared in legible form on

suitable paper.

- (d) The paper size for any tariff or supplement shall be 8 1/2" x 11" and a margin of not less than 5/8" must be allowed at the binding edge of each tariff and supplement.
- (e) Tariffs and supplements shall be effective 30 days from the date received by the Department.

(2) Title Page of Tariff.

- (a) Each tariff consisting of two or more pages shall have a title page showing the name of the company, the name of party filing the tariff, the company address and certificate number.
- (b) Each tariff or supplement shall be designated by an individual number (located preferably in the upper right-hand corner of page) progressing from that last filed by the carrier or in the case of a new series from No. 1, number to be preceded by the letters M.D.P.U. (Massachusetts Department of Public Utilities). Each shall show plainly the date issued and the date effective.
- (c) When new tariffs are issued cancelling a tariff(s) previously filed, the M.D.P.U. number of the tariffs cancelled must be shown immediately under the M.D.P.U. number of the new tariff.

Example: "M.D.P.U. No. 2
 cancels
 M.D.P.U. No. 1"

(3) Contents of Tariff.

- (a) Tariffs shall show plainly all requisite details to explain fully the basis of all charges to be made and all rules and regulations governing the same and other detail necessary for a complete understanding of the charges contemplated, such as abbreviations, symbols, etc.
- (b) When hourly, mileage or combined hourly and mileage rates are filed, a definite method of computing the time and determining the mileage shall be shown in the tariff. Where rates are based wholly or in part on distance, the tariff shall show the miles involved or indicate a method by which mileage may be determined. Whenever mileage is in dispute, the Milo Mileage Guide shall be used to determine the mileage.

Room rates for the transportation of household goods is prohibited.

- (c) Carriers or their agents shall not publish rates which duplicate or conflict with other rates published for the carrier's account.
- (d) Changes from the preceding issue of a tariff or supplement shall be indicated as follows:
 - (R) Denotes reduction.
 - (A) Denotes increase.
 - (C) Denotes a change which is neither an increase nor a reduction.

- (4) Tariff Supplements.
- (a) Not more than three supplements to any tariff shall be in effect at any one time.
 - (b) Each supplement to a tariff shall be consecutively numbered beginning with the number one. This number and the tariff number to which it refers shall be shown in the upper right-hand corner of the supplement. The date of issue and effective date shall also be shown.
- (5) Powers of Attorney and Concurrences.
- (a) Whenever a carrier gives authority to an agent to issue and file tariffs and supplements thereto in its stead, an original power of attorney shall be filed with the Transportation Division. The power of attorney may be revoked by the issuer or the agent on not less than 60 days' notice to the Department.
 - (b) Carriers may participate in tariffs which are issued and filed by another carrier or his agent by the giving a proper concurrence. The original of such concurrences shall be transmitted to the Department with the tariff. A concurrence may be revoked on not less than 60 days' notice to the Department.
 - (c) When a power of attorney or a concurrence is revoked, corresponding revisions of all tariffs shall be made not later than the effective date contained in the notice of revocation. The responsibility for such revision shall rest on the carrier or broker affected.
- (6) Posting of Tariffs. All tariffs or supplements thereto shall be kept available for public inspection or examination at all reasonable times at the carriers' principal places of business.
- (7) Application for Permission to Establish Rates, Charges, Classification Ratings and Rules on Less than Statutory Notice 30 Days. M.G.L. c. 159B, § 6, as amended, authorizes the Department, at its discretion and for good cause shown, to permit changes in rates on less than 30 days notice and also to modify the requirements of 220 CMR 260.03(11) with respect to posting and filing of tariffs in particular circumstances or conditions.

REGULATORY AUTHORITY

220 CMR 260.00: M.G.L. c. 159B, § 16.