

2010 -- S 2107

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- MOTOR CARRIERS OF
PROPERTY

Introduced By: Senators Sosnowski, Tassoni, and Miller

Date Introduced: February 04, 2010

Referred To: Senate Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-12-13 of the General Laws in Chapter 39-12 entitled "Motor
2 Carriers of Property" is hereby amended to read as follows:

3 **39-12-13. Alteration of common carrier rates by the administrator.** -- (a) The
4 administrator, upon complaint of any common carrier by motor vehicle or of any person, or upon
5 his or her own motion, after a hearing, may allow or disallow any filed or existing rates and may
6 alter or prescribe the rates of common carriers in connection with the transportation of any or all
7 classes of property to any or between any and all points within the state and any service
8 connected therewith in accordance with the legal standards provided in this chapter. Whenever,
9 upon complaint or in any investigation on his or her own initiative, the administrator, after a
10 hearing, shall be of the opinion that any rate or charge collected, charged, or demanded by any
11 common carrier by motor vehicle, or any classification, rule, regulation, or practice whatsoever of
12 the carrier affecting the rate, charge, or the value of the service thereunder, is or will be unjust or
13 unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, he or she
14 shall determine and prescribe the lawful rate or charge, or the maximum and/or minimum rate or
15 charge thereafter to be observed or the lawful classification, rule, regulation, or practice thereafter
16 to be effective.

17 (b) The administrator shall implement a gasoline price emergency surcharge program
18 whereby a person licensed under this chapter to perform "drive away-tow away operations" shall

1 be permitted to impose and collect a surcharge, during such times and under such conditions
2 wherein the administrator determines that the average price of gasoline in this state exceeds one
3 dollar and fifty cents (\$1.50) per gallon. Provided, that the administrator shall have discretion as
4 to when to permit such surcharge to be imposed, except that the administrator shall not impose
5 the surcharge at any time when the average price of gasoline, as determined by the administrator,
6 does not exceed the price of one dollar and fifty cents (\$1.50) per gallon.

7 (c) On or before September 1, 2001, the administrator shall implement a diesel price
8 emergency surcharge program whereby a person licensed under sections 39-3-3, 39-3-3.1, or 39-
9 3-4 to perform as a "common carrier of persons and/or property upon water between termini
10 within the state" shall be permitted to impose and collect a surcharge, not to exceed ~~three dollars~~
11 ~~(\$3.00)~~ five dollars (\$5.00) for each passenger and vehicle carried, during periods when it is
12 determined that the average retail price of diesel fuel in this state exceeds one dollar and twenty
13 cents (\$1.20) per gallon.

14 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would permit a person licensed to perform as a "common carrier of persons
2 and/or property upon water between termini within the state" to increase the maximum diesel
3 price emergency surcharge from three dollars (\$3.00) to five dollars (\$5.00) during periods when
4 it is determined that the average retail price of diesel fuel in this state exceeds one dollars and
5 twenty cents (\$1.20) per gallon.

6 This act would take effect upon passage.

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