HOUSE BILL NO. 263

INTRODUCED BY DRISCOLL, GILBERT, RANEY, GRADY, YELLOWTAIL, WEEDING, T. BECK BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

IN THE HOUSE

JANUARY 19, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.

DO PASS AS AMENDED. REPORT ADOPTED.

FIRST READING.

PRINTING REPORT.

- FEBRUARY 13, 1991
- FEBRUARY 14, 1991
- FEBRUARY 15, 1991 SECOND READING, DO PASS.

FEBRUARY 16, 1991 ENGROSSING REPORT.

FEBRUARY 18, 1991 THIRD READING, PASSED. AYES, 100; NOES, 0.

TRANSMITTED TO SENATE.

COMMITTEE RECOMMEND BILL

IN THE SENATE

FEBRUARY 19, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

MARCH 20, 1991 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

MARCH 23, 1991 SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN. AYES, 45; NOES, 3.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 25, 1991

MARCH 25, 1991

SENT TO ENROLLING.

RECEIVED FROM SENATE.

REPORTED CORRECTLY ENROLLED.

52nd Legislature

LC 0794/01

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LISE BILL NO. 263 1 1 Cover INTRODUCED BY (2 BY REQUEST OF THE ENVIRONMENTAL QUALITY CODNCIL 3 Yellowtail 1 . I work 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH CLASS E 5 MOTOR CARRIER AUTHORITY FOR THE TRANSPORTATION OF 6 7 RECYCLABLES: TO PROVIDE CLASS D MOTOR CARRIER PRIORITY FOR CLASS E MOTOR CARRIER AUTHORITY; AND AMENDING SECTIONS 8 9 69-12-101, 69-12-205, AND 69-12-301, MCA." 10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-12-101, MCA, is amended to read: 12 13 "69-12-101. Definitions. Unless the context requires 14 otherwise, in this chapter the following definitions apply: (1) "Between fixed termini" or "over a regular route" 15 16 means the termini or route between or over which a motor carrier usually or ordinarily operates motor vehicles, even 17 18 though there may be periodical or irregular departures from 19 the termini or route.

20 (2) "Certificate" means the certificate of public21 convenience and necessity issued under this chapter.

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

25 (4) "Corporation" means a corporation, company,



association, or joint-stock association.

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

7 (6) "Motor carrier" means a person or corporation, or а its lessees, trustees, or receivers appointed by any court. 9 operating motor vehicles upon any public highway in this state for the transportation of persons or property for hire 10 11 on a commercial basis, either as a common carrier or under 12 private contract, agreement, charter, or undertaking. The 13 term includes any motor carrier serving the public in the 14 business of transportation of ashes, trash, waste, refuse, 15 rubbish, garbage, and organic and inorganic matter.

16 (7) "Motor vehicle" includes vehicles or machines,
17 motor trucks, tractors, or other self-propelled vehicles
18 used for the transportation of property or persons over the
19 public highways of the state.

20 (8) "Person" means an individual, firm, or partnership.

(9) "Public highway" means a public street, road,highway, or way in this state.

23 (10) "Railroad" means the movement of cars on rails,24 regardless of the motive power used.

25 (11) "Recyclable" means any material diverted from the

INTRODUCED BILL HB 263 +2-

LC 0794/01

solid waste stream that can be reused as raw material for 1 2 new products and for which markets exist." Section 2. Section 69-12-205, MCA, is amended to read: З "69-12-205. Rules to reflect differences between 4 5 carrier classes. All rules in relation to schedules, 6 service, tariffs, rates, facilities, accounts, and reports shall have due regard for the differences existing between 7 Class A, Class B, Class C, and Class D, and Class E motor 8 9 carriers, as herein defined, and shall be just, fair, and 10 reasonable to the said classes of motor carriers in their 11 relations to each other and to the public. In fixing the tariff or rates to be charged by Class A and Class B motor 12 13 carriers for the carrying of persons and/or property, the 14 commission shall take into consideration the kind and character of service to be performed, the public necessity 15 16 therefor, and the effect of such tariff and rates upon other 17 transportation agencies, if any, and shall, as far as possible, avoid detrimental or unreasonable competition with 18 19 existing railroad service or service furnished by a motor 20 carrier." Section 3. Section 69-12-301, MCA, is amended to read: 21

22 "69-12-301. Classification of motor carriers. (1) Motor
 23 carriers are hereby divided into four <u>five</u> classes to be
 24 known as:

25 (a) Class A motor carriers;

(b) Class B motor carriers;

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- (c) Class C motor carriers;
- (d) Class D motor carriers; and
- (e) Class E motor carriers.

5 (2) Class A motor carriers shall embrace all motor 6 carriers operating between fixed termini or over a regular 7 route and under regular rates or charges, based upon either 8 station-to-station rates or upon a mileage rate or scale.

9 (3) Class B motor carriers shall embrace all motor 10 carriers operating under regular rates or charges based upon 11 either station-to-station rates or upon a mileage rate or 12 scale and not between fixed termini or over a regular route. 13 (4) Class C motor carriers shall embrace all motor 14 carriers operating motor vehicles for distributing, 15 delivering, or collecting wares, merchandise, or commodities 16 or transporting persons, where the remuneration is fixed in 17 and the transportation service furnished under a contract, 18 charter, agreement, or undertaking.

(5) Class D motor carriers embraces all motor carriers
operating motor vehicles transporting (including pickup and
disposal) ashes, trash, waste, refuse, rubbish, garbage, and
organic and inorganic matter.

23 (6) Class E motor carriers embraces all motor carriers
 24 operating motor vehicles with pickup service for recyclables
 25 for which there is a charge, except those motor carriers

-3-

-4-

LC 0794/01

1 already in possession of a Class D motor carrier certificate." 2 NEW SECTION. Section 4. Class 3 Ε motor carrier 4 certificate. (1) Class E motor carriers shall conduct 5 operations pursuant to a certificate of public convenience 6 and necessity issued by the commission that authorizes the 7 transportation of the commodities described in 69-12-301(6). 8 When applying for new or additional authority, Class E motor 9 carriers shall file an application with the commission in 10 accordance with the requirements of Title 69, chapter 12, 11 and the rules of the commission. (2) A Class E motor carrier certificate may be issued 12 13 to an applicant for new authority only if the existing Class 14 D motor carrier or municipality in the service area declines 15 to provide pickup service for recyclables.

NEW SECTION. Section 5. Codification instruction.
[Section 4] is intended to be codified as an integral part
of Title 69, chapter 12, and the provisions of Title 69,
chapter 12, apply to [section 4].

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-5-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for <u>HB0263</u>, <u>as introduced</u>.

DESCRIPTION OF PROPOSED LEGISLATION:

An act establishing Class E motor carrier authority for the transportation of recyclable materials; providing Class D motor carrier priority for Class E motor carrier authority; and amending sections 69-12-101, 69-12-205, and 69-12-301, MCA.

ASSUMPTIONS:

- 1. Current fee schedules and commissions remain unchanged.
- 2. All currently known motor carriers of recyclable materials are currently regulated under a different classification.
- 3. Current revenues and/or expenditures are not affected.

FISCAL IMPACT:

None

1-22-91 DATE

ROD SUNDSTED, BUDGET DIRECTOR Office of Budget and Program Planning

- 73-JERRY L. DRISCOLL, PRIMARY SPONSOR DATE

Fiscal Note for HB0263, as introduced.

HB 263

52nd Legislature

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HB 0263/02

APPROVED BY COMMITTEE ON HIGHWAYS & TRANSPORTATION

| 1 | HOUSE BILL NO. 263 |
|----|--|
| 2 | INTRODUCED BY DRISCOLL, GILBERT, RANEY, GRADY, YELLOWTAIL, |
| 3 | WEEDING, T. BECK |
| 4 | BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL |
| 5 | |
| 6 | A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISHCLASSE |
| 7 | MOTORCARRIERAUTHORITYFORTHETRANSPORTATION~~OF |
| 8 | RECYCLABLES;-TO-PROVIDE-CLASS-D-MOTOR-CARRIERPRIORITYPOR |
| 9 | CLARIFY THE PUBLIC SERVICE |
| 10 | COMMISSION'S AUTHORITY TO REGULATE THE TRANSPORTATION OF |
| 11 | RECYCLABLES; AND AMENDING SECTIONS 69-12-101, 69-12-2057-AND |
| 12 | 69-12-301, <u>69-12-302, AND 69-12-406,</u> MCA." |
| 13 | |
| 14 | STATEMENT OF INTENT |
| 15 | A STATEMENT OF INTENT IS REQUIRED FOR THIS BILL IN ORDER |
| 16 | TO PROVIDE GUIDANCE TO THE PUBLIC SERVICE COMMISSION IN |
| 17 | ADOPTING RULES. IT IS THE INTENTION OF THE LEGISLATURE THAT |
| 18 | A CLASS D MOTOR CARRIER HAVE THE AUTHORITY TO COLLECT AND |
| 19 | TRANSPORT SOURCE-SEPARATED RECYCLABLES AND THAT CLASS C |
| 20 | MOTOR CARRIERS HAVE THE AUTHORITY TO TRANSPORT RECYCLABLES. |
| 21 | |
| 22 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 23 | Section 1. Section 69-12-101, MCA, is amended to read: |
| 24 | |
| 24 | *69-12-101. Definitions. Unless the context requires |

otherwise, in this chapter the following definitions apply:



1 (1) "Between fixed termini" or "over a regular route" 2 means the termini or route between or over which a motor 3 carrier usually or ordinarily operates motor vehicles, even 4 though there may be periodical or irregular departures from 5 the termini or route.

6 (2) "Certificate" means the certificate of public 7 convenience and necessity issued under this chapter.

8 (3) "Compensation" means the charge imposed on motor 9 carriers for the use of the highways in this state by motor 10 carriers under 69-12-421.

11 (4) "Corporation" means a corporation, company. 12 association, or joint-stock association.

13 (5) "For hire" means for remuneration of any kind, paid 14 or promised, either directly or indirectly, or received or obtained through leasing, 15 brokering, or buy-and-sell 16 arrangements from which a remuneration is obtained or derived for transportation service. 17

(6) "Motor carrier" means a person or corporation, or 18 19 its lessees, trustees, or receivers appointed by any court, 20 operating motor vehicles upon any public highway in this state for the transportation of persons or property for hire 21 22 on a commercial basis, either as a common carrier or under private contract, agreement, charter, or undertaking. The 23 24 term includes any motor carrier serving the public in the 25 business of transportation of ashes, trash, waste, refuse, SECOND READING

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HB 0263/02

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1 rubbish, garbage, and organic and inorganic matter. 2 (7) "Motor vehicle" includes vehicles or machines, 3 motor trucks, tractors, or other self-propelled vehicles 4 used for the transportation of property or persons over the 5 public highways of the state. 6 (8) "Person" means an individual, firm, or partnership. 7 (9) "Public highway" means a public street, road, 8 highway, or way in this state. 9 (10) "Railroad" means the movement of cars on rails, 10 regardless of the motive power used. 11 (11) "Recyclable" means any material diverted from the 12 solid waste stream that can be reused as raw material for 13 new products and for which markets exist." 14 Section-2---Section-69-12-2057-MEA7-is-amended-to-read+ 15 #69-12-205---Rules---to---reflect---differences--between 16 carrier--classes---All--rules--in--relation--to---schedules7 17 service7--tariffs7--rates7-facilities7-accounts7-and-reports 18 shall-have-due-regard-for-the-differences--existing--between 19 Class--Ay--Class--By-Class-Cy-and-Class-By-and-Class-E-motor 20 carriers,-as-herein-defined,-and-shall-be--just,--fair,--and 21 reasonable--to--the--said-classes-of-motor-carriers-in-their 22 relations-to-each-other-and-to-the--public---In--fixing--the 23 tariff--or--rates-to-be-charged-by-Class-A-and-Class-B-motor 24 carriers-for-the-carrying-of-persons--and/or--property;--the 25 commission--shall--take--into--consideration--the--kind--and character-of--service-to-be-performed;-the-public-necessity therefor;-and-the-effect-of-such-tariff-and-rates-upon-other transportation-agencies;--if--any;--and--shall;--as--far--as possible;-avoid-detrimental-or-unreasonable-competition-with existing--railroad--service--or-service-furnished-by-a-motor carrier;" Section-3;--Section-69-12-301;-MCA;-is-amended-to-read; "69-12-301;--Classification-of-motor-carriers;-(1)-Motor carriers-are-hereby-divided-into-four <u>five</u>--classes--to--be known-as; (a)--Class-A-motor-carriers; (b)--Class-B-motor-carriers; (d)--Class-B-motor-carriers; (d)--Class-B-motor-carriers;

15 16 f21--@lass--A--motor--carriers--shall--embrace-all-motor 17 carriers-operating-between-fixed-termini-or-over--a--regular 18 route--and-under-regular-rates-or-charges--based-upon-either 19 station-to-station-rates-or-upon-a-mileage-rate-or-scale. 20 (3)--Class-B-motor--carriers--shall--embrace--all--motor 21 carriers-operating-under-regular-rates-or-charges-based-upon 22 either--station-to-station--rates--or-upon-a-mileage-rate-or 23 scale-and-not-between-fixed-termini-or-over-a-regular-route-24 (4)--Class-E-motor--carriers--shall--embrace--all--motor 25 carriers---operating---motor---vehicles---for--distributing;

-4-

HB 263

HB 0263/02

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HB 263

-3-

| 1 | delivering;-or-collecting-wares;-merchandise;-or-commodities |
|----|--|
| 2 | or-transporting-personsy-where-the-remuneration-is-fixedin |
| 3 | andthetransportation-service-furnished-under-a-contract7 |
| 4 | charter7-agreement7-or-undertaking- |
| 5 | (5)Elass-D-motor-carriers-embraces-all-motorcarriers |
| 6 | operatingmotor-vehicles-transporting-(including-pickup-and |
| 7 | disposal)-ashesy-trashy-wastey-refusey-rubbishy-garbagey-and |
| 8 | organic-and-inorganic-matter; |
| 9 | <u> 161Class-E-motor-carriers-embraces-all-motorcarriers</u> |
| 10 | operating-motor-vehicles-with-pickup-service-for-recyclables |
| 11 | forwhichthereisa-chargeexcept-those-motor-carriers |
| 12 | alreadyinpossessionofaClassDmotorcarrier |
| 13 | certificate-" |
| 14 | NEW-SECTIONSection-4ClassEmotorcarrier |
| 15 | certificate(1)ClassEmotorcarriersshallconduct |
| 16 | operationspursuantto-a-certificate-of-public-convenience |
| 17 | and-necessity-issued-by-the-commission-thatauthorizesthe |
| 18 | transportation-of-the-commodities-described-in-69-12-301(6). |
| 19 | When-applying-for-new-or-additional-authority7-Class-E-motor |
| 20 | carriersshallfilean-application-with-the-commission-in |
| 21 | accordance-with-the-requirements-of-Title69,chapter12, |
| 22 | and-the-rules-of-the-commission- |
| 23 | t2)AClassE-motor-carrier-certificate-may-be-issued |
| 24 | to-an-applicant-for-new-authority-only-if-the-existing-Class |
| | |

25 D-motor-carrier-or-municipality-in-the-service-area-declines

-5-

HB 263

1 to-provide-pickup-service-for-recyclables-2 NEW-SECTION---Section-5---Codification-----instruction-3 {Section-4}-is-intended-to-be-codified-as-an--integral--part 4 of--Fitle--69;--chapter--12;-and-the-provisions-of-Fitle-69; 5 chapter-127-apply-to-{section-4}+ 6 SECTION 2. SECTION 69-12-302, MCA, IS AMENDED TO READ: 7 *69-12-302. Conditions resulting in Class C carrier 8 considered as Class B carrier. (1) A Class C motor carrier 9 operating with more than six contracts which are in effect 10 at any given time and each of which are effective for a minimum of 180 days is considered to be operating as a Class 11 12 B motor carrier. Before transportation service may commence, 13 pertinent contract information shall be furnished to the

13 pertinent contract information shall be furnished to the 14 commission for each contract on forms prescribed by the 15 commission. The commission shall retain a duplicate of the 16 information in its files, and a copy of the form, confirmed 17 by the commission, must be kept in the cab of the motor 18 carrier when operating under that contract.

(2) All Class C motor carriers must annually submit to
the commission the names and addresses of all persons,
corporations, or other legal entities with whom the Class C
carrier has executed a contract, charter, agreement, or
undertaking for the distribution, delivery, or collection of
wares, merchandise, or commodities or for transporting
persons.

-6-

HB 263

1 (3) The provisions of this section shall not apply to 2 solid waste contractors, transportation of recyclables, 3 household goods carriers, or house movers, as defined by the 4 department of public service regulation, or any carrier 5 whose authority is limited to the pickup and delivery of 6 property and is confined by certificate to transportation 7 within a distance of 50 miles or less from a particular 8 location. Any carrier whose property authority is incidental to the transportation of persons is not included 9 10 in the exemption under this subsection."

SECTION 3. SECTION 69-12-301, MCA, IS AMENDED TO READ:
 "69-12-301. Classification of motor carriers. (1) Motor
 carriers are hereby divided into four classes to be known

14 as:

15 (a) Class A motor carriers;

16 (b) Class B motor carriers;

17 (c) Class C motor carriers;

18 (d) Class D motor carriers.

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

(3) Class B motor carriers shall embrace all motor
 carriers operating under regular rates or charges based upon
 either station-to-station rates or upon a mileage rate or

HB 0263/02

scale and not between fixed termini or over a regular route. Т 2 (4) Class C motor carriers shall embrace all motor 3 carriers operating motor vehicles for distributing, delivering, or collecting wares, merchandise, or commodities 4 5 or transporting persons, where the remuneration is fixed in 6 and the transportation service furnished under a contract, 7 charter, agreement, or undertaking. (5) Class D motor carriers embraces all motor carriers 8 9 operating motor vehicles transporting (including pickup and 10 disposal) ashes, trash, waste, refuse, rubbish, garbage, and 11 organic and inorganic matter, and recyclables." 12 SECTION 4. SECTION 69-12-406, MCA, IS AMENDED TO READ: 13 *69-12-406. Restriction on transportation of certain 14 waste. Except as provided in 69-12-324, no Class A, B, or C 15 carrier will be authorized or permitted to transport ashes, 16 trash, waste, refuse, rubbish, garbage, or organic and 17 inorganic matter within the state. This restriction does not apply to recyclables." 18

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-7-

HB 263

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HB 0263/02

| 1 | HOUSE BILL NO. 263 | 1 | "Between fixed termini" or "over a regular route" |
|----|--|----|---|
| 2 | INTRODUCED BY DRISCOLL, GILBERT, RANEY, GRADY, YELLOWTAIL, | 2 | means the termini or route between or over which a motor |
| 3 | WEEDING, T. BECK | 3 | carrier usually or ordinarily operates motor vehicles, even |
| 4 | BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL | 4 | though there may be periodical or irregular departures from |
| 5 | | 5 | the termini or route. |
| 6 | A BILL FOR AN ACT ENTITLED: "AN ACT TO BSTABLISHELASSE | 6 | (2) "Certificate" means the certificate of public |
| 7 | MotorCarrierAuthorityForTheTransportationof | 7 | convenience and necessity issued under this chapter. |
| 8 | RECYCLABLES40-PROVIDE-CLASS-D-MOTOR-CARRIERPRIORITYPOR | 8 | (3) "Compensation" means the charge imposed on motor |
| 9 | CLARIFY THE PUBLIC SERVICE | 9 | carriers for the use of the highways in this state by motor |
| 10 | COMMISSION'S AUTHORITY TO REGULATE THE TRANSPORTATION OF | 10 | carriers under 69-12-421. |
| 11 | RECYCLABLES; AND AMENDING SECTIONS 69-12-101, 69-12-2057-AND | 11 | (4) "Corporation" means a corporation, company, |
| 12 | 69-12-301, 69-12-302, AND 69-12-406, MCA." | 12 | association, or joint-stock association. |
| 13 | | 13 | (5) "For hire" means for remuneration of any kind, paid |
| 14 | STATEMENT OF INTENT | 14 | or promised, either directly or indirectly, or received or |
| 15 | A STATEMENT OF INTENT IS REQUIRED FOR THIS BILL IN ORDER | 15 | obtained through leasing, brokering, or buy-and-sell |
| 16 | TO PROVIDE GUIDANCE TO THE PUBLIC SERVICE COMMISSION IN | 16 | arrangements from which a remuneration is obtained or |
| 17 | ADOPTING RULES. IT IS THE INTENTION OF THE LEGISLATURE THAT | 17 | derived for transportation service. |
| 18 | A CLASS D MOTOR CARRIER HAVE THE AUTHORITY TO COLLECT AND | 18 | (6) "Motor carrier" means a person or corporation, or |
| 19 | TRANSPORT SOURCE-SEPARATED RECYCLABLES AND THAT CLASS C | 19 | its lessees, trustees, or receivers appointed by any court, |
| 20 | MOTOR CARRIERS HAVE THE AUTHORITY TO TRANSPORT RECYCLABLES. | 20 | operating motor vehicles upon any public highway in this |
| 21 | | 21 | state for the transportation of persons or property for hire |
| 22 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: | 22 | on a commercial basis, either as a common carrier or under |
| 23 | Section 1. Section 69-12-101, MCA, is amended to read: | 23 | private contract, agreement, charter, or undertaking. The |
| 24 | "69-12-101. Definitions. Unless the context requires | 24 | term includes any motor carrier serving the public in the |
| 25 | otherwise, in this chapter the following definitions apply: | 25 | business of transportation of ashes, trash, waste, refuse, |



THIRD READING HB 263

-2-

1 rubbish, garbage and organic and inorganic matter. 2 (7) "Motor vehicle" includes vehicles or machines, З motor trucks, tractors, or other self-propelled vehicles used for the transportation of property or persons over the 4 5 public highways of the state. 6 (8) "Person" means an individual, firm, or partnership. 7 (9) "Public highway" means a public street, road, 8 highway, or way in this state. 9 (10) "Railroad" means the movement of cars on rails, 10 regardless of the motive power used. 11 (11) "Recyclable" means any material diverted from the 12 solid waste stream that can be reused as raw material for 13 new products and for which markets exist." 14 Section-2---Section-69-12-2057-MCA7-is-amended-to-read? 15 #69-12-205---Rules---to---reflect---differences--between 16 carrier--classes---All--rules--in--relation--to---schedules7 17 service7--tariffs7--rates7-facilities7-accounts7-and-reports 18 shall-have-due-regard-for-the-differences--existing--between 19 elass--A7--elass--B7-elass-e7-and-elass-B7-and-elass-B-motor 20 carriers--as-herein-defined--and-shall-be--just---fair--and 21 reasonable--to--the--said-classes-of-motor-carriers-in-their 22 relations-to-each-other-and-to-the--public---In--fixing--the 23 tariff--or--rates-to-be-charged-by-Class-A-and-Class-B-motor 24 carriers-for-the-carrying-of-persons--and/or--property7--the 25 commission--shall--take--into--consideration--the--kind--and

character--of--service-to-be-performed;-the-public-necessity 1 2 therefor,-and-the-effect-of-such-tariff-and-rates-upon-other 3 transportation-agencies,--if--any,--and--shally--as--far--as possible--avoid-detrimentai-or-unreasonable-competition-with Δ 5 existing--railroad--service--or-service-furnished-by-a-motor 6 carrier-" 7 Section-3---Section-69-12-3017-MCA7-is-amended-to-read: 8 *69-12-301---Classification-of-motor-carriers--fl)-Motor 9 certiers-are-hereby-divided-into-four five--classes--to--be known-ast 10 11 +a)--Class-A-motor-carriers; 12 (b)--Class-B-motor-carriers; 13 +c)--Class-C-motor-carriers; 14 (d)--Elass-B-motor-carriers;-and 15 (e)--Elass-E-motor-carriers. 16 +2)---Class--A--motor--carriers--shall--embrace-all-motor 17 carriers-operating-between-fixed-termini-or-over--a--regular route--and-under-regular-rates-or-chargesy-based-upon-either 18 station-to-station-rates-or-upon-a-mileage-rate-or-scale-19 (3)--Class-B-motor--carriers--shall--embrace--all--motor 20 21 carriers-operating-under-regular-rates-or-charges-based-upon 22 either--station-to-station--rates--or-upon-a-mileage-rate-or scale-and-not-between-fixed-termini-or-over-a-regular-route-23 (4)--Class-C-motor--carriers--shall--embrace--all--motor 24 carriers---operating---motor---vehicles---for--distributing, 25

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HB 263

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| 1 | delivering,-or-collecting-wares,-merchandise,-or-commodities |
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| 2 | or-transporting-persons7-where-the-remuneration-is-fixedin |
| 3 | andthetransportation-service-furnished-under-a-contract7 |
| 4 | charter7-agreement7-or-undertaking7 |
| 5 | <pre>t5;@lass-B-motor-carriers-embraces-all-motorcarriers</pre> |
| 6 | operatingmotor-vehicles-transporting-fincluding-pickup-and |
| 7 | disposal)-ashea;-trash;-waste;-refuse;-rubbish;-garbage;-and |
| 8 | organic-and-inorganic-matter. |
| 9 | <u>+6)Class-E-motor-carriers-embraces-all-motorcarriers</u> |
| 10 | operating-motor-vehicles-with-pickup-service-for-recyclables |
| 11 | forwhichthereisa-chargeexcept-those-motor-carriers |
| 12 | <u>atreadyinpossessionofaClassBmotorcarrier</u> |
| 13 | certificate." |
| 14 | <u>NEW-SECTION,Section-4ClassEmotorcarrier</u> |
| 15 | certificate |
| 16 | operationspursuantto-a-certificate-of-public-convenience |
| 17 | and-necessity-issued-by-the-commission-thatauthorizesthe |
| 18 | transportation-of-the-commodities-described-in-69-12-301(6)- |
| 19 | When-applying-for-new-or-additional-authority7-Class-E-motor |
| 20 | carriersshallfilean-application-with-the-commission-in |
| 21 | accordance-with-the-requirements-of-Title697chapter127 |
| 22 | and-the-rules-of-the-commission. |
| 23 | (2) -AElassE-motor-carrier-certificate-may-be-issued |
| 24 | to-an-applicant-for-new-authority-only-if-the-existing-Elass |
| 25 | B-motor-carrier-or-municipality-in-the-service-area-declines |

to-provide-pickup-service-for-recyclables: NEW-SECTION:--Section-57--Codification-----instruction; {Section-4}-is-intended-to-be-codified-as-an--integral--part of--Title--69;--chapter--12;-and-the-provisions-of-Title-69; chapter-12;-apply-to-{section-4}; SECTION 2. SECTION 69-12-302, MCA, IS AMENDED TO READ: "69-12-302. Conditions resulting in Class C carrier considered as Class B carrier. (1) A Class C motor carrier operating with more than six contracts which are in effect at any given time and each of which are effective for a "69-12-302.

11 minimum of 180 days is considered to be operating as a Class 12 B motor carrier. Before transportation service may commence, 13 pertinent contract information shall be furnished to the 14 commission for each contract on forms prescribed by the 15 commission. The commission shall retain a duplicate of the 16 information in its files, and a copy of the form, confirmed 17 by the commission, must be kept in the cab of the motor 18 carrier when operating under that contract.

(2) All Class C motor carriers must annually submit to
the commission the names and addresses of all persons,
corporations, or other legal entities with whom the Class C
carrier has executed a contract, charter, agreement, or
undertaking for the distribution, delivery, or collection of
wares, merchandise, or commodities or for transporting
persons.

-5-

HB 263

-6-

HB 263

1 (3) The provisions of this section shall not apply to 2 solid waste contractors, transportation of recyclables, 3 household goods carriers, or house movers, as defined by the 4 department of public service regulation, or any carrier 5 whose authority is limited to the pickup and delivery of property and is confined by certificate to transportation 6 7 within a distance of 50 miles or less from a particular 8 location. Any carrier whose property authority is 9 incidental to the transportation of persons is not included 10 in the exemption under this subsection."

11

SECTION 3. SECTION 69-12-301, MCA, IS AMENDED TO READ:

12 "69-12-301. Classification of motor carriers. (1) Motor
 13 carriers are hereby divided into four classes to be known
 14 as:

15 (a) Class A motor carriers;

16 (b) Class B motor carriers;

17 (c) Class C motor carriers;

18 (d) Class D motor carriers.

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

(3) Class B motor carriers shall embrace all motor
 carriers operating under regular rates or charges based upon
 either station-to-station rates or upon a mileage rate or

-7-

HB 263

HB 0263/02

scale and not between fixed termini or over a regular route.
 (4) Class C motor carriers shall embrace all motor
 carriers operating motor vehicles for distributing,
 delivering, or collecting wares, merchandise, or commodities
 or transporting persons, where the remuneration is fixed in
 and the transportation service furnished under a contract,
 charter, agreement, or undertaking.

8 (5) Class D motor carriers embraces all motor carriers 9 operating motor vehicles transporting (including pickup and 10 disposal) ashes, trash, waste, refuse, rubbish, garbage, and 11 organic and inorganic matter, and recyclables."

12 SECTION 4. SECTION 69-12-406, MCA, IS AMENDED TO READ:

13 "69-12-406. Restriction on transportation of certain
14 waste. Except as provided in 69-12-324, no Class A, B, or C
15 carrier will be authorized or permitted to transport ashes,
16 trash, waste, refuse, rubbish, garbage, or organic and
17 inorganic matter within the state. This restriction does not

apply to recyclables."

18

-End-

-8-

52nd Legislature

34 16

| 1 | HOUSE BILL NO. 263 | 1 | (1) "Between fixed termini" or "over a regular route" |
|----|--|-----|--|
| 2 | INTRODUCED BY DRISCOLL, GILBERT, RANEY, GRADY, YELLOWTAIL, | 2 | means the termini or route between or over which a motor |
| 3 | WEEDING, T. BECK | 3 | carrier usually or ordinarily operates motor vehicles, even |
| 4 | BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL | 4 | though there may be periodical or irregular departures from |
| 5 | | 5 | the termini or route. |
| 6 | A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISHCLASSE | 6 | (2) "Certificate" means the certificate of public |
| 7 | M OT ORCARRIERAUTHORITYPORTHETRANSPORTAT IONOF | 7 | convenience and necessity issued under this chapter. |
| 8 | RECYCLABLES;-TO-PROVIDE-CLASS-D-MOTOR-CARRIERPRIORITYPOR | 8 | (3) "Compensation" means the charge imposed on motor |
| 9 | ELASSEMOTOR-CARRIER-AUTHORITY CLARIFY THE PUBLIC SERVICE | 9 | carriers for the use of the highways in this state by motor |
| 10 | COMMISSION'S AUTHORITY TO REGULATE THE TRANSPORTATION OF | 10 | carriers under 69-12-421. |
| 11 | RECYCLABLES; AND AMENDING SECTIONS 69-12-101, 69-12-2057-AND | 11 | (4) "Corporation" means a corporation, company, |
| 12 | 69-12-301, <u>69-12-302, AND 69-12-406,</u> MCA." | 12 | association, or joint-stock association. |
| 13 | | 13 | (5) "For hire" means for remuneration of any kind, paid |
| 14 | STATEMENT OF INTENT | 14 | or promised, either directly or indirectly, or received or |
| 15 | A STATEMENT OF INTENT IS REQUIRED FOR THIS BILL IN ORDER | 15 | obtained through leasing, brokering, or buy-and-sell |
| 16 | TO PROVIDE GUIDANCE TO THE PUBLIC SERVICE COMMISSION IN | 16 | arrangements from which a remuneration is obtained or |
| 17 | ADOPTING RULES. IT IS THE INTENTION OF THE LEGISLATURE THAT | 17 | derived for transportation service. |
| 18 | A CLASS D MOTOR CARRIER HAVE THE AUTHORITY TO COLLECT AND | 18 | (6) "Motor carrier" means a person or corporation, or |
| 19 | TRANSPORT SOURCE-SEPARATED RECYCLABLES AND THAT CLASS C | 19 | its lessees, trustees, or receivers appointed by any court, |
| 20 | MOTOR CARRIERS HAVE THE AUTHORITY TO TRANSPORT RECYCLABLES. | 20 | operating motor vehicles upon any public highway in this |
| 21 | | 21 | state for the transportation of persons or property for hire |
| 22 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: | 2 2 | on a commercial basis, either as a common carrier or under |
| 23 | Section 1. Section 69-12-101, MCA, is amended to read: | 23 | private contract, agreement, charter, or undertaking. The |
| 24 | "69-12-101. Definitions. Unless the context requires | 24 | term includes any motor carrier serving the public in the |
| 25 | otherwise, in this chapter the following definitions apply: | 25 | business of transportation of ashes, trash, waste, refuse, |
| - | · | | REFERENCE BILL |
| | | | -2- HB 263 |
| | Montana Legislative Council | | |

HB 0263/02

3 motor trucks, tractors, or other self-propelled vehicles used for the transportation of property or persons over the Δ 5 public highways of the state. (8) "Person" means an individual, firm, or partnership. 6 7 (9) "Public highway" means a public street, road, 8 highway, or way in this state. 9 (10) "Railroad" means the movement of cars on rails, 10 regardless of the motive power used. (11) "Recyclable" means any material diverted from the 11 12 solid waste stream that can be reused as raw material for 13 new products and for which markets exist." Section-2---Section-69-12-2057-MCA7-is-amended-to-read: 14 "69-12-205;--Rules---to---reflect---differences--between 15 16 carrier--classes---All--rules--in--relation--to---schedules7 17 service7--tariffs7--rates7-facilit14s7-accounts7-and-reports 18 shall-have-due-regard-for-the-differences--existing--between Class--A7--Class--B7-Class-C7-and-Class-B7-and-Class-B-motor 19 20 carriers--as-herein-defined--and-shall-be--just---fair---and 21 reasonable--to--the--said-classes-of-motor-carriers-in-their 22 relations-to-each-other-and-to-the--public---fixing--the 23 tariff--or--rates-to-be-charged-by-Class-A-and-Class-B-motor carriers-for-the-carrying-of-persons--and/or--property7--the 24 25 commission--shall--take--into--consideration--the--kind--and HB 263 -3-

rubbish, garbage, and organic and inorganic matter.

(7) "Motor vehicle" includes vehicles or machines,

1

2

| 1 | characterofservice-to-be-performedy-the-public-necessity |
|----|---|
| 2 | therefor7-and-the-effect-of-such-tariff-and-rates-upon-other |
| 3 | transportation-agencies,ifany,andshallyasfaras |
| 4 | possible7-avoid-detrimental-or-unreasonable-competition-with |
| 5 | existingrailroadserviceor-service-furnished-by-a-motor |
| 6 | carrier-" |
| 7 | Section-3Section-69-12-3017-MEA7-is-amended-to-read: |
| 8 | #69-12-301Classification-of-motor-carriers(1)-Motor |
| 9 | cassiers-are-hereby-divided-into-four <u>five</u> classestobe |
| 10 | known-as: |
| 11 | ta)Elass-A-motor-carriers; |
| 12 | <pre>tb}Class-B-motor-carriers;</pre> |
| 13 | (c)Class-C-motor-carriers; |
| 14 | (d)Class-D-motor-carriers <u>;-and</u> |
| 15 | te)Class-E-motor-carriers |
| 16 | (2)ClassAmotorcarriersshallembrace-all-motor |
| 17 | carriers-operating-between-fixed-termini-or-overaregular |
| 18 | routeand-under-regular-rates-or-charges7-based-upon-either |
| 19 | station-to-station-rates-or-upon-a-mileage-rate-or-scale. |
| 20 | +3)81ass-B-motorcarriersshallembraceallmotor |
| 21 | carriers-operating-under-regular-rates-or-charges-based-upon |
| 22 | eitherstation-to-stationratesor-upon-a-mileage-rate-or |
| 23 | scale-and-not-between-fixed-termini-or-over-a-regular-route- |
| 24 | <pre>t4;@lass-@-motorcarriersshallembraceallmotor</pre> |
| 25 | carriersoperatingmotorvehiclesfordistributing; |
| | |

-4-

HB 263

| 1 | delivering;-or-collecting-wares;-merchandise;-or-commodities |
|----|--|
| 2 | or-transporting-persons;-where-the-remumeration-is-fixedin |
| 3 | andthetransportation-service-furnished-under-a-contract; |
| 4 | charter7-agreement7-or-undertaking7 |
| 5 | t5;Class-B-motor-carriers-embraces-all-motorcarriers |
| 6 | operatingmotor-vehicles-transporting-(including-pickup-and |
| 7 | disposal)-ashes;-trash;-waste;-refuse;-rubbish;-garbage;-and |
| 8 | organic-and-inorganic-matter- |
| 9 | <u>t67@lass-E-motor-carriers-embraces-all-motorcarriers</u> |
| 10 | operating-motor-vehicles-with-pickup-service-for-recyclables |
| 11 | forwhichthereisa-chargeexcept-those-motor-carriers |
| 12 | aireadyinpossessionofaGlassDmotorcarrier |
| 13 | <u>certificate=</u> 4 |
| 14 | NEW-SECTIONSection-4ClassBmotorcarrier |
| 15 | certificate(1)ClassBmotorcarriersshallconduct |
| 16 | operationspursuantto-a-certificate-of-public-convenience |
| 17 | and-necessity-issued-by-the-commission-thatauthorizesthe |
| 18 | transportation-of-the-commodities-described-in-69-12-301(6)- |
| 19 | When-applying-for-new-or-additional-authority;-Elass-E-motor |
| 20 | carriersshallfilean-application-with-the-commission-in |
| 21 | accordance-with-the-requirements-of-Title697chapter127 |
| 22 | and-the-rules-of-the-commission- |
| 23 | (2)AElassB-motor-carrier-certificate-may-be-issued |
| | |

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23 (2)--A--Biass-B-motor-carrier-Certificate-may-be-issued
 24 to-an-applicant-for-new-authority-only-if-the-existing-Glass
 25 B-motor-carrier-or-municipality-in-the-service-area-declines

| 1 | to-provide-pickup-service-for-recyclables- |
|----|--|
| 2 | NEW-SECTIONSection-5Codificationinstruction- |
| 3 | {Section-4}-is-intended-to-be-codified-as-anintegralpart |
| 4 | ofTitle697chapter127-and-the-provisions-of-Title-697 |
| 5 | chapter-127-apply-to-{section-4}+ |
| б | SECTION 2. SECTION 69-12-302, MCA, IS AMENDED TO READ: |
| 7 | *69-12-302. Conditions resulting in Clasв C carrier |
| 8 | considered as Class B carrier. (1) A Class C motor carrier |
| 9 | operating with more than six contracts which are in effect |
| 10 | at any given time and each of which are effective for a |
| 11 | minimum of 180 days is considered to be operating as a Class |
| 12 | B motor carrier. Before transportation service may commence, |
| 13 | pertinent contract information shall be furnished to the |
| 14 | commission for each contract on forms prescribed by the |
| 15 | commission. The commission shall retain a duplicate of the |
| 16 | information in its files, and a copy of the form, confirmed |
| 17 | by the commission, must be kept in the cab of the motor |
| 18 | carrier when operating under that contract. |
| 19 | (2) All Class C motor carriers must annually submit to |
| 20 | the commission the names and addresses of all persons, |

21 corporations, or other legal entities with whom the Class C 22 carrier has executed a contract, charter, agreement, or 23 undertaking for the distribution, delivery, or collection of 24 wares, merchandise, or commodities or for transporting 25 persons.

-5-

HB 263

-6-

HB 263

HB 263

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1 (3) The provisions of this section shall not apply to 2 solid waste contractors, transportation of recyclables, household goods carriers, or house movers, as defined by the 3 department of public service regulation, or any carrier 4 5 whose authority is limited to the pickup and delivery of 6 property and is confined by certificate to transportation 7 within a distance of 50 miles or less from a particular 8 location. Any carrier whose property authority is 9 incidental to the transportation of persons is not included 10 in the exemption under this subsection."

SECTION 3. SECTION 69-12-301, MCA, IS AMENDED TO READ:
 *69-12-301. Classification of motor carriers. (1) Motor
 carriers are hereby divided into four classes to be known

14 as:

15 (a) Class A motor carriers;

16 (b) Class B motor carriers;

17 (c) Class C motor carriers;

18 (d) Class D motor carriers.

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

23 (3) Class B motor carriers shall embrace all motor
 24 carriers operating under regular rates or charges based upon
 25 either station-to-station rates or upon a mileage rate or

-7-

1 scale and not between fixed termini or over a regular route. 2 (4) Class C motor carriers shall embrace all motor 3 carriers operating motor vehicles for distributing, Δ delivering, or collecting wares, merchandise, or commodities 5 or transporting persons, where the remuneration is fixed in 6 and the transportation service furnished under a contract, 7 charter, agreement, or undertaking. 8 (5) Class D motor carriers embraces all motor carriers 9 operating motor vehicles transporting (including pickup and 10 disposal) ashes, trash, waste, refuse, rubbish, garbage, and

12 SECTION 4. SECTION 69-12-406, MCA, IS AMENDED TO READ:

organic and inorganic matter, and recyclables."

13 "69-12-406. Restriction on transportation of certain 14 waste. Except as provided in 69-12-324, no Class A, B, or C 15 carrier will be authorized or permitted to transport ashes, 16 trash, waste, refuse, rubbish, garbage, or organic and 17 inorganic matter within the state. This restriction does not 18 apply to recyclables."

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HB 263