

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *263*
 2 INTRODUCED BY *David Gilbert Roney*
 3 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL *Branch*
 4 *Yellowtail Working Band*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH CLASS E
 6 MOTOR CARRIER AUTHORITY FOR THE TRANSPORTATION OF
 7 RECYCLABLES; TO PROVIDE CLASS D MOTOR CARRIER PRIORITY FOR
 8 CLASS E MOTOR CARRIER AUTHORITY; AND AMENDING SECTIONS
 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:

12 **Section 1.** Section 69-12-101, MCA, is amended to read:

13 "69-12-101. Definitions. Unless the context requires
14 otherwise, in this chapter the following definitions apply:

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

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

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

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

1 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
8 its lessees, trustees, or receivers appointed by any court,
9 operating motor vehicles upon any public highway in this
10 state for the transportation of persons or property for hire
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.

21 (9) "Public highway" means a public street, road,
22 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



-2- INTRODUCED BILL
HB 263

1 solid waste stream that can be reused as raw material for
2 new products and for which markets exist."

3 **Section 2.** Section 69-12-205, MCA, is amended to read:

4 "69-12-205. Rules to reflect differences between
5 carrier classes. All rules in relation to schedules,
6 service, tariffs, rates, facilities, accounts, and reports
7 shall have due regard for the differences existing between
8 Class A, Class B, Class C, and Class D, and Class E motor
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
12 tariff or rates to be charged by Class A and Class B motor
13 carriers for the carrying of persons and/or property, the
14 commission shall take into consideration the kind and
15 character of service to be performed, the public necessity
16 therefor, and the effect of such tariff and rates upon other
17 transportation agencies, if any, and shall, as far as
18 possible, avoid detrimental or unreasonable competition with
19 existing railroad service or service furnished by a motor
20 carrier."

21 **Section 3.** Section 69-12-301, MCA, is amended to read:

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

25 (a) Class A motor carriers;

1 (b) Class B motor carriers;

2 (c) Class C motor carriers;

3 (d) Class D motor carriers; and

4 (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.

19 (5) Class D motor carriers embraces all motor carriers
20 operating motor vehicles transporting (including pickup and
21 disposal) ashes, trash, waste, refuse, rubbish, garbage, and
22 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

1 already in possession of a Class D motor carrier
2 certificate."

3 NEW SECTION. Section 4. Class E 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.

12 (2) A Class E motor carrier certificate may be issued
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.

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

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

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

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:

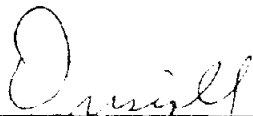
1. Current fee schedules and commissions remain unchanged.
2. All currently known motor carriers of recyclable materials are currently regulated under a different classification.
3. Current revenues and/or expenditures are not affected.

FISCAL IMPACT:

None



ROD SUNDSTED, BUDGET DIRECTOR 1-22-91 DATE
Office of Budget and Program Planning



JERRY L. DRISCOLL, PRIMARY SPONSOR 1-23-91 DATE
Fiscal Note for HB0263, as introduced.

HB 263

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 263

INTRODUCED BY DRISCOLL, GILBERT, RANEY, GRADY, YELLOWTAIL,
WEEDING, T. BECK

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH--CLASS--B
MOTOR---CARRIER---AUTHORITY---FOR---THE---TRANSPORTATION---OF
RECYCLABLES;-TO-PROVIDE-CLASS-D-MOTOR-CARRIER--PRIORITY--FOR
CLASS--E--MOTOR-CARRIER-AUTHORITY CLARIFY THE PUBLIC SERVICE
COMMISSION'S AUTHORITY TO REGULATE THE TRANSPORTATION OF
RECYCLABLES; AND AMENDING SECTIONS 69-12-101, 69-12-205,-AND
69-12-301, 69-12-302, AND 69-12-406, MCA."

STATEMENT OF INTENT

A STATEMENT OF INTENT IS REQUIRED FOR THIS BILL IN ORDER
TO PROVIDE GUIDANCE TO THE PUBLIC SERVICE COMMISSION IN
ADOPTING RULES. IT IS THE INTENTION OF THE LEGISLATURE THAT
A CLASS D MOTOR CARRIER HAVE THE AUTHORITY TO COLLECT AND
TRANSPORT SOURCE-SEPARATED RECYCLABLES AND THAT CLASS C
MOTOR CARRIERS HAVE THE AUTHORITY TO TRANSPORT RECYCLABLES.

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

Section 1. Section 69-12-101, MCA, is amended to read:

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

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

(2) "Certificate" means the certificate of public
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.

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

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

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

SECOND READING



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 69-12-205, MCA, is amended to read:

15 "69-12-205. Rules to reflect differences between

16 carrier classes. All rules in relation to schedules,

17 service, tariffs, rates, facilities, accounts, and reports

18 shall have due regard for the differences existing between

19 Class A, Class B, Class C, and Class D, 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

1 character of service to be performed, the public necessity

2 therefor, and the effect of such tariff and rates upon other

3 transportation agencies, if any, and shall, as far as

4 possible, avoid detrimental or unreasonable competition with

5 existing railroad service or service furnished by a motor

6 carrier."

7 Section 3, Section 69-12-301, MCA, is amended to read:

8 "69-12-301. Classification of motor carriers. (1) Motor

9 carriers are hereby divided into four five classes to be

10 known as:

11 (a) Class A motor carriers;

12 (b) Class B motor carriers;

13 (c) Class C motor carriers;

14 (d) Class D motor carriers; and

15 (e) Class E motor carriers.

16 (2) Class 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 C motor carriers shall embrace all motor

25 carriers operating motor vehicles for distributing

1 delivering, or collecting wares, merchandise, or commodities
2 or transporting persons, where the remuneration is fixed in
3 and the transportation service furnished under a contract,
4 charter, agreement, or undertaking.

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

9 ~~(6) Class B motor carriers embraces all motor carriers
10 operating motor vehicles with pickup service for recyclables
11 for which there is a charge, except those motor carriers
12 already in possession of a Class B motor carrier
13 certificate."~~

14 ~~NEW SECTION, Section 4, Class E motor carrier
15 certificate. (1) Class E motor carriers shall conduct
16 operations pursuant to a certificate of public convenience
17 and necessity issued by the commission that authorizes the
18 transportation of the commodities described in 69-12-301(6).
19 When applying for new or additional authority, Class E motor
20 carriers shall file an application with the commission in
21 accordance with the requirements of Title 69, chapter 12,
22 and the rules of the commission.~~

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

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 Title 69, chapter 12, and the provisions of Title 69,
5 chapter 12, 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
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.

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
 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.

19 (2) Class A motor carriers shall embrace all motor
 20 carriers operating between fixed termini or over a regular
 21 route and under regular rates or charges, based upon either
 22 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

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,
 4 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
 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
 18 apply to recyclables."

-End-

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

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 7 MOTOR---CARRIER---AUTHORITY---FOR---THE---TRANSPORTATION---OF
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 9 CLASS--B--MOTOR--CARRIER--AUTHORITY CLARIFY THE PUBLIC SERVICE
 10 COMMISSION'S AUTHORITY TO REGULATE THE TRANSPORTATION OF
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 12 69-12-301, 69-12-302, AND 69-12-406, MCA."

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14 STATEMENT OF INTENT

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 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
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 14 or promised, either directly or indirectly, or received or
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THIRD READING

1 rubbish, garbage and organic and inorganic matter.
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 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 69-12-205, MCA, is amended to read:
 15 "69-12-205. Rules to reflect differences between
 16 carrier classes. All rules in relation to schedules,
 17 service, tariffs, rates, facilities, accounts, and reports
 18 shall have due regard for the differences existing between
 19 Class A, Class B, Class C, and Class D, 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

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 10 known as:
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 12 (b) Class B motor carriers;
 13 (c) Class C motor carriers;
 14 (d) Class D motor carriers; and
 15 (e) Class E motor carriers;
 16 (2) Class 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
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14 NEW SECTION. Section 4. Class E motor carrier
 15 certificate. (1) Class E motor carriers shall conduct
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 25 B motor carrier or municipality in the service area declines

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 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
 15 obtained through leasing, brokering, or buy-and-sell
 16 arrangements from which a remuneration is obtained or
 17 derived for transportation service.
- 18 (6) "Motor carrier" means a person or corporation, or
 19 its lessees, trustees, or receivers appointed by any court,
 20 operating motor vehicles upon any public highway in this
 21 state for the transportation of persons or property for hire
 22 on a commercial basis, either as a common carrier or under
 23 private contract, agreement, charter, or undertaking. The
 24 term includes any motor carrier serving the public in the
 25 business of transportation of ashes, trash, waste, refuse,

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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 69-12-205, MCA, is amended to read:

15 "69-12-205. Rules to reflect differences between
16 carrier classes. All rules in relation to schedules,
17 service, tariffs, rates, facilities, accounts, and reports
18 shall have due regard for the differences existing between
19 Class A, Class B, Class C, and Class D, 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

1 character of service to be performed, the public necessity
2 therefor, and the effect of such tariff and rates upon other
3 transportation agencies, if any, and shall, as far as
4 possible, avoid detrimental or unreasonable competition with
5 existing railroad service or service furnished by a motor
6 carrier."

7 Section 3, Section 69-12-301, MCA, is amended to read:
8 "69-12-301. Classification of motor carriers. (1) Motor
9 carriers are hereby divided into four five classes to be
10 known as:

- 11 (a) Class A motor carriers;
 - 12 (b) Class B motor carriers;
 - 13 (c) Class C motor carriers;
 - 14 (d) Class D motor carriers; and
 - 15 (e) Class E motor carriers;
- 16 (2) Class 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 C motor carriers shall embrace all motor
25 carriers operating motor vehicles for distributing;

1 delivering, or collecting wares, merchandise, or commodities
 2 or transporting persons, where the remuneration is fixed in
 3 and the transportation service furnished under a contract,
 4 charter, agreement, or undertaking;

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

9 ~~(6) Class B motor carriers embraces all motor carriers~~
 10 ~~operating motor vehicles with pickup service for recyclables~~
 11 ~~for which there is a charge, except those motor carriers~~
 12 ~~already in possession of a Class B motor carrier~~
 13 ~~certificate.~~^A

14 ~~NEW SECTION. Section 4. Class B motor carrier~~
 15 ~~certificate. (1) Class B motor carriers shall conduct~~
 16 ~~operations pursuant to a certificate of public convenience~~
 17 ~~and necessity issued by the commission that authorizes the~~
 18 ~~transportation of the commodities described in 69-12-301(6).~~
 19 ~~When applying for new or additional authority, Class B motor~~
 20 ~~carriers shall file an application with the commission in~~
 21 ~~accordance with the requirements of Title 69, chapter 12,~~
 22 ~~and the rules of the commission.~~

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

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 Title 69, chapter 12, and the provisions of Title 69,~~
 5 ~~chapter 12, 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
 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.

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
 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.

19 (2) Class A motor carriers shall embrace all motor
 20 carriers operating between fixed termini or over a regular
 21 route and under regular rates or charges, based upon either
 22 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

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,
 4 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
 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
 18 apply to recyclables."

-End-