

SENATE BILL 27

Introduced by Svrcek

12/27	Introduced
12/31	Referred to Highways & Transportation
1/02	Fiscal Note Requested
1/07	First Reading
1/07	Fiscal Note Received
1/07	Fiscal Note Printed
1/15	Hearing
1/31	Tabled in Committee

1 SENATE BILL NO. 27

2 INTRODUCED BY SVRCEK

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING MOTOR
5 VEHICLES USED EXCLUSIVELY FOR THE TRANSPORTATION OF
6 RECYCLABLE OR RECYCLED MATERIALS FROM LAWS REGULATING MOTOR
7 CARRIERS; AND AMENDING SECTIONS 69-12-101 AND 69-12-102,
8 MCA."
9

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

11 **Section 1.** Section 69-12-101, MCA, is amended to read:12 "69-12-101. Definitions. Unless the context requires
13 otherwise, in this chapter the following definitions apply:

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

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

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

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

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

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

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

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

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

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

24 (11) "Recyclable or recycled materials" means material
25 collected or recovered from waste that is en route to or

1 from a recycling center."

2 **Section 2.** Section 69-12-102, MCA, is amended to read:

3 "69-12-102. Scope of chapter -- exemptions. (1) This
4 chapter does not affect:

5 (a) motor vehicles used in carrying property consisting
6 of agricultural commodities (not including manufactured
7 products thereof) if the motor vehicles are not used in
8 carrying other property or passengers for compensation;

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

14 (c) the transportation by means of motor vehicles in
15 the regular course of business of employees, supplies, and
16 materials by a person or corporation engaged exclusively in
17 the construction or maintenance of highways or engaged
18 exclusively in logging or mining operations, insofar as the
19 use of employees, supplies, and materials in construction
20 and production is concerned;

21 (d) the transportation of property by motor vehicle in
22 a city, town, or village with a population of less than 500
23 persons according to the latest United States census or in
24 the commercial areas thereof, as determined by the
25 commission;

1 (e) the transportation of newspapers, newspaper
2 supplements, periodicals, or magazines;

3 (f) tow trucks and wreckers designed and exclusively
4 used in towing abandoned, wrecked, or disabled vehicles or
5 while these tow trucks and wreckers are rendering assistance
6 to abandoned, wrecked, or disabled vehicles;

7 (g) motor vehicles used exclusively in carrying junk
8 vehicles from a collection point to a motor vehicle wrecking
9 facility or a motor vehicle graveyard;

10 (h) ambulances;

11 (i) the transportation of pit run or processed sand and
12 gravel, concrete mix, aggregate, plant mix asphalt pavement,
13 aggregate mix, dirt, rock, material from demolished
14 buildings and structures, used paving materials, used
15 concrete, broken concrete, riprap, and other forms and types
16 of materials transported solely for the purpose of
17 excavation or fill;

18 (j) the transportation by motor vehicle of not more
19 than 15 passengers between their places of residence or
20 termini near their residences and their places of employment
21 in a single daily round trip if the driver is also on his
22 way to or from his place of employment;

23 (k) the transportation of property by motor carrier as
24 part of a continuous movement if such property, prior or
25 subsequent to such part of a continuous movement, has been

1 or will be transported by an air carrier;

2 (1) the operation of:

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

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

8 (m) armored motor vehicles used exclusively for the
9 transportation of coins, currency, silver bullion, gold
10 bullion, and other precious metals, precious stones,
11 valuable paintings, and other items of unusual value
12 requiring special handling and security; or

13 (n) the transportation of a commodity under an
14 agreement between a motor carrier and an office or agency of
15 the United States government; or

16 (o) motor vehicles used exclusively for the
17 transportation of recyclable or recycled materials.

18 (2) This chapter does not prevent bona fide leases,
19 brokerage agreements, or buy-and-sell agreements."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0027, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act exempting motor vehicles used exclusively for the transportation of recyclable or recycled materials from laws regulating motor carriers; and amending sections 69-12-101 and 69-12-102, MCA.

ASSUMPTIONS:


1. Currently no motor carrier has authority to haul solely recyclable materials; rather, all motor carriers currently authorized to haul recyclable materials have concurrent authority to haul other materials and/or commodities.
2. Since the motor carriers currently hauling recyclable materials likewise haul other materials which are not exempt from regulatory licenses and fees, the exemption of recyclable materials does not effect current workloads or revenues.

FISCAL IMPACT:

None

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

None

 1-5-91
ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1/7/91
PAUL S. SVRCEK, PRIMARY SPONSOR DATE

Fiscal Note for SB0027 as introduced.

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