

SENATE BILL 101

Introduced by Rea

1/15	Introduced
1/16	Referred to Highways & Transportation
1/16	First Reading
1/24	Hearing
2/13	Tabled in Committee

1 SENATE BILL NO. 101  
 2 INTRODUCED BY Rock Doc Res  
 3 BY REQUEST OF THE PUBLIC SERVICE COMMISSION  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY SPECIAL  
 6 PROVISIONS APPLICABLE TO MOTOR CARRIER REGULATION WHEN  
 7 CERTAIN FEDERAL OR STATE CONTRACTS ARE INVOLVED;  
 8 IMPLEMENTING THE DECISION OF THE MONTANA SUPREME COURT IN  
 9 STATE EX REL. ROBERTS V. PUBLIC SERVICE COMMISSION, 790 P.2D  
 10 489, 47 ST. REP. 774 (1990); AMENDING SECTION 69-12-324,  
 11 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
 12

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

14 **Section 1.** Section 69-12-324, MCA, is amended to read:

15 "69-12-324. Special provisions when certain federal or  
 16 state contract contracts involved. (1) The presentation to  
 17 the commission of the a written contract ~~to the commission~~  
 18 with the United States government or state government shall  
 19 be deemed sufficient proof of public convenience and  
 20 necessity in accordance with the terms and conditions  
 21 contained within the ~~United--States--government--or--state~~  
 22 ~~government--contracts--Subject--to--the--provisions--of--this~~  
 23 ~~section--a--transportation--movement--is--considered--to--be~~  
 24 contract for for-hire transportation of:

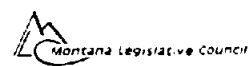
25 (a) ~~the--transportation--for--hire--of~~ persons between tv

1 points within the state by a motor carrier pursuant--to--the  
 2 terms--of--a--written--contract--between--the--carrier--and--the  
 3 United-States-government-or-an-agency-or-department--thereof;  
 4 or

5 (b) ~~the-transportation-for-hire-of~~ solid waste between  
 6 two points within the state by a motor carrier pursuant-to  
 7 the-terms-of-a-written-contract-between-the-carrier-and--the  
 8 state-government-or-an-agency-or-department--thereof.

9 (2) The ~~Class-E~~ commission may issue a certificate of  
 10 public convenience and necessity ~~issued~~ pursuant to the  
 11 terms and conditions of the a United States government or  
 12 state government contract ~~may-be-issued--by--the--commission~~  
 13 identified in subsection (1) upon receipt of an executed  
 14 copy of the United States government or state government  
 15 contract. The certificate of public convenience and  
 16 necessity may be issued thereafter without requiring the  
 17 commission to fix a time and place for public hearing.

18 (3) The certificate of public convenience and  
 19 necessity, issued pursuant to the terms of the a United  
 20 States government or state government contract identified in  
 21 subsection (1), is authorized only for the duration of the  
 22 United States government or state government contract  
 23 concerned. The certificate may be renewed for another  
 24 definite term if the same motor carrier is the motor carrier  
 25 authorized to operate under the United States government or



1 state government contract."

2 NEW SECTION. **Section 2.** Effective date. [This act] is

3 effective on passage and approval.

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