

1 House BILL NO. 249  
 2 INTRODUCED BY Richard Milroy

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 8-101,  
 5 R.C.M. 1947, BY PROVIDING THAT A MOTOR CARRIER DOES NOT  
 6 INCLUDE MOTOR VEHICLES USED IN CARRYING JUNK VEHICLES FROM A  
 7 COLLECTION POINT TO A MOTOR VEHICLE WRECKING FACILITY OR A  
 8 MOTOR VEHICLE GRAVEYARD."

9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 8-101, R.C.M. 1947, is amended to  
 12 read as follows:

13 "8-101. Definition of terms. Unless the context  
 14 requires otherwise, in this act:

15 (1) "Commission" or "board" means the public service  
 16 commission provided for in section 82A-1702.

17 (2) "Corporation" means a corporation, company,  
 18 association or joint-stock association.

19 (3) "Person" means an individual, firm, or  
 20 copartnership.

21 (4) "Certificate" means the certificate of public  
 22 convenience and necessity issued under this act.

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

25 (6) "Motor vehicle" includes vehicles or machines,

1 motor trucks, tractors or other self-propelled vehicles used  
 2 for the transportation of property or persons over the  
 3 public highways of the state, and any trailer, semitrailer,  
 4 dollie or other vehicle drawn thereby.

5 (7) "Between fixed termini or over a regular route"  
 6 means the termini or route between or over which a motor  
 7 carrier usually or ordinarily operates motor vehicles, even  
 8 though there may be periodical or irregular departures from  
 9 the termini or route. Whether or not a motor vehicle is  
 10 operated by a motor carrier between fixed termini, or over a  
 11 regular route, or otherwise, under this act, is a question  
 12 of fact to be determined by the commission.

13 (8) "Motor carrier" means a person or corporation,  
 14 their lessees, trustees, or receivers, appointed by any  
 15 court, operating motor vehicles upon any public highway in  
 16 this state for the transportation of persons or property for  
 17 hire, on a commercial basis either as a common carrier or  
 18 under private contract, agreement, charter, or undertaking.  
 19 However, this act does not affect motor vehicles used in  
 20 carrying property consisting of agricultural commodities  
 21 (not including manufactured products thereof), if the motor  
 22 vehicles are not used in carrying other property or  
 23 passengers for compensation; the operation of school buses  
 24 which are used in conveying pupils or other students  
 25 enrolled in classes to and from district or other schools,

1 or in transportation movements related to school activities  
 2 which are sponsored or supervised by school authorities, the  
 3 transportation by means of motor vehicles in the regular  
 4 course of business of employees, supplies, and materials by  
 5 a person, firm, or corporation engaged exclusively in the  
 6 construction or maintenance of highways, or engaged  
 7 exclusively in logging or mining operations, in so far as  
 8 the use of employees, supplies, and materials in  
 9 construction and production is concerned; the transportation  
 10 of property by motor vehicle in a city, town, or village  
 11 with a population, according to the latest United States  
 12 census, of less than five hundred (500) persons, or in the  
 13 commercial areas thereof as determined by the commission;  
 14 the transportation of newspapers, newspaper supplements,  
 15 periodicals or magazines; tow trucks and wreckers designed  
 16 and exclusively used in towing abandoned, wrecked, or  
 17 disabled vehicles or while these tow trucks and wreckers are  
 18 rendering assistance to abandoned, wrecked, or disabled  
 19 vehicles; motor vehicles used exclusively in carrying junk  
 20 vehicles from a collection point to a motor vehicle wrecking  
 21 facility or a motor vehicle graveyard; or ambulances.

22 (9) "For hire" means for remuneration of any kind, paid  
 23 or promised, either directly or indirectly, or received or  
 24 obtained through leasing, brokering, or buy-and-sell  
 25 arrangements from which a remuneration is obtained or

1 derived for transportation service. An accommodative  
 2 transportation movement by a person not in the  
 3 transportation business is not a service for hire, even  
 4 though the persons owning the property transported or  
 5 persons transported share in the cost or pay for the  
 6 movement. This act does not prevent bona fide leases,  
 7 brokerage agreements, or buy-and-sell agreements.

8 (10) "Compensation" means the charge imposed on motor  
 9 carriers for the use of the highways in this state by motor  
 10 carriers, under section 8-116.

11 (11) "Railroad" means the movement of cars on rails,  
 12 regardless of the motive power used."

-End-

Approved by Committee  
on Highways & Transportation

*House* BILL NO. *249*  
*Richard Nelson*

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 8-101, R.C.M. 1947, BY PROVIDING THAT A MOTOR CARRIER DOES NOT INCLUDE MOTOR VEHICLES USED IN CARRYING JUNK VEHICLES FROM A COLLECTION POINT TO A MOTOR VEHICLE WRECKING FACILITY OR A MOTOR VEHICLE GRAVEYARD."

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Section 1. Section 8-101, R.C.M. 1947, is amended to read as follows:

"8-101. Definition of terms. Unless the context requires otherwise, in this act:

(1) "Commission" or "board" means the public service commission provided for in section 82A-1702.

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

(3) "Person" means an individual, firm, or copartnership.

(4) "Certificate" means the certificate of public convenience and necessity issued under this act.

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

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

motor trucks, tractors or other self-propelled vehicles used for the transportation of property or persons over the public highways of the state, and any trailer, semitrailer, dollie or other vehicle drawn thereby.

(7) "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. Whether or not a motor vehicle is operated by a motor carrier between fixed termini, or over a regular route, or otherwise, under this act, is a question of fact to be determined by the commission.

(8) "Motor carrier" means a person or corporation, their 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. However, this act does not affect motor vehicles used in carrying property consisting of agricultural commodities (not including manufactured products thereof), if the motor vehicles are not used in carrying other property or passengers for compensation; the operation of school buses which are used in conveying pupils or other students enrolled in classes to and from district or other schools,

1 or in transportation movements related to school activities  
 2 which are sponsored or supervised by school authorities, the  
 3 transportation by means of motor vehicles in the regular  
 4 course of business of employees, supplies, and materials by  
 5 a person, firm, or corporation engaged exclusively in the  
 6 construction or maintenance of highways, or engaged  
 7 exclusively in logging or mining operations, in so far as  
 8 the use of employees, supplies, and materials in  
 9 construction and production is concerned; the transportation  
 10 of property by motor vehicle in a city, town, or village  
 11 with a population, according to the latest United States  
 12 census, of less than five hundred (500) persons, or in the  
 13 commercial areas thereof as determined by the commission;  
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 17 disabled vehicles or while these tow trucks and wreckers are  
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 2 transportation movement by a person not in the  
 3 transportation business is not a service for hire, even  
 4 though the persons owning the property transported or  
 5 persons transported share in the cost or pay for the  
 6 movement. This act does not prevent bona fide leases,  
 7 brokerage agreements, or buy-and-sell agreements.

8 (10) "Compensation" means the charge imposed on motor  
 9 carriers for the use of the highways in this state by motor  
 10 carriers, under section 8-116.

11 (11) "Railroad" means the movement of cars on rails,  
 12 regardless of the motive power used."

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 19 However, this act does not affect motor vehicles used in  
 20 carrying property consisting of agricultural commodities  
 21 (not including manufactured products thereof), if the motor  
 22 vehicles are not used in carrying other property or  
 23 passengers for compensation; the operation of school buses  
 24 which are used in conveying pupils or other students  
 25 enrolled in classes to and from district or other schools,

1 or in transportation movements related to school activities  
 2 which are sponsored or supervised by school authorities, the  
 3 transportation by means of motor vehicles in the regular  
 4 course of business of employees, supplies, and materials by  
 5 a person, firm, or corporation engaged exclusively in the  
 6 construction or maintenance of highways, or engaged  
 7 exclusively in logging or mining operations, in so far as  
 8 the use of employees, supplies, and materials in  
 9 construction and production is concerned; the transportation  
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## 1 HOUSE BILL NO. 249

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