

1 *Clause* BILL NO. *464*
 2 INTRODUCED BY *Sloan*
 3 *By Request of*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 3-110,
 5 R.C.M. 1947, TO EXEMPT FROM THE CLASS C MOTOR CARRIER
 6 CERTIFICATE REQUIREMENTS, CARRIERS OPERATING PURSUANT TO THE
 7 TERMS AND CONDITIONS OF A CONTRACT WITH THE STATE OR AN
 8 AGENCY OR DEPARTMENT THEREOF; AND PROVIDING FOR AN IMMEDIATE
 9 EFFECTIVE DATE."

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

12 Section 1. Section 3-110, R.C.M. 1947, is amended to
 13 read as follows:

14 "3-110. Certificate required of class C motor
 15 carriers--contents of application--fee. (1) (a) No class C
 16 motor carrier as in this act defined, except any class C
 17 motor carrier operating pursuant to the terms and conditions
 18 of a United States government contract, agency or department
 19 thereof, or of a contract with the state or an agency or
 20 department thereof, shall hereafter operate for the
 21 distribution, delivery, or collection of goods, wares,
 22 merchandise, or commodities, or for the transportation of
 23 persons on any public highway in this state, without first
 24 having obtained from the board, under the provisions of this
 25 act, a certificate that public convenience and necessity

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1 require such operation.

2 (b) A motor carrier making application for such permit
 3 shall do so in writing, separately for each route or
 4 locality for which consideration is desired, which petition
 5 shall be verified by the applicant and shall specify the
 6 following matters:

7 1. The name and address of the applicant and the names
 8 and addresses of its officers, if any.

9 2. The public highways or highways over which and the
 10 fixed termini between which, or the route or routes over
 11 which it intends to operate, if the same are fixed; or the
 12 particular city, town, station, or locality from and/or to
 13 which the applicant intends to operate.

14 3. The kind of transportation, the character of the
 15 goods, wares, merchandise, or commodities to be distributed,
 16 delivered or collected, together with a full and complete
 17 description of the character of the vehicle or vehicles,
 18 including the rated tonnage capacity of such vehicles, to be
 19 used in such service of distribution, delivery or
 20 collection.

21 4. And such other or additional information as the
 22 board may by order require.

23 (c) Such application shall be accompanied by a fee of
 24 fifteen dollars (\$15.00) to thirty-five dollars (\$35.00) to
 25 be set by the board based on the number of counties for

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1 which the certificate is requested, and an additional sum to
 2 be set by the board to pay the cost of publishing notice of
 3 hearing in the legal advertising sections of an appropriate
 4 newspaper or newspapers.

5 (2) The transportation for hire of any persons or
 6 commodities between any two (2) points within the state of
 7 Montana by any motor carrier pursuant to the terms of a
 8 written contract between said carrier and the United States
 9 government, agency or department thereof, or the state or an
 10 agency or department thereof, shall be deemed a
 11 transportation movement subject to the provisions of the
 12 Montana Motor Carrier Act, R. C. M., 1947, 8-101 et seq.,
 13 provided, however, that the presentation of the written
 14 contract to the board shall be deemed sufficient proof of
 15 public convenience and necessity in accordance with the
 16 terms and conditions contained within the United States
 17 government or state contract.

18 The class C certificate of public convenience and
 19 necessity issued pursuant to the terms and conditions of the
 20 United States government or state contract may be issued by
 21 the board upon receipt of an executed copy of the United
 22 States government or state contract. The certificate of
 23 public convenience and necessity may be issued thereafter
 24 without requiring the board to fix a time and place for
 25 public hearing.

1 The certificate of public convenience and necessity,
 2 issued pursuant to the terms of the United States government
 3 or state contract, is authorized only for the duration of
 4 the United States government or state contract concerned,
 5 provided, however, the certificate may be renewed for
 6 another definite term if the same motor carrier is the motor
 7 carrier authorized to operate under the United States
 8 government or state contract."

9 Section 2. This act is effective upon its passage and
 10 approval.

-End-

Approved by Committee
on Highways & Transportation

1 *House* BILL NO. *464*
 2 INTRODUCED BY *Sloan*
 3 *By Request*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 8-110,
 5 R.C.M. 1947, TO EXEMPT FROM THE CLASS C MOTOR CARRIER
 6 CERTIFICATE REQUIREMENTS, CARRIERS OPERATING PURSUANT TO THE
 7 TERMS AND CONDITIONS OF A CONTRACT WITH THE STATE OR AN
 8 AGENCY OR DEPARTMENT THEREOF; AND PROVIDING FOR AN IMMEDIATE
 9 EFFECTIVE DATE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 8-110, R.C.M. 1947, is amended to
 13 read as follows:
 14 "8-110. Certificate required of class C motor
 15 carriers--contents of application--fee. (1) (a) No class C
 16 motor carrier as in this act defined, except any class C
 17 motor carrier operating pursuant to the terms and conditions
 18 of a United States government contract, agency or department
 19 thereof, or of a contract with the state or an agency or
 20 department thereof, shall hereafter operate for the
 21 distribution, delivery, or collection of goods, wares,
 22 merchandise, or commodities, or for the transportation of
 23 persons on any public highway in this state, without first
 24 having obtained from the board, under the provisions of this
 25 act, a certificate that public convenience and necessity

1 require such operation.
 2 (b) A motor carrier making application for such permit
 3 shall do so in writing, separately for each route or
 4 locality for which consideration is desired, which petition
 5 shall be verified by the applicant and shall specify the
 6 following matters:
 7 1. The name and address of the applicant and the names
 8 and addresses of its officers, if any.
 9 2. The public highways or highways over which and the
 10 fixed termini between which, or the route or routes over
 11 which it intends to operate, if the same are fixed; or the
 12 particular city, town, station, or locality from and/or to
 13 which the applicant intends to operate.
 14 3. The kind of transportation, the character of the
 15 goods, wares, merchandise, or commodities to be distributed,
 16 delivered or collected, together with a full and complete
 17 description of the character of the vehicle or vehicles,
 18 including the rated tonnage capacity of such vehicles, to be
 19 used in such service of distribution, delivery or
 20 collection.
 21 4. And such other or additional information as the
 22 board may by order require.
 23 (c) Such application shall be accompanied by a fee of
 24 fifteen dollars (\$15.00) to thirty-five dollars (\$35.00) to
 25 be set by the board based on the number of counties for

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1 which the certificate is requested, and an additional sum to
 2 be set by the board to pay the cost of publishing notice of
 3 hearing in the legal advertising sections of an appropriate
 4 newspaper or newspapers.

5 (2) The transportation for hire of any persons or
 6 commodities between any two (2) points within the state of
 7 Montana by any motor carrier pursuant to the terms of a
 8 written contract between said carrier and the United States
 9 government, agency or department thereof, or the state or an
 10 agency or department thereof, shall be deemed a
 11 transportation movement subject to the provisions of the
 12 Montana Motor Carrier Act, R. C. M., 1947, 8-101 et seq.,
 13 provided, however, that the presentation of the written
 14 contract to the board shall be deemed sufficient proof of
 15 public convenience and necessity in accordance with the
 16 terms and conditions contained within the United States
 17 government or state contract.

18 The class C certificate of public convenience and
 19 necessity issued pursuant to the terms and conditions of the
 20 United States government or state contract may be issued by
 21 the board upon receipt of an executed copy of the United
 22 States government or state contract. The certificate of
 23 public convenience and necessity may be issued thereafter
 24 without requiring the board to fix a time and place for
 25 public hearing.

1 The certificate of public convenience and necessity,
 2 issued pursuant to the terms of the United States government
 3 or state contract, is authorized only for the duration of
 4 the United States government or state contract concerned,
 5 provided, however, the certificate may be renewed for
 6 another definite term if the same motor carrier is the motor
 7 carrier authorized to operate under the United States
 8 government or state contract."

9 Section 2. This act is effective upon its passage and
 10 approval.

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HOUSE BILL NO. 464
 INTRODUCED BY SLOAN
 (BY REQUEST)

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 8-110, R.C.M. 1947, TO EXEMPT FROM THE CLASS C MOTOR CARRIER CERTIFICATE REQUIREMENTS, CARRIERS OPERATING PURSUANT TO THE TERMS AND CONDITIONS OF A CONTRACT FOR THE TRANSPORTATION OF SOLID WASTE with the state or an agency or department thereof; and providing for an immediate effective date."

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

Section 1. Section 8-110, R.C.M. 1947, is amended to read as follows:

"8-110. Certificate required of class C motor carriers--contents of application--fee. (1) (a) No class C motor carrier as in this act defined, except any class C motor carrier operating pursuant to the terms and conditions of a United States government contract, agency or department thereof, or of a contract FOR TRANSPORTING SOLID WASTE with the state or an agency or department thereof, shall hereafter operate for the distribution, delivery, or collection of goods, wares, merchandise, or commodities, or for the transportation of persons on any public highway in this state, without first having obtained from the board,

under the provisions of this act, a certificate that public convenience and necessity require such operation.

(b) A motor carrier making application for such permit shall do so in writing, separately for each route or locality for which consideration is desired, which petition shall be verified by the applicant and shall specify the following matters:

1. The name and address of the applicant and the names and addresses of its officers, if any.

2. The public highways or highways over which and the fixed termini between which, or the route or routes over which it intends to operate, if the same are fixed; or the particular city, town, station, or locality from and/or to which the applicant intends to operate.

3. The kind of transportation, the character of the goods, wares, merchandise, or commodities to be distributed, delivered or collected, together with a full and complete description of the character of the vehicle or vehicles, including the rated tonnage capacity of such vehicles, to be used in such service of distribution, delivery or collection.

4. And such other or additional information as the board may by order require.

(c) Such application shall be accompanied by a fee of fifteen dollars (\$15.00) to thirty-five dollars (\$35.00) to

1 be set by the board based on the number of counties for
 2 which the certificate is requested, and an additional sum to
 3 be set by the board to pay the cost of publishing notice of
 4 hearing in the legal advertising sections of an appropriate
 5 newspaper or newspapers.

6 (2) The transportation for hire of any persons or
 7 commodities between any two (2) points within the state of
 8 Montana by any motor carrier pursuant to the terms of a
 9 written contract between said carrier and the United States
 10 government, agency or department thereof, or the state or an
 11 agency or department thereof, FOR THE TRANSPORTATION OF
 12 SOLID WASTE, shall be deemed a transportation movement
 13 subject to the provisions of the Montana Motor Carrier Act,
 14 R. C. M. 1947, 8-101 et seq., provided, however, that the
 15 presentation of the written contract to the board shall be
 16 deemed sufficient proof of public convenience and necessity
 17 in accordance with the terms and conditions contained within
 18 the United States government or state contract.

19 The class C certificate of public convenience and
 20 necessity issued pursuant to the terms and conditions of the
 21 United States government or state contract may be issued by
 22 the board upon receipt of an executed copy of the United
 23 States government or state contract. The certificate of
 24 public convenience and necessity may be issued thereafter
 25 without requiring the board to fix a time and place for

1 public hearing.

2 The certificate of public convenience and necessity,
 3 issued pursuant to the terms of the United States government
 4 or state contract, is authorized only for the duration of
 5 the United States government or state contract concerned,
 6 provided, however, the certificate may be renewed for
 7 another definite term if the same motor carrier is the motor
 8 carrier authorized to operate under the United States
 9 government or state contract."

10 Section 2. This act is effective upon its passage and
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under the provisions of this act, a certificate that public convenience and necessity require such operation.

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3. The kind of transportation, the character of the goods, wares, merchandise, or commodities to be distributed, delivered or collected, together with a full and complete description of the character of the vehicle or vehicles, including the rated tonnage capacity of such vehicles, to be used in such service of distribution, delivery or collection.

4. And such other or additional information as the board may by order require.

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1 be set by the board based on the number of counties for
 2 which the certificate is requested, and an additional sum to
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 4 hearing in the legal advertising sections of an appropriate
 5 newspaper or newspapers.

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 7 commodities between any two (2) points within the state of
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 9 written contract between said carrier and the United States
 10 government, agency or department thereof, or the state or an
 11 agency or department thereof, FOR THE TRANSPORTATION OF
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 13 subject to the provisions of the Montana Motor Carrier Act,
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 16 deemed sufficient proof of public convenience and necessity
 17 in accordance with the terms and conditions contained within
 18 the United States government or state contract.

19 The class C certificate of public convenience and
 20 necessity issued pursuant to the terms and conditions of the
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 22 the board upon receipt of an executed copy of the United
 23 States government or state contract. The certificate of
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 7 another definite term if the same motor carrier is the motor
 8 carrier authorized to operate under the United States
 9 government or state contract."

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