

1 H BILL NO. 417
 2 INTRODUCED BY Lynch (By Request)

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A CLASS "D"
 5 MOTOR CARRIER ENCOMPASSING ALL MOTOR CARRIERS TRANSPORTING
 6 GARBAGE AND SOLID WASTE; AMENDING SECTION 8-102, R.C.M.
 7 1947."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 8-102, R.C.M. 1947, is amended to
 11 read as follows:

12 "8-102. Classification of motor carriers -- operation
 13 according to provisions of act required. (a) Motor carriers
 14 are hereby divided into ~~three--(3)~~ four classes for the
 15 purposes of this act, to be known as:

- 16 Class A motor carriers,
- 17 Class B motor carriers,
- 18 Class C motor carriers,
- 19 Class D motor carriers.

20 Class A motor carriers shall embrace all motor carriers
 21 operating between fixed termini or over a regular route,
 22 under regular rates or charges, based upon either
 23 station-to-station rates or upon a mileage rate or scale.

24 Class B motor carriers shall embrace all motor carriers
 25 operating under regular rates or charges based upon either

1 station-to-station rates or upon a mileage rate or scale,
 2 and not between fixed termini or over a regular route.

3 Class C motor carriers shall embrace all motor carriers
 4 operating motor vehicles for distributing, delivering or
 5 collecting wares, merchandise, or commodities, or
 6 transporting persons, where the remuneration is fixed in and
 7 the transportation service furnished under a contract,
 8 charter, agreement or undertaking. Such class C motor
 9 carriers distributing, delivering or collecting wares,
 10 merchandise or commodities, or transporting persons shall do
 11 so under six (6) contracts, charters, agreements or
 12 undertakings or less annually. Every class C motor carrier
 13 providing such transportation services by means of more than
 14 six (6) contracts, charters, agreements or undertakings
 15 shall be deemed to be providing common carriage and shall
 16 operate under a class B motor carrier certificate in lieu of
 17 such class C motor carrier certificate. All class C motor
 18 carriers must annually submit to this commission the names
 19 and addresses of all persons, firms, corporations or other
 20 legal entity with whom the said class C carrier has executed
 21 a contract, charter, agreement or undertaking for the
 22 distribution, delivery or collection of wares, merchandise
 23 or commodities, or transporting persons.

24 The provisions of this section requiring certain class
 25 C motor carriers to operate under a class B motor carrier

1 certificate and to submit an annual statement to the
 2 commission shall not apply to solid waste contractors, to
 3 household goods carriers as defined by the department of
 4 public service regulation, nor to any carrier whose
 5 authority is confined by certificate to transportation
 6 within a distance of fifty (50) miles or less from a
 7 particular location and that is performing pick up and
 8 delivery service under contract for one or more common
 9 carriers within that area.

10 Class D motor carriers embraces all motor carriers
 11 operating motor vehicles transporting, including pickup and
 12 disposal of, ashes, trash, waste, refuse, rubbish, garbage,
 13 and organic and inorganic matter. Class D carriers shall
 14 conduct operations pursuant to a certificate of public
 15 convenience and necessity issued by the commission
 16 authorizing the transportation of the above-described
 17 commodities. Class D carriers when applying for a new or
 18 additional authority shall file an application with the
 19 commission in accordance with the requirements of the
 20 Montana Motor Carrier Act and the rules of the commission.

21 (b) It shall be unlawful for any corporation or
 22 person, its or their officers, agents, employees, or
 23 servants, to operate any motor vehicle for the
 24 transportation of persons and/or property for hire on any
 25 public highway in this state except in accordance with the

1 provisions of this act."

2 Section 2. There is a new R.C.M. section that reads as
 3 follows:

4 Implementation. All Class D motor carriers, whether
 5 property carriers or otherwise, who have conducted a motor
 6 carrier transportation service for hire utilizing motor
 7 vehicle equipment and appropriate disposal sites consistent
 8 with the laws of this state and rules of the commission and
 9 the department of health and environmental sciences shall,
 10 upon sufficient written proof to the commission consisting
 11 in prior business records reflecting a continuous and
 12 permanent transportation service for 1 year prior to the
 13 effective date of this act, receive a certificate of public
 14 convenience and necessity as a Class D carrier authorizing
 15 transportation of the above-described commodities within the
 16 geographical area described in the written proof submitted.
 17 Such proof must be submitted to the commission within 4
 18 months following the effective date of this act. Thereafter,
 19 no Class A, B, or C carrier will be authorized or permitted
 20 to transport ashes, trash, waste, refuse, rubbish, garbage,
 21 or organic and inorganic matter within the state of Montana.

-End-

STATE OF MONTANA

REQUEST NO. 200-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 25, 19 77, there is hereby submitted a Fiscal Note for House Bill 417 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act creating a class "D" motor carrier encompassing all motor carriers transporting garbage and solid waste.

ASSUMPTIONS:

1. At present, there are 75 Class "C" garbage authorities and conversion would be a minor clerical problem.
2. At present, there are 235 Class "B" and "C" property authorities and conversion to Class "D" would be approximately 30% or 65 conversions. These conversions could be quite time consuming in that verification of "sufficient" written proof would have to be substantiated and possibly a hearing held.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Personal services	\$3,928	\$ 0
Operating expenses	<u>60</u>	<u>0</u>
Total additional cost of proposed legislation	<u>\$3,988</u>	<u>\$ 0</u>

Richard L. Tracy for
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-31-77

Approved by Committee
on Business and Industry

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A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A CLASS "D"
MOTOR CARRIER ENCOMPASSING ALL MOTOR CARRIERS TRANSPORTING
GARBAGE AND SOLID WASTE; AMENDING SECTION 8-102, R.C.M.
1947."

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

Section 1. Section 8-102, R.C.M. 1947, is amended to
read as follows:

"8-102. Classification of motor carriers -- operation
according to provisions of act required. (a) Motor carriers
are hereby divided into ~~three--(3)~~ four classes for the
purposes of this act, to be known as:

Class A motor carriers,

Class B motor carriers,

Class C motor carriers,

Class D motor carriers.

Class A motor carriers shall embrace all motor carriers
operating between fixed termini or over a regular route,
under regular rates or charges, based upon either
station-to-station rates or upon a mileage rate or scale.

Class B motor carriers shall embrace all motor carriers
operating under regular rates or charges based upon either

station-to-station rates or upon a mileage rate or scale,
and not between fixed termini or over a regular route.

Class C motor carriers shall embrace all motor carriers
operating motor vehicles for distributing, delivering or
collecting wares, merchandise, or commodities, or
transporting persons, where the remuneration is fixed in and
the transportation service furnished under a contract,
charter, agreement or undertaking. Such class C motor
carriers distributing, delivering or collecting wares,
merchandise or commodities, or transporting persons shall do
so under six (6) contracts, charters, agreements or
undertakings or less annually. Every class C motor carrier
providing such transportation services by means of more than
six (6) contracts, charters, agreements or undertakings
shall be deemed to be providing common carriage and shall
operate under a class B motor carrier certificate in lieu of
such class C motor carrier certificate. All class C motor
carriers must annually submit to this commission the names
and addresses of all persons, firms, corporations or other
legal entity with whom the said class C carrier has executed
a contract, charter, agreement or undertaking for the
distribution, delivery or collection of wares, merchandise
or commodities, or transporting persons.

The provisions of this section requiring certain class
C motor carriers to operate under a class B motor carrier

SECOND READING

1 certificate and to submit an annual statement to the
 2 commission shall not apply to solid waste contractors, to
 3 household goods carriers as defined by the department of
 4 public service regulation, nor to any carrier whose
 5 authority is confined by certificate to transportation
 6 within a distance of fifty (50) miles or less from a
 7 particular location and that is performing pick up and
 8 delivery service under contract for one or more common
 9 carriers within that area.

10 Class D motor carriers embraces all motor carriers
 11 operating motor vehicles transporting, including pickup and
 12 disposal of, ashes, trash, waste, refuse, rubbish, garbage,
 13 and organic and inorganic matter. Class D carriers shall
 14 conduct operations pursuant to a certificate of public
 15 convenience and necessity issued by the commission
 16 authorizing the transportation of the above-described
 17 commodities. Class D carriers when applying for a new or
 18 additional authority shall file an application with the
 19 commission in accordance with the requirements of the
 20 Montana Motor Carrier Act and the rules of the commission.

21 (b) It shall be unlawful for any corporation or
 22 person, its or their officers, agents, employees, or
 23 servants, to operate any motor vehicle for the
 24 transportation of persons and/or property for hire on any
 25 public highway in this state except in accordance with the

1 provisions of this act."

2 Section 2. There is a new R.C.M. section that reads as
 3 follows:

4 Implementation. All Class D motor carriers, whether
 5 property carriers or otherwise, who have conducted a motor
 6 carrier transportation service for hire utilizing motor
 7 vehicle equipment and appropriate disposal sites consistent
 8 with the laws of this state and rules of the commission and
 9 the department of health and environmental sciences shall,
 10 upon sufficient written proof to ~~the commission~~ consisting
 11 ~~in~~ of prior business records reflecting a ~~continuous~~--and
 12 permanent transportation service for 1 year prior to the
 13 effective date of this act, WHICH BUSINESS RECORDS SHALL BE
 14 SUBMITTED TO THE COMMISSION IN AN INFORMAL MANNER, receive a
 15 certificate of public convenience and necessity as a Class D
 16 carrier authorizing transportation of the above-described
 17 commodities within the geographical area described in the
 18 written proof submitted. Such proof must be submitted to the
 19 commission within 4 months following the effective date of
 20 this act. ~~Thereafter;~~ AND THE COMMISSION SHALL ISSUE SUCH
 21 CLASS D CERTIFICATES WITHIN AN ADDITIONAL 90 DAYS, AND
 22 HEREAFTER, no Class A, B, or C carrier will be authorized
 23 or permitted to transport ashes, trash, waste, refuse,
 24 rubbish, garbage, or organic and inorganic matter within the
 25 state of Montana.

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20 Class A motor carriers shall embrace all motor carriers
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 21 a contract, charter, agreement or undertaking for the
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24 The provisions of this section requiring certain class
 25 C motor carriers to operate under a class B motor carrier

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 20 this act--Hereafter; AND THE COMMISSION SHALL ISSUE SUCH
 21 CLASS D CERTIFICATES WITHIN AN ADDITIONAL 90 DAYS, AND
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