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LC 1136/01

INTRODUCED BY Lynch ( By Regrest) A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING MOTOR VEHICLES TRANSPORTING GARBAGE AND SOLID WASTE AS BEING WITHIN THE TERM "MOTOR CARRIER" AS DEFINED IN THE MONTANA MOTOR CARRIER ACT; AMENDING SECTION 8-101, R.C.M. 1947." BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 8-101, R.C.M. 1947, is amended to read as follows: #8-101. Definition of terms. Unless the context 12 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. an individual, firm, or (3) "Person" means 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. 24

motor trucks, tractors or other self-propelled vehicles used

1 for the transportation of property or persons over the z public highways of the state, and any trailer, semitrailer, 3 dollie or other vehicle drawn thereby.

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

12 (8) "Motor carrier" means a person or corporation. 13 their lesses, trustees, or receivers, appointed by any 14 courty operating motor vehicles upon any public highway in 15 this state for the transportation of persons or property for 16 hire, on a commercial basis either as a common carrier or 17 under private contract, agreement, charter, or undertaking. 18 The tarm includes any motor carrier serving the public in 19 the business of transportation of ashes, trash, waster 20 refuse: rubbish: Jarbage, and organic and inorganic matter. 21 However, this act does not affect motor vehicles used in 22 carrying property consisting of agricultural commodities 23 (not including manufactured products thereof), if the motor 24 vehicles are not used in carrying other property or 25 passengers for compensation; the operation of school puses

INTRODUCED BIII

-2-

4B 418

1 which are used in conveying pupils or other students enrolled in classes to and from district or other schools, 2 3 or in transportation movements related to school activities which are sponsored or supervised by school authorities, the 4 5 transportation by means of motor vehicles in the regular 6 course of business of employees, supplies, and materials by 7 a person, firm, or corporation engaged exclusively in the 8 construction or maintenance of highways, or engaged exclusively in logging or mining operations, in so far as 9 the use of employees, supplies, and materials in 10 construction and production is concerned; the transportation 11 12 of property by motor vehicle in a city, town, or village 13 with a population, according to the latest United States 14 census, of less than five hundred (500) persons, or in the 15 commercial areas thereof as determined by the commission: the transportation of newspapers, newspaper supplements, 16 17 periodicals or magazines; tow trucks and wreckers designed 18 and exclusively used in towing abandoned, wrecked, or disabled vehicles or while these tow trucks and wreckers are 19 rendering assistance to abandoned, wrecked, or disabled 20 21 vehicles; motor vehicles used exclusively in carrying junk 22 vehicles from a collection point to a motor vehicle wrecking 23 facility or a motor vehicle graveyard; or ambulances. (9) "For hire" means for remuneration of any kind, 24

25 paid or promised, either directly or indirectly, or received

1	or obtained through leasing, brokering, or buy-and-sell		
2	arrangements from which a remuneration is obtained or		
3	derived for transportation service. An accommodativ∈		
4	transportation movement by a person not in the		
5	transportation business is not a service for hire, even		
5	though the persons owning the property transported or		
7	persons transported share in the cost or pay for the		
8	movement. This act does not prevent bona fide leases,		
9	brokerage agreements, or buy-and-sell agreements.		
10	(10) "Compensation" means the charge imposed on motor		
11	carriers for the use of the highways in this state by motor		

12 carriers, under section 8-116.

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

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-4-

LC 1106/01

Approved by Committee on Business and Industry H BILL NO. 7/8 1 INTRODUCED BY Lynch C By Regrest 2 3 A BILL FOR AN ACT ENTITLED: MAN ACT ESTABLISHING MOTOR 4 VEHICLES TRANSPORTING GARBAGE AND SOLID WASTE AS BEING 5 WITHIN THE TERM "MOTOR CARRIER" AS DEFINED IN THE MONTANA 6 MOTOR CARRIER ACT; AMENDING SECTION 8-101, R.C.M. 1947.\* 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 8-101. R.C.M. 1947. is amended to 10 11 read as follows: #8-101. Definition of terms. Unless the context 12 13 requires otherwise, in this act: (1) "Commission" or "board" means the public service 14 commission provided for in section 82A-1702. 15 (2) "Corporation" means a corporation, company, 16 association or joint-stock association. 17 an individual, firm, or (3) "Person" 18 means 19 copartnership. (4) "Certificate" means the certificate of public 20 convenience and necessity issued under this act. 21 (5) "Public highway" means a public street, road, 22 23 highway, or way in this state. (6) "Hotor vehicle" includes vehicles or machines. 24 motor trucks, tractors or other self-propelled vehicles used 25 SECOND READING

for the transportation of property or persons over the
 public highways of the state, and any trailer, semitrailer,
 dollie or other vehicle drawn thereby.

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

12 (8) "Motor carrier" means a person or corporation; 13 their lessees, trustees, or receivers, appointed by any 14 court, operating motor vehicles upon any public highway in 15 this state for the transportation of persons or property for hire, on a commercial basis either as a common carrier or 16 17 under private contract, agreement, charter, or undertaking. 18 The term includes any notor carrier serving the public in 19 the business of transportation of ashess trashs wastes 20 refuse, rubbish, garbage, and organic and inorganic matter, 21 However, this act does not affect motor vehicles used in carrying property consisting of agricultural commodities 22 (not including manufactured products thereof), if the motor 23 24 vehicles are not used in carrying other property or 25 passengers for compensation; the operation of school buses

-2-

4 B H18

which are used in conveying pupils or other students 1 enrolled in classes to and from district or other schools, 2 or in transportation movements related to school activities 3 which are sponsored or supervised by school authorities, the 4 5 transportation by means of motor vehicles in the regular course of business of employees, supplies, and materials by 6 a person, firm, or corporation engaged exclusively in the 7 8 construction or maintenance of highways, or engaged exclusively in logging or mining operations, in so far as 9 10 the use of employees, supplies, and materials in 11 construction and production is concerned; the transportation of property by motor vehicle in a city, town, or village 12 13 with a population, according to the latest United States 14 census, of less than five hundred (500) persons, or in the 15 commercial areas thereof as determined by the commission: 16 the transportation of newspapers, newspaper supplements, 17 periodicals or magazines; tow trucks and wreckers designed 18 and exclusively used in towing abandoned, wrecked, or 19 disabled vehicles or while these tow trucks and wreckers are rendering assistance to abandoned, wrecked, or disabled 20 21 vehicles; motor vehicles used exclusively in carrying junk 22 vehicles from a collection point to a motor vehicle wrecking 23 facility or a motor vehicle graveyard; or ambulances. 24 (9) "For hire" means for remuneration of any kind,

25 paid or promised, either directly or indirectly, or received

or obtained through leasing, brokering, or buy-and-sell 1 z arrangements from which a remuneration is obtained or 3 derived for transportation service. An accommodative 4 transportation movement by a person not in the 5 transportation business is not a service for hire, even 5 though the persons owning the property transported or 7 persons transported share in the cost or pay for the 8 movement. This act does not prevent bona fide leases, 9 brokerage agreements, or buy-and-sell agreements.

10 (10) "Compensation" means the charge imposed on motor
11 carriers for the use of the highways in this state by motor
12 carriers, under section 8-116.
13 (11) "Railroad" means the movement of cars on rails,

14 regardless of the motive power used."

-End-

LC 1106/01

INTRODUCED BY Lynch ( By Regrest) 1 z 3 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING MOTOR 4 VEHICLES TRANSPORTING GARBAGE AND SOLID WASTE AS BEING 5 WITHIN THE TERM "MOTOR CARRIER" AS DEFINED IN THE MONTANA 6 MOTOR CARRIER ACT: AMENDING SECTION 8-101, R.C.N. 1947." 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 8-101, R.C.M. 1947, is amended to 10 read as follows: 11 #8-101. Definition of terms. Unless the context 17 requires otherwise, in this act: 13 (1) "Commission" or "board" means the public service 14 commission provided for in section 82A-1702. 15 (2) "Corporation" means a corporation, company, 16 association or joint-stock association. 17 an individual, firm, or 18 (3) "Person" means 19 copartnership. (4) "Certificate" means the certificate of public 20 convenience and necessity issued under this act. 21 (5) "Public nighway" means a public street, road, 22 highway, or way in this state. 23 (6) "Motor vehicle" includes vehicles or machines, 24 motor trucks, tractors or other self-propelled vehicles used 25 THIRD READING

for the transportation of property or persons over the
 public highways of the state, and any trailer, semitrailer,
 dollie or other vehicle drawn thereby.

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

12 (8) "Motor carrier" means a person or corporation. their lessees, trustees, or receivers, appointed by any 1.3 court, operating motor vehicles upon any public highway in 14 this state for the transportation of persons or property for 15 16 hire, on a commercial basis either as a common carrier or 17 under private contract, agreement, charter, or undertaking. 18 The term includes any motor carrier serving the public in 19 the business of transportation of ashes, trash, waste, 20 refuse, rubbish, parbage, and organic and inorganic matter, 21 However, this act does not affect motor vehicles used in 22 carrying property consisting of agricultural commodities 23 (not including manufactured products thereof), if the motor 24 vehicles are not used in carrying other property or 25 passengers for compensation; the operation of school puses

-2-

HB 418

which are used in conveying pupils or other students 1 enrolled in classes to and from district or other schools, 2 or in transportation movements related to school activities 3 which are sponsored or supervised by school authorities, the 4 transportation by means of motor vehicles in the regular 5 6 course of business of employees, supplies, and materials by 7 a person, firm, or corporation engaged exclusively in the 8 construction or maintenance of highways, or engaged exclusively in logging or mining operations, in so far as 9 10 the use of employees, supplies, and materials in construction and production is concerned; the transportation 11 12 of property by motor vehicle in a city, town, or village 13 with a population, according to the latest United States census, of less than five hundred (500) persons, or in the 14 15 commercial areas thereof as determined by the commission; the transportation of newspapers, newspaper supplements, 16 17 periodicals or magazines; tow trucks and wreckers designed and exclusively used in towing abandoned, wrecked, or 18 19 disabled vehicles or while these tow trucks and wreckers are 20 rendering assistance to abandoned, wrecked, or disabled vehicles; motor vehicles used exclusively in carrying junk 21 22 vehicles from a collection point to a motor vehicle wrecking 23 facility or a motor vehicle graveyard; or ambulances.

24 (9) "For hire" means for remuneration of any kind,
25 paid or promised, either directly or indirectly, or received

or obtained through leasing, brokering, or buy-and-sell 1 Z arrangements from which a remuneration is obtained or 3 derived for transportation service. An accommodative 4 transportation movement by а person not in the 5 transportation business is not a service for hire, even though the persons owning the property transported or 5 7 persons transported share in the cost or pay for the movement. This act does not prevent bona fide leases, 8 9 brokerage agreements, or buy-and-sell agreements. 10 (10) "Compensation" means the charge imposed on motor carriers for the use of the highways in this state by motor 11

12 carriers, under section 8-116.

13 (11) "Railroad" means the movement of cars on rails.

14 regardless of the motive power used."

## -End-

LC 1106/01

1	HOUSE BILL NO. 418	L	for the transportation of property or persons over the
2	INTRODUCED BY LYNCH (BY REQUEST)	2	public highways of the state, and any trailer, semitrailer,
3		3	dollie or other vehicle drawn thereby.
4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING MOTOR	4	(7) "Between fixed termini or over a regular route"
5	VEHICLES TRANSPORTING GARBAGE AND SOLID WASTE AS BEING	5	means the termini or route between or over which a motor
6	WITHIN THE TERM "MOTOR CARRIER" AS DEFINED IN THE MONTANA	6	carrier usually or ordinarily operates motor vehicles, even
ı	NOTOR CARRIER ACT; AMENDING SECTION 8-101, R.C.M. 1947.*	7	though there may be periodical or irregular departures from
8		8	the termini or route. Whether or not a motor vehicle is
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	operated by a motor carrier between fixed terminit or over a
10	Section 1. Section 8-101, R.C.M. 1947, is amended to	10	regular route, or otherwise, under this act, is a question
11	read as follows:	11	of fact to be determined by the commission.
12	M8-101. Definition of terms. Unless the context	12	(8) "Motor carrier" means a person or corporation,
13	requires otherwise, in this act:	13	their lessees, trustees, or receivers, appointed by any
14	(1) "Commission" or "board" means the public service	14	court, operating motor vehicles upon any public highway in
15	commission provided for in section B2A-1702.	15	this state for the transportation of persons or property for
16	(2) "Corporation" means a corporation, company,	16	hire, on a commercial basis either as a common carrier or
17	association or joint-stock association.	17	under private contract, agreement, charter, or undertaking.
18	(3) "Person" means an individual, firm, or	lə	The term includes any motor carrier serving the public in
19	copartnership.	19	the business of transportation of ashes, trash, waste,
20	(4) "Certificate" means the certificate of public	20	refuse+ rubbish+ garbage+ and organic and inorganic matter+
21	convenience and necessity issued under this act.	21	However, this act does not affect motor vehicles used in
22	(5) "Public highway" means a public street, road,	22	carrying property consisting of agricultural commodities
23	nighway, or way in this state.	23	(not including manufactured products thereof), if the motor
24	(b) "Motor vehicle" includes vehicles or machines,	24	vehicles are not used in carrying other property or
25	motor trucks, tractors or other self-propelled vehicles used	25	passengers for compensation; the operation of school buses

REFERENCE BILL

HB 418

-2-

HB 418

1 which are used in conveying pupils or other students Z enrolled in classes to and from district or other schools. or in transportation movements related to school activities 3 which are sponsored or supervised by school authorities, the 4 5 transportation by means of motor vehicles in the regular course of business of employees, supplies, and materials by 6 7 a person, firm, or corporation engaged exclusively in the construction or maintenance of highways, or engaged 8 9 exclusively in logging or mining operations, in so far as 10 the use of employees, supplies, and materials in construction and production is concerned; the transportation 11 12 of property by motor vehicle in a city, town, or village 13 with a population, according to the latest United States 14 census, of less than five hundred (500) persons, or in the 15 commercial areas thereof as determined by the commission; 16 the transportation of newspapers, newspaper supplements, 17 periodicals or magazines; tow trucks and wreckers designed 18 and exclusively used in towing abandoned, wrecked, or 19 disabled vehicles or while these tow trucks and wreckers are 20 rendering assistance to abandoned, wrecked, or disabled 21 vehicles; motor vehicles used exclusively in carrying junk 22 vehicles from a collection point to a motor vehicle wrecking 23 facility or a motor vehicle graveyard; or ambulances.

24 (9) "For hire" means for remuneration of any kind,
25 paid or promised, either directly or indirectly, or received

1 or optained through leasing, brokering, or buy-and-sell 2 arrangements from which a remuneration is obtained or 3 der i ved tor transportation service. An accommodative 4 transportation movement bγ a person not in the transportation business is not a service for hire, even 5 though the persons owning the property transported or 6 7 persons transported share in the cost or pay for the movement. This act does not prevent bona fide leases, Ĥ. 9 brokerage agreements, or buy-and-sell agreements. 10 (10) "Compensation" means the charge imposed on motor

11 carriers for the use of the highways in this state by motor

12 carriers, under section 8-116.

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13 (11) "Railroad" means the movement of cars on rails.

14 regardless of the motive power used."

HB 0418/02

-4-

-3-

<sup>-</sup>End-