

1 H BILL NO. 418
2 INTRODUCED BY Lynch (By Request)

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING MOTOR
5 VEHICLES TRANSPORTING GARBAGE AND SOLID WASTE AS BEING
6 WITHIN THE TERM "MOTOR CARRIER" AS DEFINED IN THE MONTANA
7 MOTOR CARRIER ACT; AMENDING SECTION 8-101, R.C.M. 1947."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Section 8-101, R.C.M. 1947, is amended to
11 read as follows:

12 "8-101. Definition of terms. Unless the context
13 requires otherwise, in this act:

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

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

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

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

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

24 (6) "Motor vehicle" includes vehicles or machines,
25 motor trucks, tractors or other self-propelled vehicles used

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

4 (7) "Between fixed termini or over a regular route"
5 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 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
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, garbage, 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 buses

1 which are used in conveying pupils or other students
 2 enrolled in classes to and from district or other schools,
 3 or in transportation movements related to school activities
 4 which are sponsored or supervised by school authorities, the
 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
 9 exclusively in logging or mining operations, in so far as
 10 the use of employees, supplies, and materials in
 11 construction and production is concerned; the transportation
 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 obtained through leasing, brokering, or buy-and-sell
 2 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
 6 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-

Approved by Committee
on Business and Industry

1 H BILL NO. 718
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2 public highways of the state, and any trailer, semitrailer,
3 dollie or other vehicle drawn thereby.

4 (7) "Between fixed termini or over a regular route"
5 means the termini or route between or over which a motor
6 carrier usually or ordinarily operates motor vehicles, even
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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
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, garbage, 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 buses

1 which are used in conveying pupils or other students
 2 enrolled in classes to and from district or other schools,
 3 or in transportation movements related to school activities
 4 which are sponsored or supervised by school authorities, the
 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
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 10 the use of employees, supplies, and materials in
 11 construction and production is concerned; the transportation
 12 of property by motor vehicle in a city, town, or village
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 14 census, of less than five hundred (500) persons, or in the
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10 (10) "Compensation" means the charge imposed on motor
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 12 carriers, under section 8-116.

13 (11) "Railroad" means the movement of cars on rails,
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1 INTRODUCTION BY H BILL NO. 418
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25 passengers for compensation; the operation of school buses

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 2 enrolled in classes to and from district or other schools,
 3 or in transportation movements related to school activities
 4 which are sponsored or supervised by school authorities, the
 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
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