

1 *Senate* BILL NO. *392*
 2 INTRODUCED BY *Davis*
 3 *by Request*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
 5 8-108, 8-109, AND 8-110, R.C.M. 1947, TO RAISE THE FILING
 6 FEE FOR A MOTOR CARRIER CERTIFICATE AND TO DELETE PROVISIONS
 7 PERMITTING THE PASSING ON OF PUBLICATION OF NOTICE OF
 8 HEARING COSTS TO THE APPLICANT; TO AMEND SECTION 8-118,
 9 R.C.M. 1947, TO REQUIRE THE PUBLIC SERVICE COMMISSION TO
 10 PROVIDE STANDARD FORMS AND THE SUBMISSION BY MOTOR CARRIERS
 11 OF INTERSTATE COMMERCE COMMISSION ANNUAL REPORTS; AND TO
 12 AMEND SECTION 8-126, R.C.M. 1947, TO REQUIRE THAT NOTICE
 13 COSTS BE PASSED ON TO PUBLIC UTILITIES."

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 8-108, R.C.M. 1947, is amended to
 17 read as follows:

18 "8-108. Certificate required of class A motor carriers
 19 -- contents of application -- fee. (a) No class A motor
 20 carrier, as in this act defined, shall hereafter operate for
 21 the transportation of persons and/or property for hire on
 22 any public highway in this state without first having
 23 obtained from the board, under the provisions of this act, a
 24 certificate declaring that public convenience and necessity
 25 require such operation.

INTRODUCED BILL

1 (b) A motor carrier making application for such
 2 certificate shall do so in writing, separately for each
 3 route, which petition shall be verified by the applicant and
 4 shall specify the following matters:

- 5 1. The name and address of the applicant and the names
 6 and addresses of its officers, if any.
- 7 2. The public highway or highways over which, and the
 8 fixed termini between which, or the regular route or routes
 9 over which it intends to operate.
- 10 3. The kind of transportation, whether passenger or
 11 freight, or both, together with a full and complete
 12 description of the character of the vehicle or vehicles to
 13 be used, including the seating capacity of any vehicle to be
 14 used for passenger traffic and the tonnage capacity of any
 15 vehicle to be used in freight traffic.
- 16 4. The proposed time schedule.
- 17 5. A schedule of the tariff or rates desired to be
 18 charged for the transportation of freight and/or passengers.
- 19 6. A complete and detailed description of the property
 20 proposed to be devoted to the public service.
- 21 7. A detailed statement showing the assets and
 22 liabilities of such applicant.
- 23 8. And such other or additional information as the
 24 board may by order require.
- 25 (c) Such application shall be accompanied by a filing

SB392

1 fee of fifteen dollars ~~(\$15.00)~~ to thirty five dollars
 2 ~~(\$35.00)~~ \$100 to \$300 to be set by the board based on the
 3 number of counties for which the certificate is requested
 4 ~~and an additional sum to be set by the board to pay the cost~~
 5 ~~of publishing hearing in the legal advertising sections of~~
 6 ~~an appropriate newspaper or newspapers."~~

7 Section 2. Section 8-109, R.C.M. 1947, is amended to
 8 read as follows:

9 "8-109. Certificate required of class B motor carriers
 10 -- contents of application -- fee. (a) No class B motor
 11 carrier, as in this act defined, shall hereafter operate for
 12 the transportation of persons and/or property for hire on
 13 any public highway in this state, without first having
 14 obtained from the board, under the provisions of this act, a
 15 certificate that public convenience and necessity require
 16 such operations.

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

21 1. Name and address of the applicant and the names and
 22 addresses of its officers, if any.

23 2. The kind of transportation, whether passenger or
 24 freight, or both, together with a full and complete
 25 description of the character of the vehicle or vehicles to

1 be used, including the seating capacity of any vehicle to be
 2 used for passenger traffic and the tonnage capacity of any
 3 vehicle to be used in freight traffic.

4 3. The locality and character of operations to be
 5 conducted.

6 4. A schedule of the tariff of rates desired to be
 7 charged for the transportation of freight and/or passengers.

8 5. A complete and detailed description of the property
 9 proposed to be devoted to the public service.

10 6. A detailed statement showing the assets and
 11 liabilities of such applicant.

12 7. And such other or additional information as the
 13 board may by order require.

14 (c) Such application shall be accompanied by a filing
 15 fee of fifteen dollars ~~(\$15.00)~~ to thirty five dollars
 16 ~~(\$35.00)~~ \$100 to \$300 to be set by the board based on the
 17 number of counties for which the certificate is requested,
 18 ~~and an additional sum to be set by the board to pay the cost~~
 19 ~~of publishing notice of hearing in the legal advertising~~
 20 ~~sections of appropriate newspaper or newspapers."~~

21 Section 3. Section 8-110, R.C.M. 1947, is amended to
 22 read as follows:

23 "8-110. Certificate required of class C motor carriers
 24 -- contents of application -- fee. (1) (a) No class C motor
 25 carrier as in this act defined, except any class C motor

1 carrier operating pursuant to the terms and conditions of a
 2 United States government contract, agency or department
 3 thereof, or of a contract for transporting solid waste with
 4 the state or an agency or department thereof, shall
 5 hereafter operate for the distribution, delivery, or
 6 collection of goods, wares, merchandise, or commodities, or
 7 for the transportation of persons on any public highway in
 8 this state, without first having obtained from the board,
 9 under the provisions of this act, a certificate that public
 10 convenience and necessity require such operation.

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

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

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

23 3. The kind of transportation, the character of the
 24 goods, wares, merchandise, or commodities to be distributed,
 25 delivered or collected, together with a full and complete

1 description of the character of the vehicle or vehicles,
 2 including the rated tonnage capacity of such vehicles, to be
 3 used in such service of distribution, delivery or
 4 collection.

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

7 (c) Such application shall be accompanied by a fee of
 8 ~~fifteen dollars (\$15.00) to thirty five dollars (\$35.00)~~
 9 \$100 to \$300 to be set by the board based on the number of
 10 counties for which the certificate is requested, ~~and an~~
 11 ~~additional sum to be set by the board to pay the cost of~~
 12 ~~publishing notice of hearing in the legal advertising~~
 13 ~~sections of an appropriate newspaper or newspapers.~~

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

LC 1431/01

1 the United States government or state contract.

2 The class C certificate of public convenience and
3 necessity issued pursuant to the terms and conditions of the
4 United States government or state contract may be issued by
5 the board upon receipt of an executed copy of the United
6 States government or state contract. The certificate of
7 public convenience and necessity may be issued thereafter
8 without requiring the board to fix a time and place for
9 public hearing.

10 The certificate of public convenience and necessity,
11 issued pursuant to the terms of the United States government
12 or state contract, is authorized only for the duration of
13 the United States government or state contract concerned,
14 provided, however, the certificate may be renewed for
15 another definite term if the same motor carrier is the motor
16 carrier authorized to operate under the United States
17 government or state contract."

18 Section 4. Section 8-118, R.C.M. 1947, is amended to
19 read as follows:

20 "8-118. Records of motor carriers to be open for
21 inspection by board commission -- system of accounts to be
22 prescribed -- reports required. All records, books, accounts
23 and files of every class A and class B motor carrier in this
24 state, so far as the same shall relate to the business of
25 transportation conducted by such motor carrier, shall at all

1 times be subject to examination by the board commission or
2 by any authorized agent or employee of the board commission.
3 The board commission shall prescribe a uniform system of
4 accounts and uniform reports covering the operations of such
5 class A and class B motor carriers and every motor carrier
6 authorized to operate as such in accordance with the
7 provisions of this act shall keep its records, books, and
8 accounts according to such uniform system, in so far as
9 possible. On or before ~~the thirty-first day of~~ March 31 of
10 each year, every motor carrier authorized to engage in such
11 business shall file with the board commission a report,
12 under oath, on a form prescribed and furnished by the
13 commission. Those carriers filing an annual report with the
14 interstate commerce commission shall, in addition to filing
15 the report prescribed by the public service commission,
16 submit to the public service commission a copy of the annual
17 report filed with the interstate commerce commission. In
18 addition to such annual reports every motor carrier shall
19 prepare and file with the board commission, at the time or
20 times and in the form to be prescribed by the board
21 commission, annual reports, special reports, and statements
22 giving to the board commission such information as it shall
23 require in order to perform its duties under this act."

24 Section 5. Section 8-126, R.C.M. 1947, is amended to
25 read as follows:

1 *8-126. Fees required for filing various documents.

2 (1) The public service commission shall, except as
3 otherwise provided by law, require and receive fees before
4 filing annual reports, tariffs, schedules, and supplements
5 of these and shall require and receive fees for copies of
6 orders, documents, classifications, blank forms, and other
7 instruments prepared by it or on file in its office, unless
8 provided by law to be furnished free of charge, under the
9 following schedule:

10 (a) Filing annual reports, each.....\$ 5.00

11 (b) Filing tariffs, time schedules and supplements
12 thereto, each 2.00

13 (c) For issuing certificates of public convenience and
14 necessity to motor carriers, each..... 2.00

15 (d) Classification for public utilities, each... 1.50

16 (e) Classification for motor carriers, each..... .50

17 (f) For a copy of the rules for motor carriers and
18 blank forms of annual reports for utilities and common
19 carriers..... Cost

20 ~~(2) The commission shall require and receive an~~
21 ~~additional sum to be set by the commission to pay the cost~~
22 ~~of publishing such notice of hearing as may be required by~~
23 ~~this chapter, except for notice published pursuant to 8-108,~~
24 ~~8-109, or 8-110.~~

25 ~~(2)(3)~~ This section does not require or authorize the

1 public service commission to collect fees for the filing of
2 annual reports, tariffs, schedules, and supplements of these
3 which relate solely to interstate commerce."

-End-

STATE OF MONTANA

REQUEST NO. 371-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 7, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 392 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 to amend the Motor Carrier Licensing act to raise the filing fee for a motor carrier certificate and to delete provisions permitting the passing on of publication of notice of hearing costs to the applicant; to require the Public Service Commission to provide standard forms and the submission by motor carriers of Interstate Commerce Commission annual reports; to require that notice costs be passed on to public utilities.

ASSUMPTIONS:

1. The requests for motor carrier certificates for FY78 and FY79 will be the same as FY76.
2. Legal notices would continue to be necessary under the Administrative Procedures act at about the same rate.
3. Expenditures currently being made by the Public Service Commission for mailing notices will be absorbed by the public utility.

FISCAL IMPACT:

	<u>FY78</u>	<u>FY79</u>
Revenue Impact		
Revenue under current law	\$ 930	\$ 930
Revenue under proposed law	<u>6,900</u>	<u>6,900</u>
Revenue increase due to proposed law	<u>\$5,970</u>	<u>\$5,970</u>
Expenditure Impact		
Decrease in operating expenses due to proposed legislation	<u>\$6,000</u>	<u>\$6,000</u>

Richard L. Ziegenfuss
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-11-77

Approved by Committee
on Highways & Transportation

1 SENATE BILL NO. 392

2 INTRODUCED BY DEVINE (BY REQUEST)

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5 8-108, 8-109, AND 8-110, R.C.M. 1947, TO RAISE THE FILING
6 FEE FOR A MOTOR CARRIER CERTIFICATE AND TO DELETE PROVISIONS
7 PERMITTING THE PASSING ON OF PUBLICATION OF NOTICE OF
8 HEARING COSTS TO THE APPLICANT; TO AMEND SECTION 8-116,
9 R.C.M. 1947, TO REQUIRE THE PUBLIC SERVICE COMMISSION TO
10 PROVIDE STANDARD FORMS AND THE SUBMISSION BY MOTOR CARRIERS
11 OF INTERSTATE COMMERCE COMMISSION ANNUAL REPORTS; AND TO
12 AMEND SECTION 8-126, R.C.M. 1947, TO REQUIRE THAT NOTICE
13 COSTS BE PASSED ON TO ~~PUBLIC UTILITIES~~ MOTOR CARRIERS."

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

16 Section 1. Section 8-108, R.C.M. 1947, is amended to
17 read as follows:

18 "8-108. Certificate required of class A motor carriers
19 -- contents of application -- fee. (a) No class A motor
20 carrier, as in this act defined, shall hereafter operate for
21 the transportation of persons and/or property for hire on
22 any public highway in this state without first having
23 obtained from the board, under the provisions of this act, a
24 certificate declaring that public convenience and necessity
25 require such operation.

1 (b) A motor carrier making application for such
2 certificate shall do so in writing, separately for each
3 route, which petition shall be verified by the applicant and
4 shall specify the following matters:

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

7 2. The public highway or highways over which, and the
8 fixed termini between which, or the regular route or routes
9 over which it intends to operate.

10 3. The kind of transportation, whether passenger or
11 freight, or both, together with a full and complete
12 description of the character of the vehicle or vehicles to
13 be used, including the seating capacity of any vehicle to be
14 used for passenger traffic and the tonnage capacity of any
15 vehicle to be used in freight traffic.

16 4. The proposed time schedule.

17 5. A schedule of the tariff or rates desired to be
18 charged for the transportation of freight and/or passengers.

19 6. A complete and detailed description of the property
20 proposed to be devoted to the public service.

21 7. A detailed statement showing the assets and
22 liabilities of such applicant.

23 8. And such other or additional information as the
24 board may by order require.

25 (c) Such application shall be accompanied by a filing

SECOND READING

1 fee of ~~fifteen dollars (\$15.00) to thirty-five dollars~~
 2 ~~(\$35.00)~~ \$100 to \$300 to be set by the board based on the
 3 number of counties for which the certificate is requested,
 4 ~~and an additional sum to be set by the board to pay the cost~~
 5 ~~of publishing hearing in the legal advertising sections of~~
 6 ~~an appropriate newspaper or newspapers."~~

7 Section 2. Section 8-109, R.C.M. 1947, is amended to
 8 read as follows:

9 "8-109. Certificate required of class B motor carriers
 10 -- contents of application -- fee. (a) No class B motor
 11 carrier, as in this act defined, shall hereafter operate for
 12 the transportation of persons and/or property for hire on
 13 any public highway, in this state, without first having
 14 obtained from the board, under the provisions of this act, a
 15 certificate that public convenience and necessity require
 16 such operations.

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

21 1. Name and address of the applicant and the names and
 22 addresses of its officers, if any.

23 2. The kind of transportation, whether passenger or
 24 freight, or both, together with a full and complete
 25 description of the character of the vehicle or vehicles to

1 be used, including the seating capacity of any vehicle to be
 2 used for passenger traffic and the tonnage capacity of any
 3 vehicle to be used in freight traffic.

4 3. The locality and character of operations to be
 5 conducted.

6 4. A schedule of the tariff of rates desired to be
 7 charged for the transportation of freight and/or passengers.

8 5. A complete and detailed description of the property
 9 proposed to be devoted to the public service.

10 6. A detailed statement showing the assets and
 11 liabilities of such applicant.

12 7. And such other or additional information as the
 13 board may by order require.

14 (c) Such application shall be accompanied by a filing
 15 fee of ~~fifteen dollars (\$15.00) to thirty-five dollars~~
 16 ~~(\$35.00)~~ \$100 to \$300 to be set by the board based on the
 17 number of counties for which the certificate is requested,
 18 ~~and an additional sum to be set by the board to pay the cost~~
 19 ~~of publishing notice of hearing in the legal advertising~~
 20 ~~sections of appropriate newspaper or newspapers."~~

21 Section 3. Section 8-110, R.C.M. 1947, is amended to
 22 read as follows:

23 "8-110. Certificate required of class C motor carriers
 24 -- contents of application -- fee. (1) (a) No class C motor
 25 carrier as in this act defined, except any class C motor

1 carrier operating pursuant to the terms and conditions of a
 2 United States government contract, agency or department
 3 thereof, or of a contract for transporting solid waste with
 4 the state or an agency or department thereof, shall
 5 hereafter operate for the distribution, delivery, or
 6 collection of goods, wares, merchandise, or commodities, or
 7 for the transportation of persons on any public highway in
 8 this state, without first having obtained from the board,
 9 under the provisions of this act, a certificate that public
 10 convenience and necessity require such operation.

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

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

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

23 3. The kind of transportation, the character of the
 24 goods, wares, merchandise, or commodities to be distributed,
 25 delivered or collected, together with a full and complete

1 description of the character of the vehicle or vehicles,
 2 including the rated tonnage capacity of such vehicles, to be
 3 used in such service of distribution, delivery or
 4 collection.

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

7 (c) Such application shall be accompanied by a fee of
 8 ~~fifteen dollars (\$15.00) to thirty five dollars (\$35.00)~~
 9 \$100 to \$300 to be set by the board based on the number of
 10 counties for which the certificate is requested, ~~and an~~
 11 ~~additional sum to be set by the board to pay the cost of~~
 12 ~~publishing notice of hearing in the legal advertising~~
 13 ~~sections of an appropriate newspaper or newspapers.~~

14 (2) The transportation for hire of any persons or
 15 commodities between any two (2) points within the state of
 16 Montana by any motor carrier pursuant to the terms of a
 17 written contract between said carrier and the United States
 18 government, agency or department thereof, or the state or an
 19 agency or department thereof, for the transportation of
 20 solid waste, shall be deemed a transportation movement
 21 subject to the provisions of the Montana Motor Carrier Act,
 22 N.C.M. 1947, 3-101 et seq., provided, however, that the
 23 presentation of the written contract to the board shall be
 24 deemed sufficient proof of public convenience and necessity
 25 in accordance with the terms and conditions contained within

1 the United States government or state contract.

2 The class C certificate of public convenience and
3 necessity issued pursuant to the terms and conditions of the
4 United States government or state contract may be issued by
5 the board upon receipt of an executed copy of the United
6 States government or state contract. The certificate of
7 public convenience and necessity may be issued thereafter
8 without requiring the board to fix a time and place for
9 public hearing.

10 The certificate of public convenience and necessity,
11 issued pursuant to the terms of the United States government
12 or state contract, is authorized only for the duration of
13 the United States government or state contract concerned,
14 provided, however, the certificate may be renewed for
15 another definite term if the same motor carrier is the motor
16 carrier authorized to operate under the United States
17 government or state contract."

18 Section 4. Section 8-118, R.C.M. 1947, is amended to
19 read as follows:

20 "8-118. Records of motor carriers to be open for
21 inspection by board commission -- system of accounts to be
22 prescribed -- reports required. All records, books, accounts
23 and files of every class A and class B motor carrier in this
24 state, so far as the same shall relate to the business of
25 transportation conducted by such motor carrier, shall at all

1 times be subject to examination by the board commission or
2 by any authorized agent or employee of the board commission.
3 The board commission shall prescribe a uniform system of
4 accounts and uniform reports covering the operations of such
5 class A and class B motor carriers and every motor carrier
6 authorized to operate as such in accordance with the
7 provisions of this act shall keep its records, books, and
8 accounts according to such uniform system, in so far as
9 possible. On or before ~~the thirty-first day of~~ March 31 of
10 each year, every motor carrier authorized to engage in such
11 business shall file with the board commission a report,
12 under oath, on a form prescribed and furnished by the
13 commission. Those carriers filing an annual report with the
14 interstate commerce commission shall, in addition to filing
15 the report prescribed by the public service commission,
16 submit to the public service commission a copy of the annual
17 report filed with the interstate commerce commission. In
18 addition to such annual reports every motor carrier shall
19 prepare and file with the board commission, at the time or
20 times and in the form to be prescribed by the board
21 commission, annual reports, special reports, and statements
22 giving to the board commission such information as it shall
23 require in order to perform its duties under this act."

24 Section 5. Section 8-126, R.C.M. 1947, is amended to
25 read as follows:

1 "8-126. Fees required for filing various documents.
 2 (1) The public service commission shall, except as
 3 otherwise provided by law, require and receive fees before
 4 filing annual reports, tariffs, schedules, and supplements
 5 of these and shall require and receive fees for copies of
 6 orders, documents, classifications, blank forms, and other
 7 instruments prepared by it or on file in its office, unless
 8 provided by law to be furnished free of charge, under the
 9 following schedule:

- 10 (a) Filing annual reports, each.....\$ 5.00
- 11 (b) Filing tariffs, time schedules and supplements
- 12 thereto, each 2.00
- 13 (c) For issuing certificates of public convenience and
- 14 necessity to motor carriers, each..... 2.00
- 15 (d) Classification for public utilities, each... 1.50
- 16 (e) Classification for motor carriers, each..... .50
- 17 (f). For a copy of the rules for motor carriers and
- 18 blank forms of annual reports for utilities and common
- 19 carriers..... Cost

20 ~~(2) The commission shall require and receive an~~
 21 ~~additional sum to be set by the commission to pay the cost~~
 22 ~~of publishing such notice of hearing as may be required by~~
 23 ~~this chapter except for notice published pursuant to 8-108,~~
 24 ~~8-109, or 8-110.~~

25 ~~(2)(3)~~ This section does not require or authorize the

1 public service commission to collect fees for the filing of
 2 annual reports, tariffs, schedules, and supplements of these
 3 which relate solely to interstate commerce."

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14 used for passenger traffic and the tonnage capacity of any
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18 charged for the transportation of freight and/or passengers.

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 5 ~~of-publishing-hearing-in-the-legal-advertising--sections--of~~
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10 6. A detailed statement showing the assets and
 11 liabilities of such applicant.

12 7. And such other or additional information as the
 13 board may by order require.

14 (c) Such application shall be accompanied by a filing
 15 fee of ~~fifteen--dollars--(\$15.00)--to--thirty-five-dollars~~
 16 ~~(\$35.00)~~ \$100 to \$300 to be set by the board based on the
 17 number of counties for which the certificate is requested,
 18 ~~and-an-additional-sum-to-be-set-by-the-board-to-pay-the-cost~~
 19 ~~of-publishing-notice-of-hearing--in--the--legal--advertising~~
 20 ~~sections--of-appropriate-newspaper-or-newspapers."~~

21 Section 3. Section 8-110, R.C.M. 1947, is amended to
 22 read as follows:

23 "8-110. Certificate required of class C motor carriers
 24 -- contents of application -- fee. (1) (a) No class C motor
 25 carrier as in this act defined, except any class C motor

1 carrier operating pursuant to the terms and conditions of a
 2 United States government contract, agency or department
 3 thereof, or of a contract for transporting solid waste with
 4 the state or an agency or department thereof, shall
 5 hereafter operate for the distribution, delivery, or
 6 collection of goods, wares, merchandise, or commodities, or
 7 for the transportation of persons on any public highway in
 8 this state, without first having obtained from the board,
 9 under the provisions of this act, a certificate that public
 10 convenience and necessity require such operation.

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

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

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

23 3. The kind of transportation, the character of the
 24 goods, wares, merchandise, or commodities to be distributed,
 25 delivered or collected, together with a full and complete

1 description of the character of the vehicle or vehicles,
 2 including the rated tonnage capacity of such vehicles, to be
 3 used in such service of distribution, delivery or
 4 collection.

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

7 (c) Such application shall be accompanied by a fee of
 8 ~~fifteen dollars (\$15.00) to thirty-five dollars (\$35.00)~~
 9 \$100 to \$300 to be set by the board based on the number of
 10 counties for which the certificate is requested, ~~and an~~
 11 ~~additional sum to be set by the board to pay the cost of~~
 12 ~~publishing notice of hearing in the legal advertising~~
 13 ~~sections of an appropriate newspaper or newspapers.~~

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

1 the United States government or state contract.

2 The class C certificate of public convenience and
3 necessity issued pursuant to the terms and conditions of the
4 United States government or state contract may be issued by
5 the board upon receipt of an executed copy of the United
6 States government or state contract. The certificate of
7 public convenience and necessity may be issued thereafter
8 without requiring the board to fix a time and place for
9 public hearing.

10 The certificate of public convenience and necessity,
11 issued pursuant to the terms of the United States government
12 or state contract, is authorized only for the duration of
13 the United States government or state contract concerned,
14 provided, however, the certificate may be renewed for
15 another definite term if the same motor carrier is the motor
16 carrier authorized to operate under the United States
17 government or state contract.*

18 Section 4. Section 8-118, R.C.M. 1947, is amended to
19 read as follows:

20 "8-118. Records of motor carriers to be open for
21 inspection by board commission -- system of accounts to be
22 prescribed -- reports required. All records, books, accounts
23 and files of every class A and class B motor carrier in this
24 state, so far as the same shall relate to the business of
25 transportation conducted by such motor carrier, shall at all

1 times be subject to examination by the board commission or
2 by any authorized agent or employee of the board commission.
3 The board commission shall prescribe a uniform system of
4 accounts and uniform reports covering the operations of such
5 class A and class B motor carriers and every motor carrier
6 authorized to operate as such in accordance with the
7 provisions of this act shall keep its records, books, and
8 accounts according to such uniform system, in so far as
9 possible. On or before ~~the thirty-first day of~~ March 21 of
10 each year, every motor carrier authorized to engage in such
11 business shall file with the board commission a report,
12 under oath, on a form prescribed and furnished by the
13 commission. Those carriers filing an annual report with the
14 interstate commerce commission shall, in addition to filing
15 the report prescribed by the public service commission,
16 submit to the public service commission a copy of the annual
17 report filed with the interstate commerce commission. In
18 addition to such annual reports every motor carrier shall
19 prepare and file with the board commission, at the time or
20 times and in the form to be prescribed by the board
21 commission, annual reports, special reports, and statements
22 giving to the board commission such information as it shall
23 require in order to perform its duties under this act."

24 Section 5. Section 8-126, R.C.M. 1947, is amended to
25 read as follows:

1 "8-126. Fees required for filing various documents.
 2 (1) The public service commission shall, except as
 3 otherwise provided by law, require and receive fees before
 4 filing annual reports, tariffs, schedules, and supplements
 5 of these and shall require and receive fees for copies of
 6 orders, documents, classifications, blank forms, and other
 7 instruments prepared by it or on file in its office, unless
 8 provided by law to be furnished free of charge, under the
 9 following schedule:

- 10 (a) Filing annual reports, each.....\$ 5.00
- 11 (b) Filing tariffs, time schedules and supplements
- 12 thereto, each 2.00
- 13 (c) For issuing certificates of public convenience and
- 14 necessity to motor carriers, each..... 2.00
- 15 (d) Classification for public utilities, each... 1.50
- 16 (e) Classification for motor carriers, each..... .50
- 17 (f) For a copy of the rules for motor carriers and
- 18 blank forms of annual reports for utilities and common
- 19 carriers..... Cost

20 ~~(2) The commission shall require and receive an~~
 21 ~~additional sum to be set by the commission to pay the cost~~
 22 ~~of publishing such notice of hearing as may be required by~~
 23 ~~this chapter except for notice published pursuant to 8-108,~~
 24 ~~8-109, or 8-110.~~

25 ~~(2)(3)~~ This section does not require or authorize the

1 public service commission to collect fees for the filing of
 2 annual reports, tariffs, schedules, and supplements of these
 3 which relate solely to interstate commerce."

-End-

1 SENATE BILL NO. 392

2 INTRODUCED BY DEVINE (BY REQUEST)

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
5 8-108, 8-109, AND 8-110, R.C.M. 1947, TO RAISE THE FILING
6 FEE FOR A MOTOR CARRIER CERTIFICATE AND TO DELETE PROVISIONS
7 PERMITTING THE PASSING ON OF PUBLICATION OF NOTICE OF
8 HEARING COSTS TO THE APPLICANT; TO AMEND SECTION 8-118,
9 R.C.M. 1947, TO REQUIRE THE PUBLIC SERVICE COMMISSION TO
10 PROVIDE STANDARD FORMS AND THE SUBMISSION BY MOTOR CARRIERS
11 OF INTERSTATE COMMERCE COMMISSION ANNUAL REPORTS; AND TO
12 AMEND SECTION 8-126, R.C.M. 1947, TO REQUIRE THAT NOTICE
13 COSTS BE PASSED ON TO ~~PUBLIC UTILITIES~~ MOTOR CARRIERS."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:16 Section 1. Section 8-108, R.C.M. 1947, is amended to
17 read as follows:

18 "8-108. Certificate required of class A motor carriers
19 -- contents of application -- fee. (a) No class A motor
20 carrier, as in this act defined, shall hereafter operate for
21 the transportation of persons and/or property for hire on
22 any public highway in this state without first having
23 obtained from the board, under the provisions of this act, a
24 certificate declaring that public convenience and necessity
25 require such operation.

1 (b) A motor carrier making application for such
2 certificate shall do so in writing, separately for each
3 route, which petition shall be verified by the applicant and
4 shall specify the following matters:

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

7 2. The public highway or highways over which, and the
8 fixed termini between which, or the regular route or routes
9 over which it intends to operate.

10 3. The kind of transportation, whether passenger or
11 freight, or both, together with a full and complete
12 description of the character of the vehicle or vehicles to
13 be used, including the seating capacity of any vehicle to be
14 used for passenger traffic and the tonnage capacity of any
15 vehicle to be used in freight traffic.

16 4. The proposed time schedule.

17 5. A schedule of the tariff or rates desired to be
18 charged for the transportation of freight and/or passengers.

19 6. A complete and detailed description of the property
20 proposed to be devoted to the public service.

21 7. A detailed statement showing the assets and
22 liabilities of such applicant.

23 8. And such other or additional information as the
24 board may by order require.

25 (c) Such application shall be accompanied by a filing

1 fee of ~~fifteen dollars~~ ~~(\$15.00)~~ ~~to thirty five dollars~~
 2 ~~(\$35.00)~~ \$100 to \$300 to be set by the board based on the
 3 number of counties for which the certificate is requested
 4 ~~and an additional sum to be set by the board to pay the cost~~
 5 ~~of publishing hearing in the legal advertising sections of~~
 6 ~~an appropriate newspaper or newspapers."~~

7 Section 2. Section 8-109, R.C.M. 1947, is amended to
 8 read as follows:

9 "8-109. Certificate required of class B motor carriers
 10 -- contents of application -- fee. (a) No class B motor
 11 carrier, as in this act defined, shall hereafter operate for
 12 the transportation of persons and/or property for hire on
 13 any public highway, in this state, without first having
 14 obtained from the board, under the provisions of this act, a
 15 certificate that public convenience and necessity require
 16 such operations.

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

21 1. Name and address of the applicant and the names and
 22 addresses of its officers, if any.

23 2. The kind of transportation, whether passenger or
 24 freight, or both, together with a full and complete
 25 description of the character of the vehicle or vehicles to

1 be used, including the seating capacity of any vehicle to be
 2 used for passenger traffic and the tonnage capacity of any
 3 vehicle to be used in freight traffic.

4 3. The locality and character of operations to be
 5 conducted.

6 4. A schedule of the tariff of rates desired to be
 7 charged for the transportation of freight and/or passengers.

8 5. A complete and detailed description of the property
 9 proposed to be devoted to the public service.

10 6. A detailed statement showing the assets and
 11 liabilities of such applicant.

12 7. And such other or additional information as the
 13 board may by order require.

14 (c) Such application shall be accompanied by a filing
 15 fee of ~~fifteen dollars~~ ~~(\$15.00)~~ ~~to thirty five dollars~~
 16 ~~(\$35.00)~~ \$100 to \$300 to be set by the board based on the
 17 number of counties for which the certificate is requested
 18 ~~and an additional sum to be set by the board to pay the cost~~
 19 ~~of publishing notice of hearing in the legal advertising~~
 20 ~~sections of appropriate newspaper or newspapers."~~

21 Section 3. Section 8-110, R.C.M. 1947, is amended to
 22 read as follows:

23 "8-110. Certificate required of class C motor carriers
 24 -- contents of application -- fee. (1) (a) No class C motor
 25 carrier as in this act defined, except any class C motor

1 carrier operating pursuant to the terms and conditions of a
 2 United States government contract, agency or department
 3 thereof, or of a contract for transporting solid waste with
 4 the state or an agency or department thereof, shall
 5 hereafter operate for the distribution, delivery, or
 6 collection of goods, wares, merchandise, or commodities, or
 7 for the transportation of persons on any public highway in
 8 this state, without first having obtained from the board,
 9 under the provisions of this act, a certificate that public
 10 convenience and necessity require such operation.

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

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

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

23 3. The kind of transportation, the character of the
 24 goods, wares, merchandise, or commodities to be distributed,
 25 delivered or collected, together with a full and complete

1 description of the character of the vehicle or vehicles,
 2 including the rated tonnage capacity of such vehicles, to be
 3 used in such service of distribution, delivery or
 4 collection.

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

7 (c) Such application shall be accompanied by a fee of
 8 ~~fifteen dollars (\$15.00) to thirty-five dollars (\$35.00)~~
 9 \$100 to \$300 to be set by the board based on the number of
 10 counties for which the certificate is requested, ~~and an~~
 11 ~~additional sum to be set by the board to pay the cost of~~
 12 ~~publishing notice of hearing in the legal advertising~~
 13 ~~sections of an appropriate newspaper or newspapers.~~

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

1 the United States government or state contract.

2 The class C certificate of public convenience and
3 necessity issued pursuant to the terms and conditions of the
4 United States government or state contract may be issued by
5 the board upon receipt of an executed copy of the United
6 States government or state contract. The certificate of
7 public convenience and necessity may be issued thereafter
8 without requiring the board to fix a time and place for
9 public hearing.

10 The certificate of public convenience and necessity,
11 issued pursuant to the terms of the United States government
12 or state contract, is authorized only for the duration of
13 the United States government or state contract concerned,
14 provided, however, the certificate may be renewed for
15 another definite term if the same motor carrier is the motor
16 carrier authorized to operate under the United States
17 government or state contract."

18 Section 4. Section 8-118, R.C.M. 1947, is amended to
19 read as follows:

20 "8-118. Records of motor carriers to be open for
21 inspection by board commission -- system of accounts to be
22 prescribed -- reports required. All records, books, accounts
23 and files of every class A and class B motor carrier in this
24 state, so far as the same shall relate to the business of
25 transportation conducted by such motor carrier, shall at all

1 times be subject to examination by the board commission or
2 by any authorized agent or employee of the board commission.
3 The board commission shall prescribe a uniform system of
4 accounts and uniform reports covering the operations of such
5 class A and class B motor carriers and every motor carrier
6 authorized to operate as such in accordance with the
7 provisions of this act shall keep its records, books, and
8 accounts according to such uniform system, in so far as
9 possible. On or before ~~the thirty-first day of~~ March 31 of
10 each year, every motor carrier authorized to engage in such
11 business shall file with the board commission a report,
12 under oath, on a form prescribed and furnished by the
13 commission. Those carriers filing an annual report with the
14 interstate commerce commission shall, in addition to filing
15 the report prescribed by the public service commission,
16 submit to the public service commission a copy of the annual
17 report filed with the interstate commerce commission. In
18 addition to such annual reports every motor carrier shall
19 prepare and file with the board commission, at the time or
20 times and in the form to be prescribed by the board
21 commission, annual reports, special reports, and statements
22 giving to the board commission such information as it shall
23 require in order to perform its duties under this act."

24 Section 5. Section 8-126, R.C.M. 1947, is amended to
25 read as follows:

1 "8-126. Fees required for filing various documents.
 2 (1) The public service commission shall, except as
 3 otherwise provided by law, require and receive fees before
 4 filing annual reports, tariffs, schedules, and supplements
 5 of these and shall require and receive fees for copies of
 6 orders, documents, classifications, blank forms, and other
 7 instruments prepared by it or on file in its office, unless
 8 provided by law to be furnished free of charge, under the
 9 following schedule:

- 10 (a) Filing annual reports, each.....\$ 5.00
- 11 (b) Filing tariffs, time schedules and supplements
- 12 thereto, each 2.00
- 13 (c) For issuing certificates of public convenience and
- 14 necessity to motor carriers, each..... 2.00
- 15 (d) Classification for public utilities, each... 1.50
- 16 (e) Classification for motor carriers, each..... .50
- 17 (f) For a copy of the rules for motor carriers and
- 18 blank forms of annual reports for utilities and common
- 19 carriers..... Cost

20 ~~(2) The commission shall require and receive an~~
 21 ~~additional sum to be set by the commission to pay the cost~~
 22 ~~of publishing such notice of hearing as may be required by~~
 23 ~~this chapter except for notice published pursuant to 8-108,~~
 24 ~~8-109, or 8-110.~~

25 ~~(2)(3)~~ This section does not require or authorize the

1 public service commission to collect fees for the filing of
 2 annual reports, tariffs, schedules, and supplements of these
 3 which relate solely to interstate commerce."

-End-