1 Seste BILL NO. 352
2 INTRODUCED BY Devens
3

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 8-108, 8-109, AND 8-110, R.C.M. 1947, 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 AMEND SECTION 8-118, R.C.M. 1947, TO REQUIRE THE PUBLIC SERVICE COMMISSION TO PROVIDE STANDARD FORMS AND THE SUBMISSION BY MOTOR CARRIERS OF INTERSTATE COMMERCE COMMISSION ANNUAL REPORTS; AND TO AMEND SECTION 8-126, R.C.M. 1947, TO REQUIRE THAT NOTICE COSTS BE PASSED ON TO PUBLIC UTILITIES."

13

16

17

18

19

20

21

22

23

24 25

4

5

6

7

8

9

10

11

12

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

Section 1. Section 8-108, R.C.M. 1947, is amended to

**8-108. Certificate required of class A motor carriers
-- contents of application -- fee. (a) No class A motor
carrier, as in this act defined, shall hereafter operate for
the transportation of persons and/or property for hire on
any public highway in this state without first having
obtained from the board, under the provisions of this act, a
certificate declaring that public convenience and necessity
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 l. 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 vehicle to be used in freight traffic.
 - 4. The proposed time schedule.

16

- 17 5. A schedule of the tariff or rates desired to be
 18 charged for the transportation of freight and/or passengers.
- 6. A complete and detailed description of the propertyproposed 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 board may by order require.
 - (c) Such application shall be accompanied by a filing

fee of fifteen dollars (Alback) to remain dollars (#35m08) \$100 to \$300 to be set by the board based on the number of counties for which the certificate is requested on and an additional sup to be set by the board to pay the sections of publishing hearing in the Negal advantaging sections of on appropriate newspaper or newspapers."

1

z

3

9

10

11

12

13

14

15

16

17

18

19

- 7 Section 2. Section :8-109. R.C.M. 1947; is amended to 8 read as follows:
 - **8-109. Certificate required of class B motor carriers
 --- contents of application --- fee. (a) No class B motor
 carrier, as in this act defined, shall be reafter operate for
 the transportation of persons and/or property for hire 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 operations.
 - (b) A motor carrier making application for such permit shall do so in writing, separately for each locality for which consideration is desired, which petition shall be 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.

- be used, including the seating capacity of any vehicle to be
 used for passenger traffic and the tonnage capacity of any
 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.
- 5. A complete and detailed description of the property
 proposed to be devoted to the public service.
- 10 6. A detailed statement showing the assets and
- 12 7. And such other or additional information as the
 13 board may by order require.
- (c) Such application shall be accompanied by a filing
 fee of fifteen-dollars (\$15,000) to thirty-five dollars

 (\$35,000) \$100 to \$300 to be set by the board based on the
 number of counties for which the certificate is requestedy
 and an additional sum to be set by the board to pay the cost
 of publishing motified of hearing in the legal advertising
 sections of appropriate newspaper or newspapers.*
- 21 Section 3. Section 8-110, R.C.N. 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

- 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 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, А 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 (\$15000) to thirty five dollars (\$35000) \$100 to \$300 to be set by the board based on the number of counties for which the certificate is requested—and—an additional—sum—to—be set by the board to pay the cost of publishing notice of hearing in the legal adventising sections of an appropriate newspaper or newspapers.
 - (2) The transportation for hire of any persons or commodities between any two (2) points within the state of Montana by any motor carrier pursuant to the terms of a written contract between said carrier and the United States government, agency or department thereof, or the state or an agency or department thereof, for the transportation of solid waste, shall be deemed a transportation movement subject to the provisions of the Montana Motor Carrier Act, R.C.M. 1947, 8-101 et seq., provided, however, that the presentation of the written contract to the board shall be deemed sufficient proof of public convenience and necessity in accordance with the terms and conditions contained within

the United States government or state contract.

1

2

5

6

7

A

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

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

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

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

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

Section 5. Section 8-126. R.C.M. 1947, is amended to 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
11	(b) Filing tariffs, time schedules and supplements

necessity to motor carriers, each............................ 2.00

(c) For issuing certificates of public convenience and

- (d) Classification for public utilities, each... 1.50
 - (f) For a copy of the rules for motor carriers and

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

- 17 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 indice published pursuant to 8-108.
- 24 8-109. or 8-110.

12

13 14

15

16

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

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

-End-

STATE OF MONTANA

REQUEST	NΩ	371-77
neuvesi	MU	0/1/

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:

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

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-/1-77

45th Legislature Sb 0392/02 Sb 0392/02

10

11

12

14

15 16

Approved by Committee on Highways & Transportation

1	SENATE BILL NO. 392
2	INTRODUCED BY DEVINE (BY REQUEST)
3	
4	A BILL FOR AN ACT ENTITLED: MAN ACT TO AMEND SECTIONS
5	8-108, 8-109, AND S-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
ಕ	HEARING COSTS TO THE APPLICANT; TO AMEND SECTION 8-118.
9	R.C.M. 1947, TO REQUIRE THE PUBLIC SERVICE COMMISSION TO
O.	PROVIDE STANDARD FORMS AND THE SUBMISSION BY MOTOR CARRIERS
1	OF INTERSTATE COMMERCE COMMISSION ANNUAL REPORTS; AND TO
2	AMEND SECTION 8-126, R.C.M. 1947, TO REQUIRE THAT NOTICE
3	COSTS BE PASSED ON TO PUBLIC UTILITIES MOTOR CARRIERS."
4	
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 35 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
<i>2</i> l	the transportation of persons and/or property for hire on
2.2	any mublic 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	car	rier	making	applicati	on	for	suci
2	certificat	te	shall do	so	in	writing.	separate	1 y	for	each
3	route, whi	ict	n petitio	n sh	a11 l	e verifi	ed by the	apol	icant	and
4	shall spec	: i f	v the fo	llow	ina r	natters:				

- l. The name and address of the applicant and the namesand 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.
 - 3. The kind of transportation, whether passenger or freight, or both, together with a full and complete description of the character of the vehicle or vehicles to be used, including the seating capacity of any vehicle to be used for passenger traffic and the tonnage capacity of any vehicle to be used in freight traffic.
 - 4. The proposed time schedule.
- 5. A schedule of the tariff or rates desired to becharged for the transportation of freight and/or passengers.
- 6. A complete and detailed description of the propertyproposed to be devoted to the public service.
- 7. A detailed statement showing the assets and liabilities of such applicant.
- 3. And such other or additional information as the board may by order require.
- 25 (c) Such application shall be accompanied by a filing

-2-

- fee of fifteen-dollars-(\$15*00)--to-thirty-five-dollars

 (\$35*00) \$100 to be set by the board based on the

 number of counties for which the certificate is requestedy

 and-an-additional-sum-to-be-set-by-the-board-to-pay-the-cost

 of-publishing-hearing-in-the-legal-advertising--sections-of

 an-appropriate-newspaper-or-newspapers.*
- 7 Section 2. Section 8-109, R.C.M. 1947, is amended to 8 read as follows:

10

11

12

13

14

15

16

17

18

19

20

23

24

- "8-109. Certificate required of class B motor carriers

 -- contents of application -- fee. (a) No class B motor
 carrier, as in this act defined, shall hereafter operate for
 the transportation of persons and/or property for hire 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 operations.
- (b) A motor carrier making application for such permit shall do so in writing, separately for each locality for which consideration is desired, which petition shall be verified and shall specify the following matters:
- Name and address of the applicant and the names andaddresses of its officers, if any.
 - 7. The kind of transportation, whether passenger or freight, or both, together with a full and complete description of the character of the vehicle or vahicles to

-3-

- 1 be used, including the seating capacity of any vehicle to be
- \hat{z} 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.

13

- 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
 - 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*96) \$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--least--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

\$8 392

-4-

SR 342

3

4

6

7

9

10

11

12

13

14 15

16

17

18

19

20

21

22

23

24

SB 0392/02

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.

1

3

4

5

ó

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

23

23

24 25

(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

-5-

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.

5 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-(\$15w00)--to--thirty-five--dollars--(\$35w00) \$100 to \$300 to be set by the board based on the number of additional--sum-to-be-set-by-the-board-to-cov-the-cost-of publishing--notice-of--hearing--in--the--legal--advertising sections-of-an-appropriate-newspaper-or-newspapers.

(2) The transportation for hire of any persons or commodities between any two (2) points within the state of Montana by any motor carrier pursuant to the terms of a written contract between said carrier and the United States government, agency or department thereof, or the state or an agency or department thereof, for the transportation of solid waste, shall be deemed a transportation movement subject to the provisions of the Montana Motor Carrier Act. <.C.M. 1947, 3-101 at seq., provided, however, that the</p> presentation of the written contract to the board shall be deemed sufficient proof of public convenience and necessity in accordance with the terms and conditions contained within

SB 392

S8 392

the United States government or state contract.

1

2

į

4

5

6

7

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

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

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

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

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

times be subject to examination by the board commission or 1 by any authorized agent or amployee of the board commission. The board commission shall prescribe a uniform system of 4 accounts and uniform reports covering the operations of such class A and class B motor carriers and every motor carrier authorized to operate as such in accordance with the provisions of this act shall keep its records, books, and accounts according to such uniform system, in so far as possible. On or before the thirty-first-day of March 31 of 9 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 commission. Those carriers filing an annual report with the 13 14 interstate commerce commission shalls 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 addition to such annual reports every motor carrier shall 18 prepare and file with the board commission, at the time or 19 times and in the form to be prescribed by the board 20 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

read as follows:

SE 0392/02

\$3 0392/02

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
11	(b) Filing tariffs, time schedules and supplements
12	thereto, each
13	(c) For issuing certificates of public convenience and
14	necessity to motor carriers, each
15	(d) Classification for public utilities, each 1.50
15	(e) Classification for motor carriers, each50
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

(2) The commission shall require and receive an

12}(3) This section does not require or authorize the

additional sum to be set by the commission to pay the cost

of publishing such notice of hearing as may be required by

this chapter except for notice published pursuant to 8-108.

20

21

2%

23

24

25

8-109. or 8-110.

public service commission to collect fees for the filing
--

- annual reports, tariffs, schedules, and supplements of these
- which relate solely to interstate commerce."

-End-

\$9.0392/02

45th Legislature

1

59 0392/02

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
3	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
16 17	
-	Section 1. Section 8-198, R.C.M. 1947, is amended to
17	Section 1. Section 8-108, R.C.M. 1947, is amended to read as follows:
17 16	Section 1. Section 8-198, R.C.M. 1947, is amended to read as follows: #8-108. Certificate required of class A motor carriers
17 16 19	Section 1. Section 8-108, R.C.M. 1947, is amended to read as follows: #8-108. Certificate required of class A motor carriers contents of application fee. (a) No class A motor
17 16 19 20	Section 1. Section 8-198, R.C.M. 1947, is amended to read as follows: #8-108. Certificate required of class A motor carriers contents of application fee. (a) No class A motor carrier, as in this act defined, shall bereafter operate for
17 16 19 20 21	Section 1. Section 8-108, R.C.M. 1947, is amended to read as follows: #8-108. Certificate required of class A motor carriers contents of application fee. (a) No class A motor carrier, as in this act defined, shall bereafter operate for the transportation of persons and/or property for hire on
17 16 19 20 21	Section 1. Section 8-108, R.C.M. 1947, is amended to read as follows: #8-108. Certificate required of class A motor carriers contents of application fee. (a) No class A motor carrier, as in this act defined, shall bereafter operate for the transportation of persons and/or property for hire on any mublic highway in this state without first having

SENATE BILL NO. 392

- 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
 5 and addresses of its officers, if any.
- 7 2. The public highway or highways over which, and the fixed termini between which, or the regular route or routes
 9 over which it intends to operate.
 - 3. The kind of transportation, whether passenger or freight, or both, together with a full and complete description of the character of the vehicle or vehicles to be used, including the seating capacity of any vehicle to be used for passenger traffic and the tonnage capacity of any vehicle to be used in freight traffic.
- 16 4. The proposed time schedule.

10

11

12

13

14

- 17 5. A schedule of the tariff or rates desired to be18 charged for the transportation of freight and/or passengers.
- 4. A complete and detailed description of the propertyproposed to be devoted to the public service.
- 21 7. A detailed statement showing the assets and
 22 liabilities of such applicant.
- 23 3. And such other or additional information as the board may by order require.
- (c) Such application shall be accompanied by a filing

\$8 0392702

\$9 0392/02

1 fee of fifteen--dollars--(\$15x00)--to--thirty-five-dollars (\$35,00) <u>\$100 to \$300</u> to be set by the board based on the number of counties for which the certificate is requested. and-an-additional-sum-to-be-set-by-the-board-to-pay-the-cost of-publishing-hearing-in-the-legal-advertising--sections--of an-appropriate-newspaper-or-newspapers.*

2

3

4

5

9

10

11

12

13

14

15

16

17 18

19

20

22

23

24

25

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

*8-109. Certificate required of class B motor carriers -- contents of application -- fee. (a) No class B motor carrier, as in this act defined, shall hereafter operate for the transportation of persons and/or property for hire 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 operations.

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

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

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

-3-

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

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

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

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

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

12

13

14

15

16

17

18

19

20

23

24

25

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

(c) Such application shall be accompanied by a filing fee of fifteen--dollars--(\$15+00)--to--thirty-five-dollars **†\$35±00)** <u>\$100 to \$300</u> to be set by the board based on the number of counties for which the certificate is requestedy and-an-additional-sum-to-be-set-by-the-board-to-pay-the-cost of-publishing-notice-of-hearing--in--the--legal--advertising sections-of-appropriate-newspaper-or-newspapers."

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

ő

ó

- (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

-5-

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-(\$15x80)--to--thirty-five--dollars--(\$35x80) \$100 to \$300 to be set by the board based on the number of counties for which the certificate is requestedy--and--an additional--sum--to--be--set-by-the-board-to-pay the-cost-of publishing--notice--of--hearing--in--the--legal---advertising sections-of-an-appropriate-newspaper-or-newspapers-
- (2) The transportation for hire of any persons or commodities between any two (2) points within the state of Montana by any motor carrier pursuant to the terms of a written contract between said carrier and the United States government, agency or department thereof, or the state or an agency or department thereof, for the transportation of solid waste, shall be deemed a transportation movement subject to the provisions of the Montana Motor Carrier Act, R.C.M. 1947, 8-101 at seq., provided, however, that the presentation of the written contract to the board shall be deemed sufficient proof of public convenience and necessity in accordance with the terms and conditions contained within

\$8 392

-6- SB 392

\$5 0392/02

25

SB 392

read as follows:

the United States government or state contract.

1

2

3

5

6

7

8

9

10

11

12

13

14

15

16

17

18

20

21

22

23

24

25

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

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

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

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

-7-

times be subject to examination by the board commission or by any authorized agent or employee of the beerd commission. The board commission shall prescribe a uniform system of accounts and uniform reports covering the operations of such class A and class B motor carriers and every motor carrier authorized to operate as such in accordance with the provisions of this act shall keep its records, books, and accounts according to such uniform system, in so far as 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 oathe 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 boord 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." Section 5. Section 8-126, R.C.M. 1947, is amended to 24

−8− SB 392

	"8-126	• Fees	required	for	filing	various	documen	its.
(1)	Ihe	pu blic	service	con	mission	shall•	except	as
other	rwise p	rovi ded	by law.	requir	e and r	eceive f	ees bef	ore
filir	nç anr	nual re	ports, tai	riffs	schedu	les, and	suppleme	nts
of ti	nese ar	d shall	require a	and re	ceive f	ees for	copies	of
ordei	rs, do	cuments	• classif	ficati	ons, bla	ank forms	• and ot	her
instr	ruments	prepare	ed by it o	or on	file in	its offi	ce, unl	ess
provi	ded b	y law	to be fur	nishe	d free o	of charge	• under	the
follo	wing s	chedule:	:					

5

9

11

12

14

15

15

17

18

_0

21

22

23

24

- (a) Filing annual reports, each...... 5.00
- - (d) Classification for public utilities, each... 1.50
 - (e) Classification for motor carriers, each.... .50
- (2) The commission shall require and receive an additional sum to be set by the commission to pay the cost of publishing such notice of hearing as may be required by this chapter except for notice published pursuant to 8-100.
- 25 t?: This section does not require or authorize the

- 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-

45th Legislature SB 0392/02

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

certificate declaring that public convenience and necessity

24

25

require such operation.

{b} A	motor	carrier	making	application	for	suc
certificate	shall do	so in	writing,	separately	for	eac
route, which	petitio	n shall	be verifi	ed by the ap	plican	t an
shall specif	y the fo	llowing :	matters:			

- 5 l. The name and address of the applicant and the names6 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 transportations whether passenger or freight, or both, together with a full and complete description of the character of the vehicle or vehicles to be used, including the seating capacity of any vehicle to be used for passenger traffic and the tonnage capacity of any vehicle to be used in freight traffic.
 - 4. The proposed time schedule.

ı

3

16

25

- 5. A schedule of the tariff or rates desired to becharged for the transportation of freight and/or passengers.
- 6. A complete and detailed description of the propertyproposed 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.
 - (c) Such application shall be accompanied by a filing

SB 0392/02

SB 0392/02

- fee of fifteen—dollars—(\$15w80)—to—thirty-five-dollars
 (\$35w80) \$100 to \$300 to be set by the board based on the
 number of counties for which the certificate is requestedy
 and-an-additional-sum-to-be-set-by-the-board-to-pay-the-cost
 of-publishing-hearing-in-the-legal-advertising--sections--of
 an-appropriate-newspaper-or-newspapers.**
- 7 Section 2. Section 8-109, R.C.N. 1947, is amended to 8 read as follows:

 - (b) A motor carrier making application for such permit shall do so in writing, separately for each locality for which consideration is desired, which petition shall be verified and shall specify the following matters:
 - Name and address of the applicant and the names and addresses of its officers, if any.
 - 2. The kind of transportation, whether passenger or freight, or both, together with a full and complete description of the character of the vehicle or vehicles to

-3-

- l 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.
- 4. A schedule of the tariff of rates desired to be 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--(\$25v80)--to--thirty-five-dollars
- 16 (\$35w00) \$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--odvertising
- 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

SB 392

1

2

3

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

2

5

6

7

9 10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

- carrier operating pursuant to the terms and conditions of a 1 2 United States government contract, agency or department thereof, or of a contract for transporting solid waste with 3 state or an agency or department thereof shall 5 hereafter operate for the distribution, delivery, or 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.
 - (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:

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

- 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

1 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-(\$15w00)--to--thirty-five--dollars--(\$35w00) \$100 to \$300 to be set by the board based on the number of counties for which the certificate is requested -- and -- an additional-sum-to-be-set-by-the-board-to-pay-the-cost-of publishing-notice-of-hearing-in-the-lagel-advertising sections-of-an-appropriate-newspaper-or-newspapers.
- (2) The transportation for hire of any persons or commodities between any two (2) points within the state of Montana by any motor carrier pursuant to the terms of a written contract between said carrier and the United States government, agency or department thereof, or the state or an agency or department thereof, for the transportation of solid waste, shall be deemed a transportation movement subject to the provisions of the Montana Motor Carrier Act. R.C.M. 1947, 8-101 et seq., provided, however, that the presentation of the written contract to the board shall be deemed sufficient proof of public convenience and necessity in accordance with the terms and conditions contained within

the United States government or state contract.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18 19

20

21

22

23

24

25

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

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

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

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

-7-

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 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 <u>commission</u> a report, 12 under oaths on a form prescribed and furnished by the 13 commission. Those carriers filing an annual report with the interstate commerce commission shalls in addition to filing 14 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 commission, annual reports, special reports, and statements 21 22 qiving to the board commission such information as it shall 23 require in order to perform its duties under this act."

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

\$8 392

SB 392

1	M8-126. 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

- 15 (d) Classification for public utilities, each... 1.50
 - (e) Classification for motor carriers, each.... .50
 - (f) For a copy of the rules for motor carriers and blank forms of annual reports for utilities and common
- 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 oursuant to 8-108.
- 24 <u>8-109. or 8-110.</u>

12

13

14

16

17

18

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-

SB 392