

# CHAPTER NO. 514

HOUSE BILL NO. 14

INTRODUCED BY NATHE

BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

## IN THE HOUSE

January 4, 1979	Introduced and referred to Committee on Business and Industry.
January 6, 1979	On motion, joint rule 6-6 suspended and sponsor's signature allowed to be added to prefiled bill.
January 11, 1979	Committee recommend bill do pass as amended. Report adopted.
January 12, 1979	Printed and placed on members' desks.
	On motion, rules suspended and bill placed on second reading this day.
	Second reading, do pass.
	On motion, rules suspended and bill placed on third reading this day.
	Third reading, passed. Engrossed before transmittal. Transmitted to second house.

## IN THE SENATE

January 15, 1979	Introduced and referred to Committee on Business and Industry.
March 12, 1979	Committee recommend bill be concurred in as amended. Report adopted.

March 14, 1979	Second reading, concurred in.
March 16, 1979	Third reading, concurred in as amended.
IN THE HOUSE	
March 17, 1979	Returned from second house. Concurred in as amended.
March 19, 1979	On motion, consideration passed for the day.
March 20, 1979	On motion, consideration passed until the 71st Legislative Day.
March 28, 1979	Second reading, amendments adopted.
March 29, 1979	Third reading, amendments adopted. Sent to enrolling.
	Reported correctly enrolled.

1                    HOUSE    BILL NO. 14

2    INTRODUCED BY \_\_\_\_\_  
3    BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION  
4  
5    A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
6    69-12-102, MCA, TO EXEMPT THE TRANSPORTATION OF CERTAIN  
7    CONSTRUCTION AND EXCAVATION MATERIALS FROM TITLE 69, CHAPTER  
8    12, MCA, RELATING TO MOTOR CARRIERS."

9  
10   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11        Section 1. Section 69-12-102, MCA, is amended to read:  
12        "69-12-102. Scope of chapter -- exemptions. (1) This  
13        chapter does not affect:

14        (a) motor vehicles used in carrying property  
15        consisting of agricultural commodities (not including  
16        manufactured products thereof) if the motor vehicles are not  
17        used in carrying other property or passengers for  
18        compensation;

19        (b) the operation of school buses which are used in  
20        conveying pupils or other students enrolled in classes to  
21        and from district or other schools or in transportation  
22        movements related to school activities which are sponsored  
23        or supervised by school authorities;

24        (c) the transportation by means of motor vehicles in  
25        the regular course of business of employees, supplies, and

1        materials by a person or corporation engaged exclusively in  
2        the construction or maintenance of highways or engaged  
3        exclusively in logging or mining operations, insofar as the  
4        use of employees, supplies, and materials in construction  
5        and production is concerned;

6        (d) the transportation of property by motor vehicle in  
7        a city, town, or village with a population of less than 500  
8        persons according to the latest United States census or in  
9        the commercial areas thereof, as determined by the  
10       commission;

11        (e) the transportation of newspapers, newspaper  
12        supplements, periodicals, or magazines;

13        (f) tow trucks and wreckers designed and exclusively  
14        used in towing abandoned, wrecked, or disabled vehicles or  
15        while these tow trucks and wreckers are rendering assistance  
16        to abandoned, wrecked, or disabled vehicles;

17        (g) motor vehicles used exclusively in carrying junk  
18        vehicles from a collection point to a motor vehicle wrecking  
19        facility or a motor vehicle graveyard; or

20        (h) ambulances; or

21        (i) the transportation of sand and gravel, concrete  
22        mix, aggregate, bituminous asphalt, aggregate mix, dirt,  
23        rocks, pit run, material from demolished buildings, used  
24        paving materials, used concrete, broken concrete, riprap,  
25        and all forms and types of excavation materials.

1        (2) This chapter does not prevent bona fide leases,  
2 brokerage agreements, or buy-and-sell agreements."

-End-

Approved by Committee  
on Business and Industry

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15 consisting of agricultural commodities (not including  
16 manufactured products thereof) if the motor vehicles are not  
17 used in carrying other property or passengers for  
18 compensation;

19 (b) the operation of school buses which are used in  
20 conveying pupils or other students enrolled in classes to  
21 and from district or other schools or in transportation  
22 movements related to school activities which are sponsored  
23 or supervised by school authorities;

24 (c) the transportation by means of motor vehicles in  
25 the regular course of business of employees, supplies, and

1 materials by a person or corporation engaged exclusively in  
2 the construction or maintenance of highways or engaged  
3 exclusively in logging or mining operations, insofar as the  
4 use of employees, supplies, and materials in construction  
5 and production is concerned;

6 (d) the transportation of property by motor vehicle in  
7 a city, town, or village with a population of less than 500  
8 persons according to the latest United States census or in  
9 the commercial areas thereof, as determined by the  
10 commission;

11 (e) the transportation of newspapers, newspaper  
12 supplements, periodicals, or magazines;

13 (f) tow trucks and wreckers designed and exclusively  
14 used in towing abandoned, wrecked, or disabled vehicles or  
15 while these tow trucks and wreckers are rendering assistance  
16 to abandoned, wrecked, or disabled vehicles;

17 (g) motor vehicles used exclusively in carrying junk  
18 vehicles from a collection point to a motor vehicle wrecking  
19 facility or a motor vehicle graveyard; or

20 (h) ambulances in or

21        for the transportation of PIT RUN OR PROCESSED sand  
22 and gravel, concrete mix, aggregate, bituminous asphalt,  
23 aggregate mix, dirt, rocks, pit-run material from demolished  
24 buildings AND STRUCTURES, used paving materials, used  
25 concrete, broken concrete, riprap, and all OTHER forms and

1    types of excavation materials TRANSPORTED SOLELY FOR THE  
2    PURPOSE OF EXCAVATION OR FILL.  
3       (2) This chapter does not prevent bona fide leases,  
4    brokerage agreements, or buy-and-sell agreements."

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18 compensation;

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20 conveying pupils or other students enrolled in classes to

21 and from district or other schools or in transportation

22 movements related to school activities which are sponsored

23 or supervised by school authorities;

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25 the regular course of business of employees, supplies, and

On motion rules suspended,  
yellow printing dispensed.

1 materials by a person or corporation engaged exclusively in  
2 the construction or maintenance of highways or engaged  
3 exclusively in logging or mining operations, insofar as the  
4 use of employees, supplies, and materials in construction  
5 and production is concerned;

6 (d) the transportation of property by motor vehicle in  
7 a city, town, or village with a population of less than 500  
8 persons according to the latest United States census or in  
9 the commercial areas thereof, as determined by the  
10 commission;

11 (e) the transportation of newspapers, newspaper  
12 supplements, periodicals, or magazines;

13 (f) tow trucks and wreckers designed and exclusively  
14 used in towing abandoned, wrecked, or disabled vehicles or  
15 while these tow trucks and wreckers are rendering assistance  
16 to abandoned, wrecked, or disabled vehicles;

17 (g) motor vehicles used exclusively in carrying junk  
18 vehicles from a collection point to a motor vehicle wrecking  
19 facility or a motor vehicle graveyard; or

20 (h) ambulances; or

21 iii. the transportation of PIT RUN OR PROCESSED sand  
22 and gravel, concrete mix, aggregate, bituminous asphalt,  
23 aggregate mix, dirt, rock, pit-run material from demolished  
24 buildings AND STRUCTURES, used paving materials, used  
25 concrete, broken concrete, riprap, and all OTHER forms and

1 types of excavation materials TRANSPORTED SOLELY FOR THE  
2 PURPOSE OF EXCAVATION OR FILL.

3 (2) This chapter does not prevent bona fide leases,  
4 brokerage agreements, or buy-and-sell agreements."

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19 vehicles from a collection point to a motor vehicle wrecking  
20 facility or a motor vehicle graveyard; or

21 (h) ambulances; or

22 ~~the transportation of PII\_BUN\_DB PROCESSED sand~~  
23 ~~and gravel, concrete mix, aggregate, bituminous PLANT MIX~~  
24 ~~asphalt, PAVEMENT, aggregate mix, dirt, rock, pit, and~~  
25 ~~material from demolished buildings AND STRUCTURES, used~~

1 ~~paving materials, used concrete, broken concrete, riprap,~~  
2 ~~and all other forms and types of excavation materials~~  
3 ~~transported solely for the purpose of excavation or fill.~~  
4 (2) This chapter does not prevent bona fide leases,  
5 brokerage agreements, or buy-and-sell agreements."

6 ~~SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON~~  
7 ~~PASSAGE AND APPROVAL.~~

-End-

March 12, 1979

SENATE STANDING COMMITTEE REPORT  
(Business & Industry)

That House Bill No. 14 be amended as follows:

1. Title, line 8.

Following: "CARRIERS"

Insert: ";" PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 22.

Following: "aggregate,"

Strike: "bituminous"

Insert: "plant mix"

Following: "asphalt"

Insert: "pavement"

3. Page 3, line 5.

Following: line 4

Insert: "Section 2. Effective date. This act is effective on  
passage and approval."