

CHAPTER NO. 24

HOUSE BILL NO. 55

INTRODUCED BY UHDE

BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

IN THE HOUSE

January 4, 1979	Introduced and referred to Committee on Highways and Transportation.
January 6, 1979	On motion, joint rule 6-6 suspended and sponsor's signature allowed to be added to Pre-Filed bill.
January 16, 1979	Committee recommend bill do pass and be placed on Consent Calendar. Report adopted.
January 17, 1979	Printed and placed on members' desks.
January 19, 1979	Third Reading Consent Calendar, passed. Transmitted to Second House.

IN THE SENATE

January 20, 1979	Introduced and referred to Committee on Highways and Transportation.
January 29, 1979	Committee recommend bill be concurred in as amended. Report adopted.
January 31, 1979	Second Reading, concurred in.
February 2, 1979	Third Reading, concurred in as amended.

IN THE HOUSE

February 3, 1979	Returned from Second House. Concurred in as amended.
February 5, 1979	Second Reading, amendments adopted.
February 6, 1979	Third Reading, amendments adopted. Sent to enrolling. Reported correctly enrolled.

1                    HOUSE BILL NO. 55

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 69-12-302, MCA, TO CLARIFY THE CONDITIONS UNDER WHICH CLASS  
7 C CARRIERS ARE CONSIDERED TO BE OPERATING AS CLASS B  
8 CARRIERS."

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

11 Section 1. Section 69-12-302, MCA, is amended to read:

12 "69-12-302. Conditions ~~requiring resulting in~~ Class C  
13 ~~carrier to operate under~~ considered as Class B ~~certificate~~  
14 ~~carrier. (1) Class--E--motor--carriers--distributing~~  
15 ~~delivering--or--collecting--wares--merchandise--or--commodities~~  
16 ~~or--transporting--persons--shall--do--so--under--six--or--less~~  
17 ~~contracts--charters--agreements--or--undertakings--annually.~~  
18 ~~Every--Class--E--motor--carrier--providing--such--transportation~~  
19 ~~services--by--means--of--more--than--six--contracts--charters--~~  
20 ~~agreements--or--undertakings--shall--be--deemed--to--be--providing~~  
21 ~~common--carriage--and--shall--operate--under--a--Class--B--motor~~  
22 ~~carrier--certificate--in--lieu--of--such--Class--E--motor--carrier~~  
23 ~~certificate. A Class C motor carrier operating under more~~  
24 ~~than six contracts which are in effect at any given time and~~  
25 ~~each of which are effective for a minimum of 180 days is~~

1 ~~considered to be operating as a Class B motor carrier.~~  
2 ~~Before transportation service may commence, pertinent~~  
3 ~~contract information shall be furnished to the commission~~  
4 ~~for each contract on forms prescribed by the commission. The~~  
5 ~~commission shall retain a duplicate of the information in~~  
6 ~~its files, and a copy of the forms confirmed by the~~  
7 ~~commission, must be kept in the cab of the motor carrier~~  
8 ~~when operating under that contract.~~

9 (2) All Class C motor carriers must annually submit to  
10 the commission the names and addresses of all persons,  
11 corporations, or other legal entities with whom the Class C  
12 carrier has executed a contract, charter, agreement, or  
13 undertaking for the distribution, delivery, or collection of  
14 wares, merchandise, or commodities or for transporting  
15 persons.

16 (3) The provisions of this section ~~requiring certain~~  
17 ~~Class-E-motor-carriers-to-operate--under--a--Class--B--motor~~  
18 ~~carrier-certificate-and-to-submit-an-annual-statement-to-the~~  
19 ~~commission~~ shall not apply to solid waste contractors,  
20 household goods carriers, or house movers, as defined by the  
21 department of public service regulation, or any carrier  
22 whose authority is confined by certificate to transportation  
23 within a distance of 50 miles or less from a particular  
24 location and that is performing pickup and delivery service  
25 under contract for one or more common carriers within that

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1 area."

-End-

Approved by Committee  
on Highways & Transportation

HOUSE BILL NO. 55

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A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
69-12-302, MCA, TO CLARIFY THE CONDITIONS UNDER WHICH CLASS  
C CARRIERS ARE CONSIDERED TO BE OPERATING AS CLASS B  
CARRIERS."

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

Section 1. Section 69-12-302, MCA, is amended to read:

"69-12-302. Conditions requiring resulting in Class C  
carrier to operate under considered as Class B certificate  
carrier. (1) ~~Class--E--motor--carriers--distributing~~  
~~delivering--or--collecting--wares--merchandise--or--commodities~~  
~~or--transporting--persons--shall--do--so--under--six--or--less~~  
~~contracts--charters--agreements--or--undertakings--annually~~  
Every ~~Class-E-motor-carrier--providing--such--transportation~~  
~~services--by--means--of--more--than--six--contracts--charters~~  
~~agreements--or--undertakings--shall--be--deemed--to--be--providing~~  
~~common--carriage--and--shall--operate--under--a--Class-B-motor~~  
~~carrier-certificate--in--lieu--of--such--Class-E-motor-carrier~~  
~~certificate.~~ A Class C motor carrier operating under more  
than six contracts which are in effect at any given time and  
each of which are effective for a minimum of 180 days is

considered to be operating as a Class B motor carrier.  
Before transportation service may commence, pertinent  
contract information shall be furnished to the commission  
for each contract on forms prescribed by the commission. The  
commission shall retain a duplicate of the information in  
its files, and a copy of the form, confirmed by the  
commission, must be kept in the cab of the motor carrier  
when operating under that contract.

(2) All Class C motor carriers must annually submit to  
the commission the names and addresses of all persons,  
corporations, or other legal entities with whom the Class C  
carrier has executed a contract, charter, agreement, or  
undertaking for the distribution, delivery, or collection of  
wares, merchandise, or commodities or for transporting  
persons.

(3) The provisions of this section requiring certain  
~~Class-E-motor-carriers-to-operate--under--a--Class-B-motor~~  
~~carrier-certificate-and-to-submit--an--annual--statement--to--the~~  
commission shall not apply to solid waste contractors,  
household goods carriers, or house movers, as defined by the  
department of public service regulation, or any carrier  
whose authority is confined by certificate to transportation  
within a distance of 50 miles or less from a particular  
location and that is performing pickup and delivery service  
under contract for one or more common carriers within that

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1 area."

-End-

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HOUSE BILL NO. 55

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BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 69-12-302, MCA, TO CLARIFY THE CONDITIONS UNDER WHICH CLASS C CARRIERS ARE CONSIDERED TO BE OPERATING AS CLASS B CARRIERS."

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

Section 1. Section 69-12-302, MCA, is amended to read:

"69-12-302. Conditions requiring resulting in Class C carrier to operate under considered as Class B certificate carrier. (1) ~~Class C motor carriers distributing delivering or collecting wares, merchandise, or commodities or transporting persons shall do so under six or less contracts, charters, agreements, or undertakings annually. Every Class C motor carrier providing such transportation services by means of more than six contracts, charters, agreements, or undertakings shall be deemed to be providing common carriage and shall operate under a Class B motor carrier certificate in lieu of such Class C motor carrier certificate.~~ A Class C motor carrier operating under WITH more than six contracts which are in effect at any given time and each of which are effective for a minimum of 180

~~days is considered to be operating as a Class B motor carrier. Before transportation service may commence, pertinent contract information shall be furnished to the commission for each contract on forms prescribed by the commission. The commission shall retain a duplicate of the information in its files, and a copy of the form, confirmed by the commission, must be kept in the cab of the motor carrier when operating under that contract.~~

(2) All Class C motor carriers must annually submit to the commission the names and addresses of all persons, corporations, or other legal entities with whom the Class C carrier has executed a contract, charter, agreement, or undertaking for the distribution, delivery, or collection of wares, merchandise, or commodities or for transporting persons.

(3) The provisions of this section requiring certain ~~Class C motor carriers to operate under a Class B motor carrier certificate and to submit an annual statement to the~~ commission shall not apply to solid waste contractors, household goods carriers, of house movers, as defined by the department of public service regulation, or any carrier whose authority is confined by certificate to transportation within a distance of 50 miles or less from a particular location and that is performing pickup and delivery service under contract for one or more common carriers within that

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1 area."

-End-