

CHAPTER 110. 25.

HOUSE BILL NO. 65

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 and placed on Consent Calendar. Report adopted.
February 1, 1979	Consent Calendar discussion.
February 2, 1979	Consent Calendar concurred in.

IN THE HOUSE

February 5, 1979

Returned from Second House.
Concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 65

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 69-12-321, MCA, TO MAKE THE SECTION APPLICABLE TO
7 APPLICATIONS BY CLASS D CARRIERS AND TO REQUESTS FOR
8 TRANSFERS OF AUTHORITY AND TO CLARIFY THE HEARING
9 REQUIREMENTS."

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

11 Section 1. Section 69-12-321, MCA, is amended to read:
12
13 "69-12-321. Hearing on application for motor carrier
14 certificate. (1) Upon the filing of such application by a
15 Class A, Class B, or Class C, or Class D motor carrier,
16 except a Class C motor carrier authorized to operate under
17 the terms of a contract with the United States government,
18 or an agency or department thereof, or upon the filing of a
19 request for a transfer of authority, the commission shall
20 fix a time and place for hearing thereon which shall not be
21 less than 10 days or more than 60 days after the filing
22 whenever a protest or a request for a hearing is received.
23 The hearing is to be set for a date not later than 60 days
24 after receipt of a protest or a hearing request by the
25 commission. Whenever no protests or hearing requests are

1 received, the commission may act on the application without
2 a hearing as prescribed by commission rules.

3 (2) Any motor carrier or railroad company referred to
4 in 69-12-322, the department of highways, the governing
5 board or boards of any such county, town, or city into or
6 through which the route or service as proposed may extend,
7 and any person or corporation concerned are hereby declared
8 to be interested parties to the proceedings and may offer
9 testimony for or against the granting of the certificate.

10 (3) The contracting parties referred to in
11 69-12-313(4) must appear and offer testimony in support of
12 the applicant.

13 (4) However, an application by a Class A, Class B, or
14 Class C or Class D motor carrier for a certificate may be
15 disallowed without a public hearing thereon when it appears
16 from the records of the commission that the route or
17 territory sought to be served by the applicant has
18 previously been made the basis of a public investigation and
19 finding by the commission that public convenience and
20 necessity do not require the proposed motor carrier service
21 unless it is made to affirmatively appear in the application
22 by a recital of the facts that conditions obtaining over the
23 route or in the territory and affecting transportation
24 facilities therein have materially changed since said public
25 investigation and finding and that public convenience and

LC 0309/01

1 necessity do now require the motor carrier operation."

-End-

Approved by Committee
on Highways & Transportation

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

12 Section 1. Section 69-12-321, MCA, is amended to read:

13 "69-12-321. Hearing on application for motor carrier

14 certificate. (1) Upon the filing of such application by a

15 Class A, Class B, or Class C or Class D motor carrier,

16 except a Class C motor carrier authorized to operate under

17 the terms of a contract with the United States government,

18 or an agency or department thereof, or upon the filing of a

19 request for a transfer of authority, the commission shall

20 fix a time and place for hearing thereon--which--shall--not--be

21 less--than--10--days--or--more--than--60--days--after--the--filing

22 whenever a protest or a request for a hearing is received.

23 The bearing is to be set for a date not later than 60 days

24 after receipt of a protest or a hearing request by the

25 commission. Whenever no protests or hearing requests are

1 received, the commission may act on the application without
2 a hearing as prescribed by commission rules.
3
4 (2) Any motor carrier or railroad company referred to
5 in 69-12-322, the department of highways, the governing
6 board or boards of any such county, town, or city into or
7 through which the route or service as proposed may extend,
8 and any person or corporation concerned are hereby declared
9 to be interested parties to the proceedings and may offer
10 testimony for or against the granting of the certificate.
11
12 (3) The contracting parties referred to in
13 69-12-313(4) must appear and offer testimony in support of
14 the applicant.
15
16 (4) However, an application by a Class A, Class B, or
17 Class C, or Class D motor carrier for a certificate may be
18 disallowed without a public hearing thereon when it appears
19 from the records of the commission that the route or
20 territory sought to be served by the applicant has
21 previously been made the basis of a public investigation and
22 finding by the commission that public convenience and
23 necessity do not require the proposed motor carrier service
24 unless it is made to affirmatively appear in the application
25 by a recital of the facts that conditions obtaining over the
route or in the territory and affecting transportation
facilities therein have materially changed since said public
investigation and finding and that public convenience and

1 necessity do now require the motor carrier operations."

-End-

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

12 Section 1. Section 69-12-321, MCA, is amended to read:

13 "69-12-321. Hearing on application for motor carrier

14 certificate. (1) Upon the filing of such application by a

15 Class A, Class B, or Class C, or Class D motor carrier,

16 except a Class C motor carrier authorized to operate under

17 the terms of a contract with the United States government,

18 or an agency or department thereof, or upon the filing of a

19 request for a transfer of authority, the commission shall

20 fix a time and place for hearing thereon--which shall not be

21 less--than--10--days--or--more--than--60--days--after--the--filing

22 whenever a protest or a request for a hearing is received.

23 The hearing is to be set for a date not later than 60 days

24 after receipt of a protest or a hearing request by the

25 commission. Whenever no protests or hearing requests are

1 received, the commission may act on the application without
2 a hearing as prescribed by commission rules.

3 (2) Any motor carrier or railroad company referred to
4 in 69-12-322, the department of highways, the governing
5 board or boards of any such county, town, or city into or
6 through which the route or service as proposed may extend,
7 and any person or corporation concerned are hereby declared
8 to be interested parties to the proceedings and may offer
9 testimony for or against the granting of the certificate.

10 (3) The contracting parties referred to in
11 69-12-313(4) must appear and offer testimony in support of
12 the applicant.

13 (4) However, an application by a Class A, Class B, or
14 Class C, or Class D motor carrier for a certificate may be
15 disallowed without a public hearing thereon when it appears
16 from the records of the commission that the route or
17 territory sought to be served by the applicant has
18 previously been made the basis of a public investigation and
19 finding by the commission that public convenience and
20 necessity do not require the proposed motor carrier service
21 unless it is made to affirmatively appear in the application
22 by a recital of the facts that conditions obtaining over the
23 route or in the territory and affecting transportation
24 facilities therein have materially changed since said public
25 investigation and finding and that public convenience and

1 necessity do now require the motor carrier operations."

-End-