

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.

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 2 INTRODUCED BY _____
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 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
 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

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1 necessity do now require the motor carrier operation."

-End-

Approved by Committee
on Highways & Transportation

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

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

(4) However, an application by a Class A, Class B, or Class C, or Class D motor carrier for a certificate may be disallowed without a public hearing thereon when it appears from the records of the commission that the route or territory sought to be served by the applicant has previously been made the basis of a public investigation and finding by the commission that public convenience and necessity do not require the proposed motor carrier service unless it is made to affirmatively appear in the application 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

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1 necessity do now require the motor carrier operation."

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