

CHAPTER NO. 54.

HOUSE BILL NO. 66

INTRODUCED BY COONEY

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 prefiled bill.
January 18, 1979	Committee recommend bill do pass as amended. Report adopted.
January 19, 1979	Printed and placed on members' desks.
January 20, 1979	On motion rules suspended and bill placed on second reading this day. Second reading, do pass.
January 22, 1979	Considered correctly engrossed.
January 23, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

January 24, 1979	Introduced and referred to Committee on Highways and Transportation.
February 9, 1979	Committee recommend bill be concurred in. Report adopted.

February 12, 1979

Second reading, concurred
in.

February 14, 1979

Third reading, concurred
in.

IN THE HOUSE

February 15, 1979

Returned from second house.
Concurred in. Sent to
enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 66

INTRODUCED BY _____

BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 69-12-323, MCA, TO AMEND THE TIME PERIOD WITHIN WHICH THE PUBLIC SERVICE COMMISSION IS REQUIRED TO MAKE DECISIONS ON MOTOR CARRIER CERTIFICATE APPLICATIONS."

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

Section 1. Section 69-12-323, MCA, is amended to read:

"69-12-323. Decision on application. (1) The commission must issue, within 90 days from and after the date of the fitting hearing of said application, its finding, order, or decision on said application and the evidence presented in support thereof at the time of said hearing.

(2) If after hearing upon application for a certificate, the commission finds from the evidence that public convenience and necessity require the authorization of the service proposed or any part thereof, as the commission shall determine, a certificate therefor shall be issued. In determining whether a certificate should be issued, the commission shall give reasonable consideration to the transportation service being furnished or that will be furnished by any railroad or other existing

transportation agency and shall give due consideration to the likelihood of the proposed service being permanent and continuous throughout 12 months of the year and the effect which the proposed transportation service may have upon other forms of transportation service which are essential and indispensable to the communities to be affected by such proposed transportation service or that might be affected thereby.

(3) The commission may issue the certificate as prayed for or issue it for the partial exercise only of the privilege sought and may attach to the exercise of the rights granted by such certificate such terms and conditions as in its judgment the public convenience and necessity may require. When a certificate has once been issued to a motor carrier as provided in this part, such certificate shall continue in force until terminated by the commission for cause as herein provided or until terminated by the owner's failure to comply with 69-12-402."

-End-

Approved by Committee
on Highways & Transportation

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 8 MOTOR CARRIER CERTIFICATE APPLICATIONS."

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 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 69-12-323, MCA, is amended to read:
 12 "69-12-323. Decision on application. (1) The
 13 commission must issue, within 90 ~~60~~ 180 days from and after
 14 the date of the ~~final~~ hearing COMPLETED FILING of said
 15 application, its finding, order, or decision on said
 16 application and the evidence presented in support thereof at
 17 the time of said hearing. THE COMMISSION MAY EXTEND THE
 18 FOREGOING TIME FOR DECISION TO A DATE REQUESTED BY THE
 19 APPLICANT.

20 (2) If after hearing upon application for a
 21 certificate, the commission finds from the evidence that
 22 public convenience and necessity require the authorization
 23 of the service proposed or any part thereof, as the
 24 commission shall determine, a certificate therefor shall be
 25 issued. In determining whether a certificate should be

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