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 SEN	IATE
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 THE HOUSE

February 15, 1979

Returned from second house. Concurred in. Sent to

enrolling.

Reported correctly enrolled.

LC 0311/01

LC 0311/01

L	HOUSE BILL NO. 66
:	INTRODUCED BY
3	BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION
•	
5	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
3	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 60 days from and after the

date of the filing 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

1	HOUSE BILL NO. 66
z	INTRODUCED BY COONEY
3	BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
6	69-12-323. MCA. TO AMEND THE TIME PERIOD WITHIN WHICH THE
7	PUBLIC SERVICE COMMISSION IS REQUIRED TO MAKE DECISIONS ON
8	MOTOR CARRIER CERTIFICATE APPLICATIONS."
9	
.0	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
.1	Section 1. Section 69-12-323, MCA+ is amended to read:
. 2	#69-12-323. Decision on application. (1) The
. 3	commission must issue, within 90 <u>60 180</u> days from and after
4	the date of the filing hearing COMPLETED FILING of said
.5	application» its finding» order» or decision on said
.6	application and the evidence presented in support thereof at
.7	the time of said hearing. THE COMMISSION MAY EXTEND THE
18	FOREGOING TIME FOR DECISION TO A DATE REQUESTED BY THE
19	APPLICANI.
20	(2) If after hearing upon application for a
21	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

22

23

24

25

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.

12

13

14 15

16

17

19

20 21 (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-

46th Legislature

25

HB 0066/02

HB 0066/02

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND to b9-12-323, MCA, TO AMEND THE TIME PERIOD WITHIN WHITH THE PUBLIC SERVICE COMMISSION IS REQUIRED TO MAKE DECISION MOTOR CARRIER CERTIFICATE APPLICATIONS." BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTO Section 1. Section 69-12-323, MCA, is amended to "69-12-323. Decision on application. (1) commission must issue, within 98 68 180 days from and the date of the fiting hearing COMPLETED EILLING application, its finding, order, or decision on application and the evidence presented in support the time of said hearing. THE COMMISSION MAY EXTIPED APPLICANIA. (2) If after hearing upon application certificate, the commission finds from the evidence public convenience and necessity require the author of the service proposed or any part thereof, in		
3 3Y REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULA 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND 16 59-12-323, MCA, TO AMEND THE TIME PERIOD WITHIN WHI 7 PUBLIC SERVICE COMMISSION IS REQUIRED TO MAKE DECISION 8 MOTOR CARRIER CERTIFICATE APPLICATIONS." 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTO 11 Section 1. Section 69-12-323, MCA, is amended to 12 "69-12-323. Decision on application. [1] 13 commission must issue, within 98 69 180 days from and 14 the date of the filing hearing COMPLETER EILING of 15 application, its finding, order, or decision on 16 application and the evidence presented in support the 17 the time of said hearing. THE COMMISSION MAY EXTING 18 FOREGOING TIME FOR DECISION TO A DATE REQUESTED. I 19 APPLICANI. 20 (2) If after hearing upon application 21 certificate, the commission finds from the evidence 22 public convenience and necessity require the author 23 of the service proposed or any part thereof, in	1	HOUSE BILL NO. 66
A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND to b9-12-323, MCA, TO AMEND THE TIME PERIOD WITHIN WHITH THE PUBLIC SERVICE COMMISSION IS REQUIRED TO MAKE DECISION MOTOR CARRIER CERTIFICATE APPLICATIONS." BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTO Section 1. Section 69-12-323, MCA, is amended to "69-12-323. Decision on application. (1) commission must issue, within 98 68 180 days from and the date of the fiting hearing COMPLETED EILLING application, its finding, order, or decision on application and the evidence presented in support the time of said hearing. THE COMMISSION MAY EXTIPED APPLICANIA. (2) If after hearing upon application certificate, the commission finds from the evidence public convenience and necessity require the author of the service proposed or any part thereof, in	2	INTRODUCED BY COONEY
A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SOCIETY OF THE PERIOD WITHIN WHITE PUBLIC SERVICE COMMISSION IS REQUIRED TO MAKE DECISION MOTOR CARRIER CERTIFICATE APPLICATIONS." BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTAGE SECTION 1. Section 69-12-323, MCA, is amended to "69-12-323. Decision on application. [1] commission must issue, within 98 69 180 days from and the date of the filing hearing COMPLETED EILING of application, its finding, order, or decision on application and the evidence presented in support them the time of said hearing. THE COMMISSION MAY EXTENDED THE COMMISSION MAY EXTENDED THE FOREGOING TIME FOR DECISION TO A DATE REQUESTED. IT APPLICANTS. (2) If after hearing upon application certificate, the commission finds from the evidence public convenience and necessity require the author of the service proposed or any part thereof, in	3	34 REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION
6 69-12-323, MCA, TO AMEND THE TIME PERIOD WITHIN WHI 7 PUBLIC SERVICE COMMISSION IS REQUIRED TO MAKE DECISION 8 MOTOR CARRIER CERTIFICATE APPLICATIONS.** 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTA 11 Section 1. Section 69-12-323, MCA, is amended to 12 **69-12-323.** Decision on application.** {1} 13 commission must issue, within 98 68 180 days from and 14 the date of the filing hearing COMPLETED EILING of 15 application, its finding, order, or decision on 16 application and the evidence presented in support the 17 the time of said hearing. IHE COMMISSION MAY EXT 18 FOREGOING TIME FOR DECISION TO A DATE REQUESTED. If 19 APPLICANIA 20 (2) If after hearing upon application 21 certificate, the commission finds from the evidence 22 public convenience and necessity require the author 23 of the service proposed or any part thereof, in	4	
PUBLIC SERVICE COMMISSION IS REQUIRED TO MAKE DECISION MOTOR CARRIER CERTIFICATE APPLICATIONS.** BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTA Section 1. Section 69-12-323, MCA, is amended to M69-12-323. Decision on application. (1) commission must issue, within 98 68 180 days from and the date of the filling hearing COMPLETED EILING of application, its finding, order, or decision on application and the evidence presented in support the the time of said hearing. THE COMMISSION MAY EXT FOREGOING TIME FOR DECISION TO A DATE REQUESTED. If APPLICANIA (2) If after hearing upon application certificate, the commission finds from the evidence public convenience and necessity require the author of the service proposed or any part thereof, in	5	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTA Section 1. Section 69-12-323, MCA, is amended to "69-12-323. Decision on application. (1) commission must issue, within 98 69 180 days from and the date of the filing hearing COMPLETED EILING of application, its finding, order, or decision on application and the evidence presented in support their the time of said hearing. THE COMMISSION MAY EXTI FOREGOING TIME FOR DECISION TO A DATE REQUESTED. APPLICANIA (2) If after hearing upon application certificate, the commission finds from the evidence public convenience and necessity require the author of the service proposed or any part thereof,	6	59-12-323, MCA, TO AMEND THE TIME PERIOD WITHIN WHICH THE
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTA Section 1. Section 69-12-323, MCA, is amended to M69-12-323. Decision on application. (1) commission must issue, within 98 66 180 days from and the date of the filing hearing COMPLETED EILING of application, its finding, order, or decision on application and the evidence presented in support the the time of said hearing. IHE COMMISSION MAY EXIL FOREGOING TIME FOR DECISION TO A DATE REQUESTED. APPLICANI. (2) If after hearing upon application certificate, the commission finds from the evidence public convenience and necessity require the author of the service proposed or any part thereof,	7	PUBLIC SERVICE COMMISSION IS REQUIRED TO MAKE DECISIONS ON
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTA Section 1. Section 69-12-323, MCA, is amended to #69-12-323. Decision on application. (1) commission must issue, within 98 69 180 days from and the date of the filing hearing COMPLETED EILING of application, its finding, order, or decision on application and the evidence presented in support their the time of said hearing. THE COMMISSION MAY EXTI FOREGOING TIME FOR DECISION TO A DATE REQUESTED. APPLICANIA (2) If after hearing upon application certificate, the commission finds from the evidence public convenience and necessity require the author of the service proposed or any part thereof,	8	MOTOR CARRIER CERTIFICATE APPLICATIONS.**
Section 1. Section 69-12-323, MCA, is amended to m69-12-323. Decision on application. (1) commission must issue, within 98 66 180 days from and the date of the filing hearing COMPLETER EILING application, its finding, order, or decision on application and the evidence presented in support the time of said hearing. THE COMMISSION MAY EXTENDED IN APPLICANT. (2) If after hearing upon application certificate, the commission finds from the evidence public convenience and necessity require the author of the service proposed or any part thereof, in	9	
12 #69-12-323. Decision on application. (1) 13 commission must issue, within 98 69 180 days from and 14 the date of the filing hearing COMPLETED EILING of 15 application, its finding, order, or decision on 16 application and the evidence presented in support their 17 the time of said hearing. THE COMMISSION MAY EXTI 18 FOREGOING TIME FOR DECISION TO A DATE REQUESTED. 19 19 APPLICANI. 20 (2) If after hearing upon application 21 certificate, the commission finds from the evidence 22 public convenience and necessity require the author 23 of the service proposed or any part thereof, in	10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
commission must issue, within 98 <u>60 180</u> days from and the date of the <u>fitting hearing COMPLETED EILING</u> application, its finding, order, or decision on application and the evidence presented in support the time of said hearing. <u>IHE COMMISSION MAY EXIDED INFORMEDING TIME FOR DECISION TO A DATE REQUESTED INFORMEDIA.</u> (2) If after hearing upon application certificate, the commission finds from the evidence public convenience and necessity require the author of the service proposed or any part thereof, in	11	Section 1. Section 69-12-323, MCA, is amended to read:
the date of the filing hearing COMPLETED FILING of application, its finding, order, or decision on application and the evidence presented in support them the time of said hearing. THE COMMISSION MAY EXTENDED TO A DATE REQUESTED OF APPLICANIA. (2) If after hearing upon application certificate, the commission finds from the evidence public convenience and necessity require the author of the service proposed or any part thereof, in	1.5	#69-12-323. Decision on application. (1) The
application, its finding, order, or decision on application and the evidence presented in support them the time of said hearing. THE COMMISSION MAY EXTING FOREGOING TIME FOR DECISION TO A DATE REQUESTED IN APPLICANIA. (2) If after hearing upon application certificate, the commission finds from the evidence public convenience and necessity require the author of the service proposed or any part thereof.	13	commission must issue, within 98 <u>68 180</u> days from and after
application and the evidence presented in support them the time of said hearing. THE COMMISSION MAY EXTENDED. FOREGOING TIME FOR DECISION TO A DATE REQUESTED. APPLICANI. (2) If after hearing upon application certificate, the commission finds from the evidence public convenience and necessity require the author of the service proposed or any part thereof.	14	the date of the filing hearing COMPLETED EILING of said
the time of said hearing. THE COMMISSION MAY EXTENDED IN FOREGOING TIME FOR DECISION TO A DATE REQUESTED IN APPLICANI. (2) If after hearing upon application certificate, the commission finds from the evidence public convenience and necessity require the author of the service proposed or any part thereof.	15	application, its finding, order, or decision on said
FOREGOING TIME FOR DECISION TO A DATE REQUESTED IN APPLICANIA (2) If after hearing upon application certificate, the commission finds from the evidence public convenience and necessity require the author of the service proposed or any part thereof, in	16	application and the evidence presented in support thereof at
19 APPLICANI: 20 (2) If after hearing upon application 21 certificate: the commission finds from the evidence 22 public convenience and necessity require the author 23 of the service proposed or any part thereof:	17	the time of said hearing. IHE COMMISSION MAY EXTEND THE
20 (2) If after hearing upon application 21 certificate, the commission finds from the evidence 22 public convenience and necessity require the author 23 of the service proposed or any part thereof.	18	FOREGOING TIME FOR DECISION TO A DATE REQUESTED BY THE
certificate. the commission finds from the evidence public convenience and necessity require the author of the service proposed or any part thereof.	19	APPLICANI.
public convenience and necessity require the author of the service proposed or any part thereof+	20	(2) If after hearing upon application for a
23 of the service proposed or any part thereof.	21	certificate, the commission finds from the evidence that
• • • • • • • • • • • • • • • • • • • •	22	public convenience and necessity require the authorization
24 commission shall determine a cortificate therefor of	23	of the service proposed or any part thereof, as the
24 COMMISSION SUGIL DETERMINE A CHITILICATE THEFRIOT S	24	commission shall determine, a certificate therefor shall be

issued. In determining whether a certificate should be

issued, the commission shall give reasonable consideration 2 to the transportation service being furnished or that will 3 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 7 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 10 proposed transportation service or that might be affected 11 thereby. 12 (3) The commission may issue the certificate as prayed 13 for or issue it for the partial exercise only of the privilege sought and may attach to the exercise of the 14 rights granted by such certificate such terms and conditions 15 16 as in its judgment the public convenience and necessity may 17 require. When a certificate has once been issued to a motor

-End-

failure to comply with 69-12-402.**

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

18

19 20

21

46th Legislature HB 0066/03

12

14 15

16

17

18

20

21

ì	HOUSE BILL NO. 66
2	INTRODUCED BY COONEY
3	BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMENO SECTION
6	69-12-323. MCA. TO AMEND THE TIME PERIOD WITHIN WHICH THE
7	PUBLIC SERVICE COMMISSION IS REQUIRED TO MAKE DECISIONS ON
8	MOTOR CARRIER CERTIFICATE APPLICATIONS.*
9	
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 <u>60 180</u> days from and after
14	the date of the filling hearing COMPLETED EILING 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. IHE COMMISSION MAY EXIEND THE
18	EDREGOING TIME FOR DECISION TO A DATE REQUESTED BY THE
19	APPLICANIA
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

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

23

24

25

1 issued, the commission shall give reasonable consideration 2 to the transportation service being furnished or that will 3 furnished by any railroad or other existing transportation agency and shall give due consideration to 5 the likelihood of the proposed service being permanent and continuous throughout 12 months of the year and the effect 7 which the proposed transportation service may have upon other forms of transportation service which are essential 9 and indispensable to the communities to be affected by such 10 proposed transportation service or that might be affected 11 thereby.

HB 0066/03

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-

-2- HB 66