

CHAPTER NO. 55

HOUSE BILL NO. 69

INTRODUCED BY LIEN

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 18, 1979	Committee recommend bill do pass and be placed on Consent Calendar. Report adopted.
January 19, 1979	Printed and placed on members' desks.
January 22, 1979	Third Reading Consent Calendar passed. Transmitted to Second House.

IN THE SENATE

January 23, 1979	Introduced and referred to Committee on Highways and Transportation.
February 9, 1979	Committee recommend bill be concurred in as amended. Report adopted.
February 12, 1979	Second Reading concurred in.
February 14, 1979	Third Reading concurred in as amended.

IN THE HOUSE

February 15, 1979

Returned from Second House.  
Concurred in as amended.

February 17, 1979

Second Reading, amendments  
adopted.

February 19, 1979

Third Reading, amendments  
adopted.

Sent to enrolling.

Reported correctly enrolled.

1                    HOUSE      BILL NO. 69

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 SECTIONS

6    69-12-321    AND    69-12-322, MCA, TO CLARIFY THE NOTICE

7    REQUIREMENTS FOR HEARINGS ON APPLICATIONS FOR MOTOR CARRIER

8    CERTIFICATES."

9

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

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

14    Class A, Class B, or Class C motor carrier, except a Class

15    C motor carrier authorized to operate under the terms of a

16    contract with the United States government, or an agency or

17    department thereof, the commission shall fix a time and

18    place for hearing thereon, which shall not be less than 10

19    days or more than 60 days after the filing.

20        (2) Any motor carrier or ~~railroad company~~ referred to

21    in 69-12-322, the department of highways, the governing

22    board or boards of any such county, town, or city into or

23    through which the route or service as proposed may extend,

24    and any person or corporation concerned are hereby declared

25    to be interested parties to the proceedings and may offer

1    testimony for or against the granting of the certificate.

2        (3) The contracting parties referred to in

3    69-12-313(4) must appear and offer testimony in support of

4    the applicant.

5        (4) However, an application by a Class A, Class B, or

6    Class C motor carrier for a certificate may be disallowed

7    without a public hearing thereon when it appears from the

8    records of the commission that the route or territory sought

9    to be served by the applicant has previously been made the

10    basis of a public investigation and finding by the

11    commission that public convenience and necessity do not

12    require the proposed motor carrier service unless it is made

13    to affirmatively appear in the application by a recital of

14    the facts that conditions obtaining over the route or in the

15    territory and affecting transportation facilities therein

16    have materially changed since said public investigation and

17    finding and that public convenience and necessity do now

18    require the motor carrier operation."

19        Section 2. Section 69-12-322, MCA, is amended to read:

20        "69-12-322. Notice of hearing. (1) ~~The~~ whenever a

21    hearing is scheduled, whether as a result of a protest or

22    request or upon the commission's own motion, the commission

23    shall cause a copy of the petition and notice of hearing

24    thereon to be served upon an officer or owner of any motor

25    carrier that in the opinion of the commission might be

1 affected by the granting of any such certificate ~~upon any~~  
2 ~~railroad company operating into or through any town or city~~  
3 ~~located on the proposed route of the applicant and upon the~~  
4 ~~department of highways and shall notify any other affected~~  
5 party at least 10 days before the date of hearing.

6 (2) Notice of such hearing shall be published:

7 (a) in the legal advertising section of a local  
8 newspaper or newspapers deemed by the commission to have a  
9 circulation sufficient to reach the consuming public in the  
10 area under consideration for applications for Class C  
11 authority and geographically limited Class B authority; and

12 (b) in appropriate newspapers deemed by the commission  
13 to have sufficient statewide circulation in the case of  
14 applications for Class A authority and geographically broad  
15 contemplated Class B authority.\*

-End-

Approved by Committee  
on Highways & Transportation

1 HOUSE BILL NO. 69  
2 INTRODUCED BY LIEN  
3 BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION  
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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS  
6 69-12-321 AND 69-12-322, MCA, TO CLARIFY THE NOTICE  
7 REQUIREMENTS FOR HEARINGS ON APPLICATIONS FOR MOTOR CARRIER  
8 CERTIFICATES."  
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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 "69-12-321. Hearing on application for motor carrier  
13 certificate. (1) Upon the filing of such application by a  
14 Class A, Class B, or Class C motor carrier, except a Class  
15 C motor carrier authorized to operate under the terms of a  
16 contract with the United States government, or an agency or  
17 department thereof, the commission shall fix a time and  
18 place for hearing thereon, which shall not be less than 10  
19 days or more than 60 days after the filing.  
20 (2) Any motor carrier or ~~retired company~~ referred to  
21 in 69-12-322, the department of highways, the governing  
22 board or boards of any such county, town, or city into or  
23 through which the route or service as proposed may extend,  
24 and any person or corporation concerned are hereby declared  
25 to be interested parties to the proceedings and may offer

1 testimony for or against the granting of the certificate.  
2 (3) The contracting parties referred to in  
3 69-12-313(4) must appear and offer testimony in support of  
4 the applicant.  
5 (4) However, an application by a Class A, Class B, or  
6 Class C motor carrier for a certificate may be disallowed  
7 without a public hearing thereon when it appears from the  
8 records of the commission that the route or territory sought  
9 to be served by the applicant has previously been made the  
10 basis of a public investigation and finding by the  
11 commission that public convenience and necessity do not  
12 require the proposed motor carrier service unless it is made  
13 to affirmatively appear in the application by a recital of  
14 the facts that conditions obtaining over the route or in the  
15 territory and affecting transportation facilities therein  
16 have materially changed since said public investigation and  
17 finding and that public convenience and necessity do now  
18 require the motor carrier operation."  
19 Section 2. Section 69-12-322, MCA, is amended to read:  
20 "69-12-322. Notice of hearing. (1) ~~The whenever a~~  
21 ~~hearing is scheduled, whether as a result of a protest or~~  
22 ~~request or upon the commission's own motion, the~~ commission  
23 shall cause a copy of the petition and notice of hearing  
24 thereon to be served upon an officer or owner of any motor  
25 carrier that in the opinion of the commission might be

1 affected by the granting of any such certificate--upon--any  
2 railroad--company--operating--into--or--through--any--town--or--city  
3 located--on--the--proposed--route--of--the--applicant--and--upon--the  
4 department--of--highways and shall notify any other affected  
5 party at least 10 days before the date of hearing.

6 (2) Notice of such hearing shall be published:

7 (a) in the legal advertising section of a local  
8 newspaper or newspapers deemed by the commission to have a  
9 circulation sufficient to reach the consuming public in the  
10 area under consideration for applications for Class C  
11 authority and geographically limited Class B authority; and

12 (b) in appropriate newspapers deemed by the commission  
13 to have sufficient statewide circulation in the case of  
14 applications for Class A authority and geographically broad  
15 contemplated Class B authority."

-End-

HOUSE BILL NO. 69

INTRODUCED BY LIEN

BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 69-12-321 AND 69-12-322, MCA, TO CLARIFY THE NOTICE REQUIREMENTS FOR HEARINGS ON APPLICATIONS FOR MOTOR CARRIER CERTIFICATES."

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

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

"69-12-321. Hearing on application for motor carrier certificate. (1) Upon the filing of such application by a Class A, Class B, or Class C motor carrier, except a Class C motor carrier authorized to operate under the terms of a contract with the United States government, or an agency or department thereof, the commission shall fix--a--time--and place--for--hearing--thereon,--which--shall--not--be--less--than--10 days--or--more--than--60--days--after--the--filing GIVE NOTICE THEREOF TO ANY INTERESTED PARTY.

(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 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 necessity do now require the motor carrier operation."

Section 2. Section 69-12-322, MCA, is amended to read:

"69-12-322. Notice of hearing. (1) The whenever a hearing is scheduled, whether as a result of a protest or request or upon the commission's own motion, the commission shall cause a copy of the petition and notice of hearing thereon to be served upon an officer or owner of any motor

1 carrier that in the opinion of the commission might be  
2 affected by the granting of any such certificate ~~upon any~~  
3 ~~railroad company operating into or through any town or city~~  
4 ~~located on the proposed route of the applicant and upon the~~  
5 ~~department of highways and shall notify any other affected~~  
6 ~~party~~ at least 10 days before the date of hearing.

7 (2) Notice of such hearing shall be published:

8 (a) in the legal advertising section of a local  
9 newspaper or newspapers deemed by the commission to have a  
10 circulation sufficient to reach the consuming public in the  
11 area under consideration for applications for Class C  
12 authority and geographically limited Class B authority; and

13 (b) in appropriate newspapers deemed by the commission  
14 to have sufficient statewide circulation in the case of  
15 applications for Class A authority and geographically broad  
16 contemplated Class B authority."

-End-