

CHAPTER NO. 593

SENATE BILL NO. 70

INTRODUCED BY THIESSEN, RYAN, MANLEY, GRAHAM,
STORY, DOVER, HAFFERMAN, B. BROWN

IN THE SENATE

January 5, 1979	Introduced and referred to Committee on Business and Industry.
	Fiscal note requested.
January 10, 1979	Fiscal note returned.
February 1, 1979	Committee recommend bill do pass as amended. Report adopted.
February 3, 1979	Printed and placed on members' desks.
February 5, 1979	Second reading, pass consideration.
	On motion taken from second reading and rereferred to Committee on Rules.
February 8, 1979	Committee reported bill without recommendation.
February 9, 1979	Second reading, do pass as amended.
February 12, 1979	Correctly engrossed.
February 13, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 14, 1979	Introduced and referred to Committee on Business and Industry.
March 5, 1979	Committee recommend bill be concurrent in as amended. Report adopted.

March 6, 1979 Second reading, concurred in.
March 8, 1979 Third reading, concurred in
as amended.

IN THE SENATE

March 9, 1979 Returned from second house.
Concurred in as amended.
March 10, 1979 Second reading, amendments
adopted.
March 12, 1979 Third reading, amendments
adopted.
Sent to enrolling.
March 19, 1979 On motion taken from Committee
on Bills and Journal and referred
to Committee on Rules.
Motion adopted.
March 23, 1979 Committee recommend bill be
sent to enrolling. Motion
adopted.
Sent to enrolling.
March 24, 1979 Correctly enrolled.
Signed by President.
March 26, 1979 Delivered to Governor.
March 31, 1979 On motion placed on second
reading.
April 2, 1979 Statement of Intent adopted
on second reading.
April 3, 1979 Statement of Intent adopted on
third reading. Transmitted to
second house.

IN THE HOUSE

April 4, 1979	On motion Intent statement placed on second reading.
April 5, 1979	Consideration passed for the day.
April 6, 1979	Intent statement adopted on second reading.
April 7, 1979	Intent statement adopted on third reading.
April 9, 1979	Returned from second house. Sent to enrolling. Reported correctly enrolled.

1 *Spate* BILL NO. *70*
 2 INTRODUCED BY *Thieson, Ryan, Mac, Orsted,*
 3 *Stony, Down, Hattenmaier, Bob Brown*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT HOUSE MOVERS
 5 AND HOUSE MOVING FROM REGULATION BY THE PUBLIC SERVICE
 6 COMMISSION; AMENDING 69-12-102, MCA."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 69-12-102, MCA, is amended to read:
 10 "69-12-102. Scope of chapter -- exemptions. (1) This
 11 chapter does not affect:

12 (a) motor vehicles used in carrying property
 13 consisting of agricultural commodities (not including
 14 manufactured products thereof) if the motor vehicles are not
 15 used in carrying other property or passengers for
 16 compensation;

17 (b) the operation of school buses which are used in
 18 conveying pupils or other students enrolled in classes to
 19 and from district or other schools or in transportation
 20 movements related to school activities which are sponsored
 21 or supervised by school authorities;

22 (c) the transportation by means of motor vehicles in
 23 the regular course of business of employees, supplies, and
 24 materials by a person or corporation engaged exclusively in
 25 the construction or maintenance of highways or engaged

1 exclusively in logging or mining operations, insofar as the
 2 use of employees, supplies, and materials in construction
 3 and production is concerned;

4 (d) the transportation of property by motor vehicle in
 5 a city, town, or village with a population of less than 500
 6 persons according to the latest United States census or in
 7 the commercial areas thereof, as determined by the
 8 commission;

9 (e) the transportation of newspapers, newspaper
 10 supplements, periodicals, or magazines;

11 ~~ff) the transportation of a building, not including~~
 12 ~~mobile homes as defined in 16-1-101, from its existing~~
 13 ~~foundation to a new location;~~

14 ~~ff)(g) tow trucks and wreckers designed and~~
 15 ~~exclusively used in towing abandoned, wrecked, or disabled~~
 16 ~~vehicles or while these tow trucks and wreckers are~~
 17 ~~rendering assistance to abandoned, wrecked, or disabled~~
 18 ~~vehicles;~~

19 ~~ff)(h) motor vehicles used exclusively in carrying~~
 20 ~~junk vehicles from a collection point to a motor vehicle~~
 21 ~~wrecking facility or a motor vehicle graveyard; or~~

22 ~~ff)(i) ambulances.~~

23 (2) This chapter does not prevent bona fide leases,
 24 brokerage agreements, or buy-and-sell agreements."

-End-

-2-

INTRODUCED BILL

FISCAL NOTE

Form BD-15

In compliance with a written request received January 6, 19 79, there is hereby submitted a Fiscal Note for Senate Bill 70 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION

Senate Bill 70 exempts transportation of buildings (not mobile homes) from the jurisdiction of the Public Service Commission.

ASSUMPTIONS:

1. Carriers with authority to transport buildings only will not be required to pay Annual Report fees or Equipment registration fees.
2. Carriers holding authority to transport buildings and other commodities will reduce number of vehicles registered.
3. Number of carriers holding authority to transport buildings, and equipment used in the transportation, will remain constant in the next biennium.

REVENUE IMPACT:

	<u>FY 80</u>	<u>FY 81</u>
Annual Report fee and Vehicle Registration fee collections under current law.....	\$ 325	\$ 325
Annual Report fee and Vehicle Registration fee collections under proposed law	<u>0</u>	<u>0</u>
Decrease in Annual Report fee and Vehicle Registration fee collections	<u>\$ 325</u>	<u>\$ 325</u>

Richard L. Drury Jr.

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1/10/79

Approved by Committee
on Business and Industry

1 SENATE BILL NO. 70

2 INTRODUCED BY THIESSEN, RYAN, MANLEY, GRAHAM,

3 STORY, DOVER, MAFFERMAN, B. BROWN

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT HOUSE
6 ~~BUILDING~~ MOVERS AND HOUSE ~~BUILDING~~ MOVING FROM REGULATION BY
7 THE PUBLIC SERVICE COMMISSION; AMENDING 69-12-102, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 69-12-102, MCA, is amended to read:

11 "69-12-102. Scope of chapter -- exceptions. (1) This
12 chapter does not affect:

13 (a) motor vehicles used in carrying property
14 consisting of agricultural commodities (not including
15 manufactured products thereof) if the motor vehicles are not
16 used in carrying other property or passengers for
17 compensation;

18 (b) the operation of school buses which are used in
19 conveying pupils or other students enrolled in classes to
20 and from district or other schools or in transportation
21 movements related to school activities which are sponsored
22 or supervised by school authorities;

23 (c) the transportation by means of motor vehicles in
24 the regular course of business of employees, supplies, and
25 materials by a person or corporation engaged exclusively in

1 the construction or maintenance of highways or engaged
2 exclusively in logging or mining operations, insofar as the
3 use of employees, supplies, and materials in construction
4 and production is concerned;

5 (d) the transportation of property by motor vehicle in
6 a city, town, or village with a population of less than 500
7 persons according to the latest United States census or in
8 the commercial areas thereof, as determined by the
9 commission;

10 (e) the transportation of newspapers, newspaper
11 supplements, periodicals, or magazines;

12 ~~(f) the transportation of a building, not including~~
13 ~~mobile homes as defined in 15-1-101, from its existing~~
14 ~~foundation to a new location;~~

15 ~~(g) tow trucks and wreckers designed and~~
16 ~~exclusively used in towing abandoned, wrecked, or disabled~~
17 ~~vehicles or while these tow trucks and wreckers are~~
18 ~~rendering assistance to abandoned, wrecked, or disabled~~
19 ~~vehicles;~~

20 ~~(h) motor vehicles used exclusively in carrying~~
21 ~~junk vehicles from a collection point to a motor vehicle~~
22 ~~wrecking facility or a motor vehicle graveyard; or~~

23 ~~(i) ambulances.~~

24 (2) This chapter does not prevent bona fide leases,
25 brokerage agreements, or buy-and-sell agreements."

-End-

-2-

SB 70

SECOND READING

Comm on Rules

Without Recommendation

SENATE BILL NO. 70

INTRODUCED BY THIESSEN, RYAN, MANLEY, GRAHAM,
STORY, DOVER, HAFFERMAN, B. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT HOUSE
BUILDING MOVERS AND HOUSE BUILDING MOVING FROM REGULATION BY
THE PUBLIC SERVICE COMMISSION; AMENDING 69-12-102, MCA."

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

Section 1. Section 69-12-102, MCA, is amended to read:

"69-12-102. Scope of chapter -- exemptions. (1) This
chapter does not affect:

(a) motor vehicles used in carrying property
consisting of agricultural commodities (not including
manufactured products thereof) if the motor vehicles are not
used in carrying other property or passengers for
compensation;

(b) the operation of school buses which are used in
conveying pupils or other students enrolled in classes to
and from district or other schools or in transportation
movements related to school activities which are sponsored
or supervised by school authorities;

(c) the transportation by means of motor vehicles in
the regular course of business of employees, supplies, and
materials by a person or corporation engaged exclusively in

the construction or maintenance of highways or engaged
exclusively in logging or mining operations, insofar as the
use of employees, supplies, and materials in construction
and production is concerned;

(d) the transportation of property by motor vehicle in
a city, town, or village with a population of less than 500
persons according to the latest United States census or in
the commercial areas thereof, as determined by the
commission;

(e) the transportation of newspapers, newspaper
supplements, periodicals, or magazines;

~~(f) the transportation of a building, not including
mobile homes as defined in 15-1-101, from its existing
foundation to a new location;~~

~~(g) tow trucks and wreckers designed and
exclusively used in towing abandoned, wrecked, or disabled
vehicles or while these tow trucks and wreckers are
rendering assistance to abandoned, wrecked, or disabled
vehicles;~~

~~(h) motor vehicles used exclusively in carrying
junk vehicles from a collection point to a motor vehicle
wrecking facility or a motor vehicle graveyard; or~~

~~(i) ambulances.~~

(2) This chapter does not prevent bona fide leases,
brokerage agreements, or buy-and-sell agreements."

-End-

-2-

1 SENATE BILL NO. 70
 2 INTRODUCED BY THIESSEN, RYAN, MANLEY, GRAHAM,
 3 STORY, DOVER, HAFFERMAN, B. BROWN

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO EXEMPT HOUSE~~
 6 ~~BUILDING MOVERS AND HOUSE BUILDING MOVING FROM REGULATION BY~~
 7 ~~THE PUBLIC SERVICE COMMISSION, AMENDING 69-12-102, MCA, TO~~
 8 ~~PROVIDE THAT THE TRANSPORTATION OF BUILDINGS UNDER A~~
 9 ~~CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY CAN BE DONE~~
 10 ~~ON A STATEWIDE BASIS AND MAY NOT BE RESTRICTED TO A~~
 11 ~~PARTICULAR REGION OF THE STATE; PROVIDING RULEMAKING~~
 12 ~~AUTHORITY."~~

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 15 Refer to Introduced Bill

16 (Strike everything after the enacting clause and insert:)
 17 Section 1. Special provisions relating to
 18 transportation of buildings. (1) A certificate that permits
 19 the transportation of a building other than a mobile home as
 20 defined in 15-1-101 from its existing foundation to a new
 21 location shall permit such transportation throughout the
 22 state and may not restrict such transportation to a
 23 particular region of the state.
 24 (2) The commission shall adopt rules to implement
 25 subsection (1).

1 Section 2. Codification. It is intended that section 1
 2 be codified as an integral part of Title 69, chapter 12,
 3 part 3, and the provisions of Title 69, chapter 12, apply to
 4 section 1.

-End-

1 STATEMENT OF INTENT RE: SB 70

2
3
4
5
6
7
8
9
10
11
12
13

The legislature intends that persons engaged in the transportation of buildings other than mobile homes be permitted to offer such transportation service on a statewide basis rather than on a regional basis. Rules adopted under this bill shall provide for the reissuance of certificates of public convenience and necessity to those persons engaged solely in the transportation of buildings and for the modification of certificates issued to persons authorized to engage in other activities in addition to building transportation.

SENATE BILL NO. 70

INTRODUCED BY THIESSEN, RYAN, MANLEY, GRAHAM,
STORY, DOVER, HAFFERMAN, B. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT HOUSE
BUILDING MOVERS AND HOUSE BUILDING MOVING FROM REGULATION BY
THE PUBLIC SERVICE COMMISSION, AMENDING 69-12-102, MCA, TO
PROVIDE THAT THE TRANSPORTATION OF BUILDINGS UNDER A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY CAN BE DONE
ON A STATEWIDE BASIS AND MAY NOT BE RESTRICTED TO A
PARTICULAR REGION OF THE STATE; PROVIDING RULEMAKING
AUTHORITY."

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

Refer to Introduced Bill

(Strike everything after the enacting clause and insert:)

Section 1. Special provisions relating to
transportation of buildings. (1) A certificate that permits
the transportation of a building other than a mobile home as
defined in 15-1-101 from its existing foundation to a new
location shall permit such transportation throughout the
state and may not restrict such transportation to a
particular region of the state.

(2) THE PROVISIONS OF THIS SECTION SHALL APPLY ONLY TO
THOSE LICENSED MOTOR CARRIERS WHO HAVE SPECIFICALLY

~~IDENTIFIED THE MOVING OF BUILDINGS OR CERTAIN TYPES OF
BUILDINGS AS AN AREA OF AUTHORIZATION ON THEIR PRESENT
PUBLIC SERVICE COMMISSION CERTIFICATION OR TO THOSE MOTOR
CARRIERS OPERATING UNDER AN AUTHORITY BROAD ENOUGH TO
INCLUDE THE MOVING OF BUILDINGS WHO HAVE BEEN ACTIVELY
ENGAGED IN THE BUSINESS OF MOVING BUILDINGS FOR A PERIOD OF
2 YEARS PRIOR TO JULY 1, 1979. FOR PURPOSES OF THIS
SUBSECTION, A MOTOR CARRIER HAS BEEN ACTIVELY ENGAGED IN THE
BUSINESS OF MOVING BUILDINGS IF THE MOVING OF BUILDINGS HAS
CONSTITUTED A SUBSTANTIAL PART OF HIS BUSINESS DURING THE
2-YEAR PERIOD PRIOR TO JULY 1, 1979.~~

(2)(3) The commission shall adopt rules to implement
subsection (1).

Section 2. Codification. It is intended that section 1
be codified as an integral part of Title 69, chapter 12,
part 3, and the provisions of Title 69, chapter 12, apply to
section 1.

-End-

HOUSE OF REPRESENTATIVES
MARCH 5, 1979

BUSINESS & INDUSTRY COMMITTEE, AMENDMENTS TO SENATE BILL 70, THIRD
READING COPY, AS FOLLOWS:

1. Page 1.

Following: line 23

Insert: "(2) The provisions of this section shall apply only to those licensed motor carriers who have specifically identified the moving of buildings or certain types of buildings as an area of authorization on their present public service commission certification or to those motor carriers operating under an authority broad enough to include the moving of buildings who have been actively engaged in the business of moving buildings for a period of 2 years prior to July 1, 1979. For purposes of this subsection, a motor carrier has been actively engaged in the business of moving buildings if the moving of buildings has constituted a substantial part of his business during the 2-year period prior to July 1, 1979."

Renumber: subsequent subsection

And as amended, be concurred in.