

SENATE BILL 452

IN THE SENATE

February 10, 1979

Introduced and referred to
Committee on Highways and
Transportation.

February 16, 1979

Committee recommend bill,
do not pass.

1 *Senate* BILL NO. *452*
2 INTRODUCED BY *Robert Noman*

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CONSIDERATIONS
5 TO BE INCLUDED IN THE DETERMINATION OF PUBLIC NEED AND
6 NECESSITY IN THE GRANTING OF A MOTOR CARRIER CERTIFICATE BY
7 THE PUBLIC SERVICE COMMISSION; AMENDING SECTION 69-12-323,
8 MCA."

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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 days from and after the
14 date of the filing of said application, its finding, order,
15 or decision on said application and the evidence presented
16 in support thereof at the time of said hearing.

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

1 existing transportation agency and shall give due
2 consideration to the likelihood of the proposed service
3 being permanent and continuous throughout 12 months of the
4 year and the effect, including whether such authorization
5 would promote a healthy level of competition, which the
6 proposed transportation service may have upon other forms of
7 transportation service which are essential and indispensable
8 to the communities to be affected by such proposed
9 transportation service or that might be affected thereby.

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

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