CHAPTER NO. _387____.

SENATE BILL NO. 473

INTRODUCED BY B. BROWN. R. SMITH, S. BROWN, E. SMITH

IN THE SENATE

February 12, 1979	Introduced and referred to Committee on Highways and Transportation.
February 13, 1979	Fiscal note requested.
February 17, 1979	Committee recommend bill do pass as amended. Report adopted.
February 19, 1979	Fiscal note returned.
	Printed and placed on members' desks.
February 20, 1979	Second reading, do pass.
February 21, 1979	Considered correctly engrossed.
February 22, 1979	Third reading, passed. Transmitted to second house.
IN THE	HOUSE
February 23, 1979	Introduced and referred to Committee on Highways and Transportation.
March 13, 1979	Intent statement attached.
	Committee recommend bill be concurred in. Report adopted.
March 14, 1979	Second reading, concurred in.
March 17, 1979	Third reading, concurred in.

IN THE SENATE

March 19, 1979

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

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Reported correctly enrolled.

LC 1183/01

B. Prown R South S. Bean E. Smith 1 INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS 4 RELATING TO CLASS D MOTOR CARRIERS; AMENDING SECTIONS 5 69-12-102. 69-12-314. AND 69-12-407. MCA." 5 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 Section 1. Section 69-12-102, MCA, is amended to read: 9 #69-12-102. Scope of chapter -- exemptions. (1) This 10 chapter does not affect: 11 12 (a) motor vehicles used in carrying property consisting of agricultural commodities (not including 13 manufactured products thereof) if the motor vehicles are not 14 used in carrying other property or passengers for 15 compensation; 16 17 (b) the operation of school buses which are used in 13 conveying pupils or other students enrolled in classes to and from district or other schools or in transportation 19 movements related to school activities which are sponsored 20 or supervised by school authorities; 21

(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 longing or mining operations, insofar as the
 use of employees, supplies, and materials in construction
 and production is concerned;

4 (d) the transportation of property<u>s</u> except ashess 5 <u>trashs</u> wastes refuses rubbishs garbages and organic and 6 <u>inorganic matters</u> by motor vehicle in a citys town, or 7 village with a population of less than 500 persons according 8 to the latest United States census or in the commercial 9 areas thereof, as determined by the commission;

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

12 (f) tow trucks and wreckers designed and exclusively 13 used in towing abandoned, wrecked, or disabled vehicles or 14 while these tow trucks and wreckers are rendering assistance 15 to abandoned, wrecked, or disabled vehicles; 16 (4) motor vehicles used exclusively in carrying junk

(g) motor venicles used exclusively in carrying junc
 vehicles from a collection point to a motor vehicle wrecking
 facility or a motor vehicle graveyard; or

19 (h) ambulances.

20 (2) This chapter does not prevent bona fide leases,

- 21 brokerage agreements, or buy-and-sell agreements.*
- 22 Section 2. Section 69-12-314, MCA, is amended to read:

23 #69-12-314. Class 0 motor carrier certificate. [1]

24 Class D carriers shall conduct operations pursuant to a

25 certificate of public convenience and necessity issued by -2- SB 473 INTRODUCED BILL 1 the commission authorizing the transportation of the commodities described in 69-12-301(5). Class D carriers when 2 3 applying for a new or additional authority shall file an 4 application with the commission in accordance with the requirements of this chapter and the rules of the

7 121 A motor carrier may not possess a Class D motor 8 carrier certificate or operate as a Class D motor carrier 9 unless the motor carrier actually engages in the 10 transportation of ashes, trash, waste, refuse, rubbish, 11 garbage, and organic and inorganic matter on a regular basis 12 as part of the motor carrier's usual business operations"

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commission.

13 Section 3. Section 69-12-407, MCA, is amended to read: =69-12-407. Records and reports. (1) All records. 14 books, accounts, and files of every Class As and Class B, or 15 16 **Class_D** motor carrier in this state. so far as the same 17 shall relate to the business of transportation conducted by 18 such motor carrier, shall at all times be subject to 19 examination by the commission or by any authorized agent or 20 employee of the commission. The commission shall prescribe a 21 uniform system of accounts and uniform reports covering the 22 operations of such Class An end Class B. or <u>Class</u> D motor Z3 carriers, and every motor carrier authorized to operate as 24 such in accordance with the provisions of this chapter shall keep its records, books, and accounts according to such 25

LC 1183/01

3 uniform system: insofar as possible.

(2) On or before March 31 of each year, every motor 2 carrier authorized to engage in such business shall file 3 with the commission a report, under oath, on a form 4 prescribed and furnished by the commission. Those carriers 5 6 filing an annual report with the interstate commerce 7 commission shall, in addition to filing the report prescribed by the public service commission, submit to the 8 o nublic service commission a copy of the annual report filed with the interstate commerce commission. In addition to such 10 annual reports every motor carrier shall prepare and file 11 12 with the commission, at the time or times and in the form to be prescribed by the commission, annual reports, special 13 reports, and statements giving to the commission such 14 15 information as it shall require in order to perform its duties under this chapter. 16 (3) In addition to other reporting requirements, the 17

18 commission shall require the holder of a Class C motor 19 carrier certificate to provide sufficient information to show that the carrier is entitled to possess the Class C 20 motor carrier certificate under the requirements of 21 22 69-12-314.*

-End-

-4-

STATE OF MONTANA

REQUEST NO. _____

FISCAL NOTE

Form BD-15

In compliance with a written request received	
for Senate Bill 473 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 473 - Revise laws relating to Class D motor carriers.

ASSUMPTIONS:

- 1. Each town under 500 persons now has a garbage service 300 towns.
- 2. Each carrier in these towns will receive authority 300 new authorities.
- 3. Each carrier will register 1 truck under PSC law.
- 4. Additional personnel will be needed in the areas of enforcement, administration, and insurance.

FISCAL IMPACT:		FY80		FY81	
Annual report fees and vehicle registration					
collections under current law	\$	0	\$	0	
Annual report fees and vehicle registration					
fee collections under proposed law	3	,000_	3	,000	
Additional revenues due to proposed legislation	3	,000	3	,000	
Less: Additional expenditures due to proposed legislation:					
Personal Services	51	,700	54	,802	
Operating Expenses	8	,400	8	,904	
Capital Outlay	_14	,800		0	
Total	_74	,900	63	,706	
Net additional expenditures due to proposed legislation	<u>\$71</u>	<u>,900</u>	<u>\$60</u>	,706	

The additional cost must be funded from the State General Fund.

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BUDGET DIRECTOR Office of Budget and Program Planning Date: _______77

SB 0473/02

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1	SENATE BILL NO. 473	1	exclusively-in-logging-or-mining-operationsv-insofar-asthe
2	INTRODUCED BY B. BROWN, R. SMITH, S. BROWN, E. SMITH	2	useofemployeessupplies-ond-materials-in-construction
3		3	and-production-is-concernedt
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS	4	td;thetransportationofproperty <u>z-exceptoshea</u> y
5	RELATING TO CLASS D MOTOR CARRIERS; AMENDING SECTIONS	5	trestywostaxrefugexrubbistygerbagexend_ergenic_and
6	69-12-182+ 69-12-314+ AND 69-12-407+ MCA+"	6	<u>inorganic_mattery</u> by-motorvehicleinscityytownyor
7		۲	village-with-a-population-of-less-then-500-persons-eccording
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	8	tothelatestUnitedStatescensus-or-in-the-commercial
9	Section-lwSection-69-12-182w-MEA y-is-amended-to-r ead+	9	sress-thereofy-ss- deternined-by-the -co nni ss i on ;
10	#69-12-102wScope-of-chepterexemptionswfl}This	10	te)thetronsportationofnewspapersynewspaper
11	chapter-does-not-offect:	11	supplementsy-periodicalsy-or-magazines;
12	{s}motorve hiclesusedincerryingproperty	12	ff]towtrucksand-wreckers-designed-and-exclusively
13	consistingofagricult uralcommodities{notincluding	13	used-in-towing-abandonedy-wreckedy-or-disabledvehiclesor
14	manufactured-products-thereofj-if-the-motor-vehicles-are-not	14	white-those-tow-trucks-ond-wreckers-ore-rendering-ossistance
15	usedincorryingotherpropertyorpassongersfor	15	to-obandonedy-wreckedy-or-disabled-vehicles;
16	compensationt	16	tg)motorvehictesused-exctustvety-in-cerrying-junk
17	tb}the-operation-of-school-buses-whichareusedin	17	vehicles-from-a-collection-point-to-a-motor-vehicle-wrecking
18	conveyingpupilsorother-students-enrolled-in-classes-to	18	facility-or-a-motor-vehicle-graveyard;-or
19	and-from-district-orotherschoolsorintransportation	19	th)ambutances.
20	movementsrelatedto-school-activities-which-are-sponsored	20	{2} fhis-chapter-doos-not-preventbonofidetessesv
21	or-supervised-by-school-outhorities;	21	brokerage-agreements , or-buy-and-sell-agreements.
22	{c}the-transportation-by-means-of-motorvehiclesin	22	Section 1. Section 69-12-314, MCA, is amended to read:
23	theregularcourse-of-business-of-a a pl oyeesv-supp liesv-and	23	#69-12-314. Class D motor carrier certificate. <u>[]]</u>
24	materiais-by-e-person-or-corporation-engaged-exclusivelyin	. 24	Class D carriers shall conduct operations pursuant to a
25	theconstructionormaintenanceofhighwaysor-engaged	25	certificate of public convenience and necessity issued by

-2- \$\$ 473

THIRD READING

1 the commission authorizing the transportation of the 2 commodities described in 69-12-301(5). Class D carriers when 3 applying for a new or additional authority shall file an 4 application with the commission in accordance with the 5 requirements of this chapter and the rules of the 6 commission.

7 (2)...A.motor.carrier.may.not.possess.a.Class_D.motor
8 carrier.certificate.or.operate as a Class_D.motor carrier
9 unloss_the_motor_carrier_actually_engages_in_the
10 transportation_of_ashess_trashs_wastes_refuser_rubbishs
11 garbages_and_organic_and_inorganic_matter_on_a_regular_basis
12 as part of the motor_carrier's usual_business_operations"

13 Section 2. Section 69-12-407, HCA, is amended to read: 14 #69-12-407. Records and reports. (1) All records. books, accounts, and files of every Class As and Class Ba or 15 16 <u>Class D</u> motor carrier in this state, so far as the same shall relate to the business of transportation conducted by 17 such motor carrier, shall at all times be subject to 18 19 examination by the commission or by any authorized agent or employee of the commission. The commission shall prescribe a 20 uniform system of accounts and uniform reports covering the 21 22 operations of such Class As and Class Bs. or <u>Class</u> 0 motor 23 carriers, and every motor carrier authorized to operate as 24 such in accordance with the provisions of this chapter shall 25 keep its records, books, and accounts according to such SB 0473/02

1 uniform system, insofar as possible.

Z (2) On or before Narch 31 of each year, every motor carrier authorized to engage in such business shall file з 4 with the commission a report, under oath, on a form prescribed and furnished by the commission. Those carriers 5 filing an annual report with the interstate commerce 6 commission shall, in addition to filing the report 7 prescribed by the public service commission, submit to the 8 9 public service commission a copy of the annual report filed with the interstate commerce commission. In addition to such 10 11 annual reports every motor carrier shall prepare and file 12 with the commission, at the time or times and in the form to be prescribed by the commission, annual reports, special 13 reports, and statements giving to the commission such 14 15 information as it shall require in order to perform its duties under this chapter. 16

17 (3) In addition to other reporting requirements. the 18 commission shall require the holder of a Class D motor 19 carrier certificate to provide sufficient information to 20 show that the carrier is entitled to possess the Class D 21 motor carrier certificate under the requirements of 22 69=12=314a"

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-3-

SB 473

-4-

SB 473

1 entitled to a Class D certificate and how the information is

2 to be provided by the Class D motor certificate holder.

STATEMENT OF INTENT RE: 58 473

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A statement of intent is required for this bill because it creates the necessity for the adoption of additional rules under the rulemaking authority granted by 69-12-201 to carry out the amendments to 69-12-314 and 69-12-407.

It is the intent of the legislature that the Public 8 Service Commission has the authority to make rules defining 9 what activities will be necessary to constitute the 10 11 transportation of material allowed under a Class D motor 12 carrier certificate #on a regular basis as part of the motor 13 carrier's usual business operation." Thus the Public Service 14 Commission may by rule establish the criteria by which 15 "regular basis" is measured and may make rules describing 16 how "part of the motor carrier's usual business operation" 17 is to be interpreted in implementing the amendment to 18 69-12-314.

19 To implement the amendments to 69-12-407 regarding 20 records and reports by Class D motor carriers, the Public 21 Service Commission may amend the present rules governing the 22 reports and records of Class A and Class B motor carriers to 23 include Class D motor carriers. In addition, the Public 24 Service Commission may by rule determine what will be 25 "sufficient information" to show that a motor carrier is

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-2-

58 0473/03

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9	Section-1+Section-69-12-182+-HEA+-is-amended-to-read+	9	areas-thereofy-as-determined-by-the-compission;
10	#69-12-102wScope-of-chopterexemptionsw(1)This	10	{e}-the- transportat io nofnewspapers , newspaper
11	chapter-does-not-affect+	11	supplementsy-periodicalsy-or-magazinest
12	{a}matorvehiclesusedincarryingproperty	12	ffjtowtrucksand-wreckers-designed-and-exclusively
13	consistingofagriculturolcommoditiesincluding	13	used-fn-towing-abandonedwreckedor-disabledvehiclesor
14	manufactured-products-thercofj~ if-the-motor-vehi cles-are-not	14	while-those-tow-trucks-and-wreckers-are-rendering-assistance
15	used incarryingotherproperty orpassengersfor	15	to-abandonedv-wreckedv-or-disabled-vehicles;
16	compensation;	16	tgtmotorvehiclesused-exclusively-in-corrying-junk
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			-2- SB 473
			E 30 4 ()

REFERENCE BILL

SB 0473/03

1 the commission authorizing the transportation of the 2 commodities described in 69-12-301(5). Class D carriers when 3 applying for a new or additional authority shall file an 4 application with the commission in accordance with the 5 requirements of this chapter and the rules of the 6 commission.

7 [21_A_motor_carrier_may_not_possess_a_Class_D_motor 8 carrier_certificate..or_operate_as_a_Class_D_motor_carrier 9 unless_tbe_motor_carrier_actually_engages_in_tbe 10 transportation_of_asbess_trasbs_wastes_refuses_rubbishs 11 garbages_and_organic_and_inorganic_matter_on_a_regular_basis 12 as_part_of_the_motor_carrier's_usual_business_operations"

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- 3-

SB 473

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17 (3)__In__addition__to_other_reporting_requirements+_the 18 commission_shall_require_the__holder__of__a__Class__D__motor 19 carrier_certificate__to_provide_sufficient_information_to 20 show_that_the_carrier_is_entitled_to_possess__the__Class__D 21 motor__carrier_certificate__under_the_requirements_of 22 69=12=314a"

-4-

-End-

SB 0473/03

SB 473