

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.

Reported correctly enrolled.

1 *Seneca* BILL NO. *473*  
 2 INTRODUCED BY *B. Brown R. Smith J. Braun E. Smith*

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS  
 5 RELATING TO CLASS D MOTOR CARRIERS; AMENDING SECTIONS  
 6 69-12-102, 69-12-314, AND 69-12-407, 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, ~~except ashes,~~  
 5 ~~trash, waste, refuse, rubbish, garbage, and organic and~~  
 6 ~~inorganic matter,~~ by motor vehicle in a city, 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;

10 (e) the transportation of newspapers, newspaper  
 11 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 (g) motor vehicles used exclusively in carrying junk  
 17 vehicles from a collection point to a motor vehicle wrecking  
 18 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 D motor carrier certificate. (1)  
 24 Class D carriers shall conduct operations pursuant to a  
 25 certificate of public convenience and necessity issued by

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 INTRODUCED BILL

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 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."~~

13 Section 3. Section 69-12-407, MCA, is amended to read:

14 "69-12-407. Records and reports. (1) All records,  
15 books, accounts, and files of every Class A<sub>1</sub> and Class B<sub>2</sub> or  
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 A<sub>1</sub> and Class B<sub>2</sub> or Class D 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

1 uniform system, insofar as possible.

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

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 69-12-314."~~

-End-

## STATE OF MONTANA

REQUEST NO. 333-79

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 13, 19 79, there is hereby submitted a Fiscal Note 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:

	<u>FY80</u>	<u>FY81</u>
Annual report fees and vehicle registration collections under current law	\$ 0	\$ 0
Annual report fees and vehicle registration fee collections under proposed law	<u>3,000</u>	<u>3,000</u>
Additional revenues due to proposed legislation	<u>3,000</u>	<u>3,000</u>
Less: Additional expenditures due to proposed legislation:		
Personal Services	51,700	54,802
Operating Expenses	8,400	8,904
Capital Outlay	<u>14,800</u>	<u>0</u>
Total	<u>74,900</u>	<u>63,706</u>
Net additional expenditures due to proposed legislation	<u>\$71,900</u>	<u>\$60,706</u>

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

*Richard L. Drury*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/17/79

## SENATE BILL NO. 473

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

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS RELATING TO CLASS D MOTOR CARRIERS; AMENDING SECTIONS 69-12-182, 69-12-314, AND 69-12-407, MCA."

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

Section 1. Section 69-12-182, MCA, is amended to read:

"69-12-182. 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 except as bear trash, waste, refuse, rubbish, garbage, and organic and inorganic matter 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) 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;

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

(h) ambulances.

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

Section 1. Section 69-12-314, MCA, is amended to read:

"69-12-314. Class D motor carrier certificate. (1) Class D carriers shall conduct operations pursuant to a certificate of public convenience and necessity issued by

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 ~~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 operation."~~

13 Section 2. Section 69-12-407, MCA, is amended to read:  
 14 "69-12-407. Records and reports. (1) All records,  
 15 books, accounts, and files of every Class A<sub>1</sub> and Class B<sub>2</sub> or  
 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 A<sub>1</sub> and Class B<sub>2</sub> or Class D 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

1 uniform system, insofar as possible.

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

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"~~

-End-

1 entitled to a Class D certificate and how the information is  
2 to be provided by the Class D motor certificate holder.

1 STATEMENT OF INTENT RE: SB 473  
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3

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

8 It is the intent of the legislature that the Public  
9 Service Commission has the authority to make rules defining  
10 what activities will be necessary to constitute the  
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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11 chapter does not affect:12 (a) --- motor --- vehicles --- used --- in --- carrying --- property  
13 consisting of agriculture --- commodities --- (not --- including  
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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 engaged1 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 --- except --- ashes,  
5 trash, waste, refuse, rubbish, garbage, and organic and  
6 inorganic matter by motor vehicles in a city, 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;10 (e) --- the transportation --- of --- newspapers, newspaper  
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17 vehicles from a collection point to a motor vehicle wrecking  
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 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~~  
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 15 books, accounts, and files of every Class A<sub>1</sub> and Class B<sub>1</sub> or  
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 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 ~~69-12-314."~~

-End-