

House Bill 142

In The House

January 9, 1981

Introduced and referred
to Committee on Business
and Industry.

On motion by Chief Sponsor
four Representatives were added
as authors to the pre-filed bill.

February 2, 1981

Committee recommend bill
do not pass.

HOUSE BILL NO. 142

INTRODUCED BY *Shirley Jacobson Robinson Humes*

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND PROVISIONS REGARDING MOTOR CARRIERS TO ENCOURAGE COMPETITION; AMENDING SECTIONS 69-12-202 AND 69-12-323, MCA."

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

Section 1. Section 69-12-202, MCA, is amended to read:

"69-12-202. Encouragement of common carrier motor transportation. To fully secure adequate motor transportation facilities for all users of such service and to secure the public advantages thereof, the commission shall encourage a system of common carrier motor transportation within the state for the convenience of the shipping public. In so doing, the commission shall encourage a spirit of competition within the motor transportation system in order to provide a maximum amount of service to Montana citizens. The maintenance of a common carrier motor transportation system within Montana is hereby declared to be a public purpose."

Section 2. Section 69-12-323, MCA, is amended to read:

"69-12-323. Decision on application. (1) The commission must issue, within 180 days from and after the date of the completed filing of said application, its

finding, order, or decision on said application and the evidence presented in support thereof at the time of said hearing. The commission may extend the foregoing time for decision to a date requested by the applicant.

(2) If after hearing upon application for a certificate, the commission finds from the evidence that public convenience and necessity require the authorization of the service proposed or any part thereof, as the commission shall determine, a certificate therefor shall be issued. In determining whether a certificate should be issued, the commission shall give reasonable consideration to the transportation service being furnished or that will be furnished by any railroad or other existing transportation agency and shall give due consideration to the likelihood of the proposed service being permanent and continuous throughout 12 months of the year and the effect which the proposed transportation service may have upon other forms of transportation service which are essential and indispensable to the communities to be affected by such proposed transportation service or that might be affected thereby. However, the commission may not deny a certificate solely on the basis of the applicant's projected impact on a current carrier's profit margin or gross volume.

(3) The commission may issue the certificate as prayed for or issue it for the partial exercise only of the

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1 privilege sought and may attach to the exercise of the
2 rights granted by such certificate such terms and conditions
3 as in its judgment the public convenience and necessity may
4 require. When a certificate has once been issued to a motor
5 carrier as provided in this part, such certificate shall
6 continue in force until terminated by the commission for
7 cause as herein provided or until terminated by the owner's
8 failure to comply with 69-12-402."

-End-