

SENATE BILL NO. 120

INTRODUCED BY BOYLAN,
CHRISTIAENS, GAGE

IN THE SENATE

January 12, 1983	Introduced and referred to Committee on Business and Industry.
February 9, 1983	Committee recommend bill do pass. Report adopted.
February 10, 1983	Bill printed and placed on members' desks.
February 11, 1983	Second reading, do pass.
February 12, 1983	Correctly engrossed.
February 14, 1983	Third reading, passed. Ayes, 48; Noes, 0. Transmitted to House.

IN THE HOUSE

March 1, 1983	Introduced and referred to Committee on Highways and Transportation.
March 16, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 21, 1983	Second reading, concurred in.
March 22, 1983	Third reading, concurred in.

IN THE SENATE

March 23, 1983

Returned to Senate with
amendments.

March 29, 1983

Second reading, amendments
concurred in.

March 30, 1983

Third reading, amendments
concurred in. Ayes, 48; Noes,
0.

Sent to enrolling.

Reported correctly enrolled.

1 *Amended* BILL NO. *120*
 2 INTRODUCED BY *Bylan Christine Bap*
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE
 5 PROVISIONS RELATING TO THE LEASING OF POWER EQUIPMENT BY
 6 CLASS A, B, C, AND D CARRIERS BY DELETING THE REQUIREMENT
 7 FOR SPECIFIC APPROVAL AND CERTIFICATION BY THE PUBLIC
 8 SERVICE COMMISSION; AMENDING SECTION 69-12-611, MCA."
 9

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

11 Section 1. Section 69-12-611, MCA, is amended to read:

12 "69-12-611. Leasing of power equipment. (1) All Class
 13 A, B, C, and D carriers subject to the jurisdiction of the
 14 commission may lease power equipment for the purpose of
 15 performing transportation movements within the state. The
 16 leasing of such power units must be in writing and effective
 17 ~~only upon specific approval of the commission. Movement of~~
 18 ~~such leased units without prior approval of the commission~~
 19 ~~is prohibited.~~

20 (2) All leases must contain:

21 (a) the full names and addresses of negotiating
 22 parties;

23 (b) a complete description of each vehicle involved;

24 (c) provision that the sole possession,
 25 responsibility, control, and direction of each vehicle and

1 its driver resides with the lessee for the entire term of
 2 the lease;

3 (d) provision that the lessee assumes full
 4 responsibility for all regulatory fees;

5 (e) amount of compensation to be paid for use of the
 6 vehicle while under the lease and the method by which such
 7 compensation is determined;

8 (f) the renewal conditions of the lease, if any; and

9 (g) the term length of the lease.

10 (3) A copy of the ~~lease certified by the commission~~
 11 must be maintained in each leased vehicle at all times. Each
 12 power unit so leased must display in a conspicuous place on
 13 both sides of such vehicle the identity and address of the
 14 lessor and lessee and the certificate number under which the
 15 power unit is operating.

16 (4) The leasing of power units by an authorized
 17 carrier to a noncertificated carrier is prohibited."

-End-

INTRODUCED BILL

-2-

SB 120

Approved by Committee
on Business and Industry

1 Senate BILL NO. 120
2 INTRODUCED BY Engle
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE
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2 the lease;
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 2 INTRODUCED BY *Engle Christiana Page*
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A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE PROVISIONS RELATING TO THE LEASING OF POWER EQUIPMENT BY CLASS A, B, C, AND D CARRIERS BY DELETING THE REQUIREMENT FOR SPECIFIC APPROVAL AND CERTIFICATION BY THE PUBLIC SERVICE COMMISSION; AMENDING SECTION 69-12-611, MCA; ~~AND PROVIDING AN EFFECTIVE DATE.~~"

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

Section 1. Section 69-12-611, MCA, is amended to read:

"69-12-611. Leasing of power equipment. (1) All Class A, B, C, and D carriers subject to the jurisdiction of the commission may lease power equipment for the purpose of performing transportation movements within the state. The leasing of such power units must be in writing ~~and effective only upon specific approval of the commission. Movement of such leased units without prior approval of the commission is prohibited.~~

(2) All leases must contain:

- (a) the full names and addresses of negotiating parties;
- (b) a complete description of each vehicle involved;

(c) provision that the sole possession, responsibility, control, and direction of each vehicle and its driver resides with the lessee for the entire term of the lease;

(d) provision that the lessee assumes full responsibility for all regulatory fees;

(e) amount of compensation to be paid for use of the vehicle while under the lease and the method by which such compensation is determined;

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(4) The leasing of power units by an authorized carrier to a noncertificated carrier is prohibited."

SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY 1, 1983.

-End-