

SENATE BILL NO. 239

INTRODUCED BY KEATING, CRIPPEN, LEE

IN THE SENATE

January 21, 1983	Introduced and referred to Committee on Highways and Transportation.
January 27, 1983	Committee recommend bill do pass. Report adopted.
January 28, 1983	Bill printed and placed on members' desks.
January 29, 1983	Second reading, do pass.
January 31, 1983	Correctly engrossed.
February 1, 1983	Third reading, passed. Ayes, 48; Noes, 0. Transmitted to House.

IN THE HOUSE

February 2, 1983	Introduced and referred to Committee on Highways and Transportation.
March 8, 1983	Committee recommend bill be concurred in. Report adopted.
March 9, 1983	Second reading, concurred in.
March 10, 1983	Third reading, concurred in.

IN THE SENATE

March 11, 1983	Returned to Senate. Sent to enrolling. Reported correctly enrolled.
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1 *Sen. 239* BILL NO. *239*
 2 INTRODUCED BY *Sen. 239*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR FULL
 5 CONTROL AND MANAGEMENT OF MUNICIPAL PUBLIC TRANSPORTATION
 6 SERVICES AND TRANSPORTATION DISTRICT SERVICES BY THE
 7 MUNICIPALITY OR DISTRICT; AMENDING SECTIONS 7-14-4403 AND
 8 69-12-102, MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 7-14-4403, MCA, is amended to read:
 12 "7-14-4403. Operation of municipal busline. ~~††~~ The
 13 city or town council or commission shall have authority to
 14 provide for the management and operation of the system
 15 authorized by 7-14-4401(1) and to do all things necessary
 16 for the successful operation of said transportation system.
 17 ~~†2†--Such--operations--shall--be--subject--to--all--the~~
 18 ~~provisions--of--(title--69,--chapter--12)--except--that:~~
 19 ~~†a†--such--municipality--may--be--issued--a--certificate--of~~
 20 ~~public--convenience--and--necessity--without--proof--of--the~~
 21 ~~existence--of--public--convenience--and--necessity†--and~~
 22 ~~†b†--the--municipality--shall--be--exempt--from--the--payment~~
 23 ~~of--fees--provided--by--69-12-421--and--69-12-422."~~
 24 Section 2. Section 69-12-102, MCA, is amended to read:
 25 "69-12-102. Scope of chapter -- exemptions. (1) Except

1 as provided in 69-12-201(1)(f), this chapter does not
 2 affect:

3 (a) motor vehicles used in carrying property
 4 consisting of agricultural commodities (not including
 5 manufactured products thereof) if the motor vehicles are not
 6 used in carrying other property or passengers for
 7 compensation;

8 (b) the operation of school buses which are used in
 9 conveying pupils or other students enrolled in classes to
 10 and from district or other schools or in transportation
 11 movements related to school activities which are sponsored
 12 or supervised by school authorities;

13 (c) the transportation by means of motor vehicles in
 14 the regular course of business of employees, supplies, and
 15 materials by a person or corporation engaged exclusively in
 16 the construction or maintenance of highways or engaged
 17 exclusively in logging or mining operations, insofar as the
 18 use of employees, supplies, and materials in construction
 19 and production is concerned;

20 (d) the transportation of property by motor vehicle in
 21 a city, town, or village with a population of less than 500
 22 persons according to the latest United States census or in
 23 the commercial areas thereof, as determined by the
 24 commission;

25 (e) the transportation of newspapers, newspaper

1 supplements, periodicals, or magazines;

2 (f) tow trucks and wreckers designed and exclusively
3 used in towing abandoned, wrecked, or disabled vehicles or
4 while these tow trucks and wreckers are rendering assistance
5 to abandoned, wrecked, or disabled vehicles;

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

9 (h) ambulances; or

10 (i) the transportation of pit run or processed sand
11 and gravel, concrete mix, aggregate, plant mix asphalt
12 pavement, aggregate mix, dirt, rock, material from
13 demolished buildings and structures, used paving materials,
14 used concrete, broken concrete, riprap, and other forms and
15 types of materials transported solely for the purpose of
16 excavation or fill; or

17 (j) the operation of:

18 (i) a transportation system by a municipality or
19 transportation district as provided in Title 7, chapter 14,
20 part 2; or

21 (ii) municipal bus service pursuant to Title 7, chapter
22 14, part 44.

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

-End-

Approved by Committee
on Highways & Transportation

1 *Amended* BILL NO. *239*
2 INTRODUCED BY *Deputy*
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8 69-12-102, MCA."
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13 city or town council or commission shall have authority to
14 provide for the management and operation of the system
15 authorized by 7-14-4401(1) and to do all things necessary
16 for the successful operation of said transportation system.

17 ~~{2}--Such--operations--shall--be--subject--to--all--the~~
18 ~~provisions--of--(title--69--chapter--12)--except--that:~~

19 ~~{a}--such--municipality--may--be--issued--a--certificate--of~~
20 ~~public--convenience--and--necessity--without--proof--of--the~~
21 ~~existence--of--public--convenience--and--necessity;--and~~

22 ~~{b}--the--municipality--shall--be--exempt--from--the--payment~~
23 ~~of--fees--provided--by--69-12-421--and--69-12-422."~~

24 Section 2. Section 69-12-102, MCA, is amended to read:

25 "69-12-102. Scope of chapter -- exemptions. (1) Except

1 as provided in 69-12-201(1)(f), this chapter does not
2 affect:

3 (a) motor vehicles used in carrying property
4 consisting of agricultural commodities (not including
5 manufactured products thereof) if the motor vehicles are not
6 used in carrying other property or passengers for
7 compensation;

8 (b) the operation of school buses which are used in
9 conveying pupils or other students enrolled in classes to
10 and from district or other schools or in transportation
11 movements related to school activities which are sponsored
12 or supervised by school authorities;

13 (c) the transportation by means of motor vehicles in
14 the regular course of business of employees, supplies, and
15 materials by a person or corporation engaged exclusively in
16 the construction or maintenance of highways or engaged
17 exclusively in logging or mining operations, insofar as the
18 use of employees, supplies, and materials in construction
19 and production is concerned;

20 (d) the transportation of property by motor vehicle in
21 a city, town, or village with a population of less than 500
22 persons according to the latest United States census or in
23 the commercial areas thereof, as determined by the
24 commission;

25 (e) the transportation of newspapers, newspaper

1 supplements, periodicals, or magazines;

2 (f) tow trucks and wreckers designed and exclusively
3 used in towing abandoned, wrecked, or disabled vehicles or
4 while these tow trucks and wreckers are rendering assistance
5 to abandoned, wrecked, or disabled vehicles;

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

9 (h) ambulances; or

10 (i) the transportation of pit run or processed sand
11 and gravel, concrete mix, aggregate, plant mix asphalt
12 pavement, aggregate mix, dirt, rock, material from
13 demolished buildings and structures, used paving materials,
14 used concrete, broken concrete, riprap, and other forms and
15 types of materials transported solely for the purpose of
16 excavation or fill; or

17 (j) the operation of:

18 (i) a transportation system by a municipality or
19 transportation district as provided in Title 7, chapter 14,
20 part 2; or

21 (ii) municipal bus service pursuant to Title 7, chapter
22 14, part 44.

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

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13 city or town council or commission shall have authority to
14 provide for the management and operation of the system
15 authorized by 7-14-4401(1) and to do all things necessary
16 for the successful operation of said transportation system.

17 ~~(2) Such operations shall be subject to all the~~
18 ~~provisions of title 69, chapter 12, except that:~~

19 ~~(a) such municipality may be issued a certificate of~~
20 ~~public convenience and necessity without proof of the~~
21 ~~existence of public convenience and necessity; and~~

22 ~~(b) the municipality shall be exempt from the payment~~
23 ~~of fees provided by 69-12-421 and 69-12-422."~~

24 Section 2. Section 69-12-102, MCA, is amended to read:

25 "69-12-102. Scope of chapter -- exemptions. (1) Except

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2 affect:

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4 consisting of agricultural commodities (not including
5 manufactured products thereof) if the motor vehicles are not
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8 (b) the operation of school buses which are used in
9 conveying pupils or other students enrolled in classes to
10 and from district or other schools or in transportation
11 movements related to school activities which are sponsored
12 or supervised by school authorities;

13 (c) the transportation by means of motor vehicles in
14 the regular course of business of employees, supplies, and
15 materials by a person or corporation engaged exclusively in
16 the construction or maintenance of highways or engaged
17 exclusively in logging or mining operations, insofar as the
18 use of employees, supplies, and materials in construction
19 and production is concerned;

20 (d) the transportation of property by motor vehicle in
21 a city, town, or village with a population of less than 500
22 persons according to the latest United States census or in
23 the commercial areas thereof, as determined by the
24 commission;

25 (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;

(h) ambulances; or

(i) the transportation of pit run or processed sand and gravel, concrete mix, aggregate, plant mix asphalt pavement, aggregate mix, dirt, rock, material from demolished buildings and structures, used paving materials, used concrete, broken concrete, riprap, and other forms and types of materials transported solely for the purpose of excavation or fill; or

(j) the operation of:

(i) a transportation system by a municipality or transportation district as provided in Title 7, chapter 14, part 2; or

(ii) municipal bus service pursuant to Title 7, chapter 14, part 44.

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

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~~{2}--Such--operations--shall--be--subject--to--all--the
provisions--of--{title-69, chapter-12}--except--that:~~

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"69-12-102. Scope of chapter -- exemptions. (1) Except
as provided in 69-12-201(1)(f), this chapter does not
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manufactured products thereof) if the motor vehicles are not
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compensation;

(b) the operation of school buses which are used in
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the construction or maintenance of highways or engaged
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(d) the transportation of property 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
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17 excavation or fill; ~~i or~~

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