SENATE BILL NO. 141

INTRODUCED BY KEATING

IN THE SENATE

January 18,	1985	Introduced and referred to Committee on Business and Industry.
January 29,	1985	Committee recommend bill do pass. Report adopted.
January 30,	1985	Bill printed and placed on members' desks.
January 31,	1985	Second reading, do pass.
February 1,	1985	Considered correctly engrossed.
February 2,	1985	Third reading, passed. Ayes, 43; Noes, 0.
		Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Business and Labor.
March 12, 1985	Committee recommend bill be concurred in. Report adopted.
March 15, 1985	Second reading, concurred in.
March 18, 1985	Third reading, concurred in.
	Returned to Senate.

IN THE SENATE

March 18, 1985 Received from House.

March 19, 1985

Sent to enrolling.
Reported correctly enrolled.

Montana Legislative Council

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1	Senate BILL NO. 141
2	INTRODUCED BY Keating
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4	A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING FROM
5	REGULATION THE TRANSPORTATION OF A COMMODITY UNDER A
6	CONTRACT BETWEEN A MOTOR CARRIER AND THE UNITED STATES
7	GOVERNMENT; AMENDING SECTIONS 69-12-102 AND 69-12-324, MCA."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
.o	Section 1. Section 69-12-102, MCA, is amended to read:
.1	"69-12-102. Scope of chapter exemptions. (1) Except
.2	as provided in $69-12-201(1)(f)$, $(1)(g)$, and (2) , this
. 3	chapter does not affect:
4	(a) motor vehicles used in carrying property
.5	consisting of agricultural commodities (not including
6	manufactured products thereof) if the motor vehicles are not
.7	used in carrying other property or passengers for
.8	compensation;
L9	(b) the operation of school buses which are used in
20	conveying pupils or other students enrolled in classes to
21	and from district or other schools or in transportation
22	movements related to school activities which are sponsored
23	or supervised by school authorities;
24	(c) the transportation by means of motor vehicles in

the regular course of business of employees, supplies, and

1	materials by a person or corporation engaged exclusively in
2	the construction or maintenance of highways or engaged
3	exclusively in logging or mining operations, insofar as the
4	use of employees, supplies, and materials in construction
5	and production is concerned;
6	(d) the transportation of property by motor vehicle in
7	a city, town, or village with a population of less than 500
8	persons according to the latest United States census or in
9	the commercial areas thereof, as determined by the
10	commission;
11	(e) the transportation of newspapers, newspaper
12	supplements, periodicals, or magazines;
13	(f) tow trucks and wreckers designed and exclusively
14	used in towing abandoned, wrecked, or disabled vehicles or
15	while these tow trucks and wreckers are rendering assistance
16	to abandoned, wrecked, or disabled vehicles;
17	(g) motor vehicles used exclusively in carrying junk
18	vehicles from a collection point to a motor vehicle wrecking
19	facility or a motor vehicle graveyard;
20	(h) ambulances;
21	(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

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- types of materials transported solely for the purpose of excavation or fill;
- 3 (j) the transportation by motor vehicle of not more
 4 than 15 passengers between their places of residence or
 5 termini near their residences and their places of employment
 6 in a single daily round trip if the driver is also on his
 7 way to or from his place of employment;
- 8 (k) the transportation of property by motor carrier as
 9 part of a continuous movement if such property, prior or
 10 subsequent to such part of a continuous movement, has been
 11 or will be transported by an air carrier;
- 12 (1) the operation of:

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- 13 (i) a transportation system by a municipality or 14 transportation district as provided in Title 7, chapter 14, 15 part 2; or
- 16 (ii) municipal bus service pursuant to Title 7, chapter
 17 14, part 44; or
 - (m) armored motor vehicles used exclusively for the transportation of coins, currency, silver bullion, gold bullion, and other precious metals, precious stones, valuable paintings, and other items of unusual value requiring special handling and security; or
- 23 (n) the transportation of a commodity under an
 24 agreement between a motor carrier and an office or agency of
 25 the United States government.

- (2) This chapter does not prevent bona fide leases,
 brokerage agreements, or buy-and-sell agreements."
 - Section 2. Section 69-12-324, MCA, is amended to read:

 "69-12-324. Special provisions when federal or state
 contract involved. (1) The presentation of the written
 contract to the commission shall be deemed sufficient proof
 of public convenience and necessity in accordance with the
 terms and conditions contained within the United States
 government or state government contracts. Subject to the
 provisions of this section, a transportation movement is
 considered to be:
 - (a) the transportation for hire of persons or commodities between two points within the state by a motor carrier pursuant to the terms of a written contract between the carrier and the United States government or an agency or department thereof; or
 - (b) the transportation for hire of solid waste between two points within the state by a motor carrier pursuant to the terms of a written contract between the carrier and the state government or an agency or department thereof.
 - (2) The Class C certificate of public convenience and necessity issued pursuant to the terms and conditions of the United States government or state government contract may be issued by the commission upon receipt of an executed copy of the United States government or state government contract.

1 The certificate of public convenience and necessity may be 2 issued thereafter without requiring the commission to fix a 3 time and place for public hearing.

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- (3) The certificate of public convenience and necessity, issued pursuant to the terms of the United States government or state government contract, is authorized only for the duration of the United States government or state government contract concerned. The certificate may be renewed for another definite term if the same motor carrier is the motor carrier authorized to operate under the United States government or state government contract."
- NEW SECTION. Section 3. Extension of authority. Any existing authority of the public service commission to make rules on the subject of the provisions of this act is extended to the provisions of this act.

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APPROVED BY COMM. ON BUSINESS & INDUSTRY

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1	Senate BILL NO. 141
2	INTRODUCED BY Kating
3	<i>'</i>
4	A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING FROM
5	REGULATION THE TRANSPORTATION OF A COMMODITY UNDER A
6	CONTRACT BETWEEN A MOTOR CARRIER AND THE UNITED STATES
7	GOVERNMENT; AMENDING SECTIONS 69-12-102 AND 69-12-324, MCA."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
.n	Section 1. Section 69-12-102, MCA, is amended to read:
.1	"69-12-102. Scope of chapter exemptions. (1) Except
.2	as provided in $69-12-201(1)(f)$, $(1)(g)$, and (2) , this
3	chapter does not affect:
. 4	(a) motor vehicles used in carrying property
. 5	consisting of agricultural commodities (not including
. 6	manufactured products thereof) if the motor vehicles are not
.7	used in carrying other property or passengers for
.8	compensation;
9	(b) the operation of school buses which are used in
20	conveying pupils or other students enrolled in classes to
	-
21	and from district or other schools or in transportation

movements related to school activities which are sponsored

the regular course of business of employees, supplies, and

(c) the transportation by means of motor vehicles in

or supervised by school authorities;

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;

- 6 (d) the transportation of property by motor vehicle in
 7 a city, town, or village with a population of less than 500
 8 persons according to the latest United States census or in
 9 the commercial areas thereof, as determined by the
 10 commission:
- 11 (e) the transportation of newspapers, newspaper
 12 supplements, periodicals, or magazines;
- 13 (f) tow trucks and wreckers designed and exclusively
 14 used in towing abandoned, wrecked, or disabled vehicles or
 15 while these tow trucks and wreckers are rendering assistance
 16 to abandoned, wrecked, or disabled vehicles;
- 17 (g) motor vehicles used exclusively in carrying junk 18 vehicles from a collection point to a motor vehicle wrecking 19 facility or a motor vehicle graveyard;
 - (h) ambulances;

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21 (i) the transportation of pit run or processed sand 22 and gravel, concrete mix, aggregate, plant mix asphalt 23 pavement, aggregate mix, dirt, rock, material from 24 demolished buildings and structures, used paving materials, 25 used concrete, broken concrete, riprap, and other forms and LC 0938/01 LC 0938/01

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types of materials transported solely for the purpose of excavation or fill;

- (j) the transportation by motor vehicle of not more than 15 passengers between their places of residence or termini near their residences and their places of employment in a single daily round trip if the driver is also on his way to or from his place of employment;
- (k) the transportation of property by motor carrier as part of a continuous movement if such property, prior or subsequent to such part of a continuous movement, has been or will be transported by an air carrier;
- 12 (1) the operation of:

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- 13 (i) a transportation system by a municipality or 14 transportation district as provided in Title 7, chapter 14, 15 part 2; or
- 16 (ii) municipal bus service pursuant to Title 7, chapter
 17 14, part 44; er
- 18 (m) armored motor vehicles used exclusively for the
 19 transportation of coins, currency, silver bullion, gold
 20 bullion, and other precious metals, precious stones,
 21 valuable paintings, and other items of unusual value
 22 requiring special handling and security; or
- 23 <u>(n) the transportation of a commodity under an</u>
 24 <u>agreement between a motor carrier and an office or agency of</u>
 25 the United States government.

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

Section 2. Section 69-12-324, MCA, is amended to read:

"69-12-324. Special provisions when federal or state
contract involved. (1) The presentation of the written
contract to the commission shall be deemed sufficient proof
of public convenience and necessity in accordance with the
terms and conditions contained within the United States
government or state government contracts. Subject to the
provisions of this section, a transportation movement is
considered to be:

- (a) the transportation for hire of persons or commodities between two points within the state by a motor carrier pursuant to the terms of a written contract between the carrier and the United States government or an agency or department thereof; or
- (b) the transportation for hire of solid waste between two points within the state by a motor carrier pursuant to the terms of a written contract between the carrier and the state government or an agency or department thereof.
- (2) The Class C certificate of public convenience and necessity issued pursuant to the terms and conditions of the United States government or state government contract may be issued by the commission upon receipt of an executed copy of the United States government or state government contract.

The certificate of public convenience and necessity may be issued thereafter without requiring the commission to fix a time and place for public hearing.

(3) The certificate of public convenience and necessity, issued pursuant to the terms of the United States government or state government contract, is authorized only for the duration of the United States government or state government contract concerned. The certificate may be renewed for another definite term if the same motor carrier is the motor carrier authorized to operate under the United States government or state government contract."

NEW SECTION. Section 3. Extension of authority. Any existing authority of the public service commission to make rules on the subject of the provisions of this act is extended to the provisions of this act.

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

Section 1. Section 69-12-102, MCA, is amended to read: 10 "69-12-102. Scope of chapter -- exemptions. (1) Except 11 as provided in 69-12-201(1)(f), (1)(g), and (2), this 12 chapter does not affect: 13

- vehicles used in carrying property (a) motor 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 20 and from district or other schools or in transportation 21 movements related to school activities which are sponsored 22 or supervised by school authorities; 23
- (c) the transportation by means of motor vehicles in 24 the regular course of business of employees, supplies, and 25

the construction or maintenance of highways or engaged exclusively in logging or mining operations, insofar as the 3 use of employees, supplies, and materials in construction and production is concerned;

materials by a person or corporation engaged exclusively in

- (d) the transportation of property by motor vehicle in 7 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 10 commission:
- 11 (e) the transportation of newspapers, newspaper 12 supplements, periodicals, or magazines;
- 13 (f) tow trucks and wreckers designed and exclusively used in towing abandoned, wrecked, or disabled vehicles or 14 while these tow trucks and wreckers are rendering assistance 15 16 to abandoned, wrecked, or disabled vehicles;
- (g) motor vehicles used exclusively in carrying junk 17 vehicles from a collection point to a motor vehicle wrecking 18 19 facility or a motor vehicle graveyard;
 - (h) ambulances;
- (i) the transportation of pit run or processed sand 21 and gravel, concrete mix, aggregate, plant mix asphalt 22 23 pavement, aggregate mix, dirt, rock, material from

demolished buildings and structures, used paving materials,

25 used concrete, broken concrete, riprap, and other forms and

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 - (j) the transportation by motor vehicle of not more than 15 passengers between their places of residence or termini near their residences and their places of employment in a single daily round trip if the driver is also on his way to or from his place of employment;
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- 23 (n) the transportation of a commodity under an
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Section 2. Section 69-12-324, MCA, is amended to read:
"69-12-324. Special provisions when federal or state
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- (2) The Class C certificate of public convenience and necessity issued pursuant to the terms and conditions of the United States government or state government contract may be issued by the commission upon receipt of an executed copy of the United States government or state government contract.

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19	(b) the operation of school buses which are used in
20	conveying pupils or other students enrolled in classes to
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the regular course of business of employees, supplies, and

L	materials by a person or corporation engaged exclusively in
2	the construction or maintenance of highways or engage
3	exclusively in logging or mining operations, insofar as the
1	use of employees, supplies, and materials in construction
5	and production is concerned;

- (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 8 the commercial areas thereof, as determined by the commission;
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- (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; 19
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- bullion, and other precious metals, precious stones,
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- 21 valuable paintings, and other items of unusual value
- 22 requiring special handling and security; or
- 23 (n) the transportation of a commodity under an
- 24 agreement between a motor carrier and an office or agency of
- the United States government.

1	(2)	This chapter	does not	prevent	bona	fide	leases,
2	brokerage	agreements, o	or buy-and	i-sell aq	reemen	ts."	

- Section 2. Section 69-12-324, MCA, is amended to read: "69-12-324. Special provisions when federal or state contract involved. (1) The presentation of the written contract to the commission shall be deemed sufficient proof of public convenience and necessity in accordance with the terms and conditions contained within the United States government or state government contracts. Subject to the provisions of this section, a transportation movement is considered to be:
- (a) the transportation for hire of persons or commodities between two points within the state by a motor carrier pursuant to the terms of a written contract between the carrier and the United States government or an agency or department thereof; or
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The certificate of public convenience and necessity may be issued thereafter without requiring the commission to fix a time and place for public hearing.

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- NEW SECTION. Section 3. Extension of authority. Any existing authority of the public service commission to make rules on the subject of the provisions of this act is extended to the provisions of this act.