

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.
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March 19, 1985

Sent to enrolling.

Reported correctly enrolled.

1 types of materials transported solely for the purpose of
2 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 (l) the operation of:

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

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 (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.

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

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

4 "69-12-324. Special provisions when federal or state
5 contract involved. (1) The presentation of the written
6 contract to the commission shall be deemed sufficient proof
7 of public convenience and necessity in accordance with the
8 terms and conditions contained within the United States
9 government or state government contracts. Subject to the
10 provisions of this section, a transportation movement is
11 considered to be:

12 (a) the transportation for hire of persons or
13 commodities between two points within the state by a motor
14 carrier pursuant to the terms of a written contract between
15 the carrier and the United States government or an agency or
16 department thereof; or

17 (b) the transportation for hire of solid waste between
18 two points within the state by a motor carrier pursuant to
19 the terms of a written contract between the carrier and the
20 state government or an agency or department thereof.

21 (2) The Class C certificate of public convenience and
22 necessity issued pursuant to the terms and conditions of the
23 United States government or state government contract may be
24 issued by the commission upon receipt of an executed copy of
25 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.

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

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

-End-

APPROVED BY COMM. ON BUSINESS & INDUSTRY

1 Senate BILL NO. 141
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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:

10 Section 1. Section 69-12-102, MCA, is amended to read:

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

14 (a) motor vehicles used in carrying property
15 consisting of agricultural commodities (not including
16 manufactured products thereof) if the motor vehicles are not
17 used in carrying other property or passengers for
18 compensation;

19 (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
25 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
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



1 types of materials transported solely for the purpose of
2 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 (l) the operation of:

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

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 (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.

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

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

4 "69-12-324. Special provisions when federal or state
5 contract involved. (1) The presentation of the written
6 contract to the commission shall be deemed sufficient proof
7 of public convenience and necessity in accordance with the
8 terms and conditions contained within the United States
9 government or state government contracts. Subject to the
10 provisions of this section, a transportation movement is
11 considered to be:

12 (a) the transportation for hire of persons or
13 commodities between two points within the state by a motor
14 carrier pursuant to the terms of a written contract between
15 the carrier and the United States government or an agency or
16 department thereof; or

17 (b) the transportation for hire of solid waste between
18 two points within the state by a motor carrier pursuant to
19 the terms of a written contract between the carrier and the
20 state government or an agency or department thereof.

21 (2) The Class C certificate of public convenience and
22 necessity issued pursuant to the terms and conditions of the
23 United States government or state government contract may be
24 issued by the commission upon receipt of an executed copy of
25 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.

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

12 NEW SECTION. Section 3. Extension of authority. Any
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