

HOUSE BILL 305

Introduced by Kadas, et al.

1/21	Introduced
1/21	Referred to Business & Economic Development
1/21	First Reading
2/02	Hearing
2/05	Committee Report--Bill Passed as Amended
2/08	2nd Reading Passed
2/10	3rd Reading Passed
	Transmitted to Senate
2/12	First Reading
2/12	Referred to Business & Industry
3/05	Hearing
3/26	Tabled in Committee

1 House BILL NO. 305  
2 INTRODUCED BY Kedar Hellyar  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE  
5 REQUIREMENT THAT AN APPLICANT FOR A CERTIFICATE TO PROVIDE  
6 LIMOUSINE SERVICE MAKE A SHOWING OF PUBLIC NEED; AND  
7 AMENDING SECTIONS 69-12-101 AND 69-12-323, MCA."  
8

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

10 **Section 1.** Section 69-12-101, MCA, is amended to read:

11 "69-12-101. Definitions. Unless the context requires  
12 otherwise, in this chapter the following definitions apply:

13 (1) "Between fixed termini" or "over a regular route"  
14 means the termini or route between or over which a motor  
15 carrier usually or ordinarily operates motor vehicles, even  
16 though there may be periodical or irregular departures from  
17 the termini or route.

18 (2) "Certificate" means the certificate of public  
19 convenience and necessity issued under this chapter.

20 (3) "Compensation" means the charge imposed on motor  
21 carriers for the use of the highways in this state by motor  
22 carriers under 69-12-421.

23 (4) "Corporation" means a corporation, company,  
24 association, or joint-stock association.

25 (5) "For hire" means for remuneration of any kind, paid

1 or promised, either directly or indirectly, or received or  
2 obtained through leasing, brokering, or buy-and-sell  
3 arrangements from which a remuneration is obtained or  
4 derived for transportation service.

5 (6) "Limousine" means any luxury motor carrier,  
6 including sedans of either standard or extended length, with  
7 a seating capacity of not more than nine passengers,  
8 including the driver, used in the transportation of  
9 passengers for hire on a prearranged basis.

10 (7) "Limousine service" means the transportation for  
11 hire of passengers in a limousine. Limousine service must be  
12 arranged at least 2 hours in advance, and the charge for the  
13 service must be by the hour, for the exclusive use of the  
14 automobile, and not on a per-passenger basis.

15 (8) "Log" means a fallen or felled tree, delimbed  
16 and cut to length for transportation to a point for storage  
17 or processing.

18 (9) "Motor carrier" means a person or corporation,  
19 or its lessees, trustees, or receivers appointed by any  
20 court, operating motor vehicles upon any public highway in  
21 this state for the transportation of persons or property for  
22 hire on a commercial basis, either as a common carrier or  
23 under private contract, agreement, charter, or undertaking.  
24 The term includes any motor carrier serving the public in  
25 the business of transportation of ashes, trash, waste,

1 refuse, rubbish, garbage, and organic and inorganic matter.

2 ~~†8†~~(10) "Motor vehicle" includes vehicles or machines,  
3 motor trucks, tractors, or other self-propelled vehicles  
4 used for the transportation of property or persons over the  
5 public highways of the state.

6 ~~†9†~~(11) "Person" means an individual, firm, or  
7 partnership.

8 ~~†10†~~(12) "Public highway" means a public street, road,  
9 highway, or way in this state.

10 ~~†11†~~(13) "Railroad" means the movement of cars on rails,  
11 regardless of the motive power used.

12 ~~†12†~~(14) "Recyclable" means any material diverted from  
13 the solid waste stream that can be reused as raw material  
14 for new products and for which markets exist."

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

16 "69-12-323. **Decision on application.** (1) The commission  
17 ~~must~~ shall issue, within 180 days from and after the date of  
18 the completed filing of ~~said~~ an application, its finding,  
19 order, or decision on ~~said~~ the application and the evidence  
20 presented in support ~~thereof~~ of the application at the time  
21 of ~~said~~ the hearing. The commission may extend the foregoing  
22 time for decision to a date requested by the applicant.

23 (2) (a) If after hearing upon application for a  
24 certificate, the commission finds from the evidence that  
25 public convenience and necessity require the authorization

1 of the service proposed or any part thereof of the proposed  
2 service, as the commission shall determine, a certificate  
3 ~~therefor--shall~~ must be issued. In determining whether a  
4 certificate should be issued, the commission shall give  
5 reasonable consideration to the transportation service being  
6 furnished or that will be furnished by any railroad or other  
7 existing transportation agency and shall give due  
8 consideration to the likelihood of the proposed service  
9 being permanent and continuous throughout 12 months of the  
10 year and the effect which the proposed transportation  
11 service may have upon other forms of transportation service  
12 ~~which~~ that are essential and indispensable to the  
13 communities to be affected by ~~such~~ the proposed  
14 transportation service or that might be affected ~~thereby~~ by  
15 the service.

16 (b) For purposes of Class D certificates, a  
17 determination of public convenience and necessity may  
18 include a consideration of competition.

19 (c) For purposes of issuing operating certificates for  
20 limousine service, a determination of public convenience and  
21 necessity does not include consideration of public need.

22 (3) The commission may issue the certificate as prayed  
23 for requested or issue it for the partial exercise only of  
24 the privilege sought and may attach to the exercise of the  
25 rights granted by ~~such~~ the certificate ~~such~~ terms and

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

-End-

APPROVED BY COMM. ON BUSINESS  
AND ECONOMIC DEVELOPMENT

## HOUSE BILL NO. 305

INTRODUCED BY KADAS, HALLIGAN, TOOLE, SQUIRES, WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE  
REQUIREMENT THAT AN APPLICANT FOR A CERTIFICATE TO PROVIDE  
LIMOUSINE SERVICE MAKE A SHOWING OF PUBLIC NEED; AND  
AMENDING SECTIONS 69-12-101 AND 69-12-323, MCA."

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**Section 1.** Section 69-12-101, MCA, is amended to read:

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otherwise, in this chapter the following definitions apply:

(1) "Between fixed termini" or "over a regular route"  
means the termini or route between or over which a motor  
carrier usually or ordinarily operates motor vehicles, even  
though there may be periodical or irregular departures from  
the termini or route.

(2) "Certificate" means the certificate of public  
convenience and necessity issued under this chapter.

(3) "Compensation" means the charge imposed on motor  
carriers for the use of the highways in this state by motor  
carriers under 69-12-421.

(4) "Corporation" means a corporation, company,  
association, or joint-stock association.

(5) "For hire" means for remuneration of any kind, paid

or promised, either directly or indirectly, or received or  
obtained through leasing, brokering, or buy-and-sell  
arrangements from which a remuneration is obtained or  
derived for transportation service.

(6) "Limousine" means any luxury motor carrier VEHICLE,  
including sedans of either standard or extended length, with  
a seating capacity of not more than nine 13 passengers,  
including the driver, used in the transportation of  
passengers for hire on a prearranged basis.

(7) "Limousine service" means the transportation for  
hire of passengers in a limousine. Limousine service must be  
arranged at least 2 hours in advance, and the charge for the  
service must be by the hour, for the exclusive use of the  
automobile LIMOUSINE, and not on a per-passenger basis.

(8) "Log" means a fallen or felled tree, delimbed  
and cut to length for transportation to a point for storage  
or processing.

(9) "Motor carrier" means a person or corporation,  
or its lessees, trustees, or receivers appointed by any  
court, operating motor vehicles upon any public highway in  
this state for the transportation of persons or property for  
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under private contract, agreement, charter, or undertaking.  
The term includes any motor carrier serving the public in  
the business of transportation of ashes, trash, waste,

1 refuse, rubbish, garbage, and organic and inorganic matter.

2 ~~(8)~~(10) "Motor vehicle" includes vehicles or machines,  
3 motor trucks, tractors, or other self-propelled vehicles  
4 used for the transportation of property or persons over the  
5 public highways of the state.

6 ~~(9)~~(11) "Person" means an individual, firm, or  
7 partnership.

8 ~~(10)~~(12) "Public highway" means a public street, road,  
9 highway, or way in this state.

10 ~~(11)~~(13) "Railroad" means the movement of cars on rails,  
11 regardless of the motive power used.

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13 the solid waste stream that can be reused as raw material  
14 for new products and for which markets exist."

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

16 "69-12-323. Decision on application. (1) The commission  
17 ~~must~~ shall issue, within 180 days from and after the date of  
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19 order, or decision on ~~said the~~ application and the evidence  
20 presented in support thereof of the application at the time  
21 of ~~said the~~ hearing. The commission may extend the foregoing  
22 time for decision to a date requested by the applicant.

23 (2) (a) If after hearing upon application for a  
24 certificate, the commission finds from the evidence that  
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8 consideration to the likelihood of the proposed service  
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10 year and the effect which the proposed transportation  
11 service may have upon other forms of transportation service  
12 which that are essential and indispensable to the  
13 communities to be affected by such the proposed  
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15 the service.

16 (b) For purposes of Class D certificates, a  
17 determination of public convenience and necessity may  
18 include a consideration of competition.

19 (c) For purposes of issuing operating certificates for  
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21 necessity does not include consideration of public need.

22 (3) The commission may issue the certificate as prayed  
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24 the privilege sought and may attach to the exercise of the  
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1 conditions as in its judgment the public convenience and  
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