

SENATE BILL 255

Introduced by Swysgood

1/26	Introduced
1/26	Referred to Highways & Transportation
1/26	First Reading
2/02	Hearing
2/05	Committee Report--Bill Passed
2/06	2nd Reading Passed
2/08	3rd Reading Passed
	Transmitted to House
2/09	Referred to Highways & Transportation
2/09	First Reading
3/08	Hearing
3/15	Tabled in Committee
3/29	Committee Report--Bill Concurred
3/30	2nd Reading Concur Motion Failed
3/31	Reconsidered Previous Action
4/20	2nd Reading Concurred
4/21	3rd Reading Failed

1 Single BILL NO. 255  
 2 INTRODUCED BY Swygand  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE  
 5 REMUNERATION EXCEPTION APPLICABLE TO TRANSPORTATION OF  
 6 LIVESTOCK UNDER A CLASS B CERTIFICATE BY A BONA FIDE FARMER,  
 7 RANCHER, OR RAISER OF LIVESTOCK; PROVIDING FOR CERTIFICATION  
 8 OF CURRENT CARRIERS AS CLASS B MOTOR CARRIERS WHEN CERTAIN  
 9 QUALIFICATIONS ARE MET; AMENDING SECTION 69-12-405, MCA; AND  
 10 PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."  
 11

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

13 **Section 1.** Section 69-12-405, MCA, is amended to read:

14 "69-12-405. Transportation of livestock. (1) Except as  
 15 provided in subsection (2), a person, corporation,  
 16 association or its officers, agents, employees, or servants  
 17 may not operate any motor vehicle or combination of vehicles  
 18 in the commercial transportation of livestock for hire  
 19 without having first obtained a Class B certificate of  
 20 public convenience and necessity from the commission.

21 (2) ~~(a) The provisions of this section shall not apply~~  
 22 ~~to the transportation of livestock by motor carrier by a~~  
 23 ~~bona fide farmer, rancher, or raiser of livestock in his own~~  
 24 ~~vehicle or vehicles or when such farmer, rancher, or raiser~~  
 25 ~~of livestock provides transportation for the livestock of~~

1 another farmer, rancher, or raiser of livestock between farm  
 2 and farm, ranch and ranch, or pasture and pasture or to a  
 3 point. A person who is a bona fide farmer, rancher, or  
 4 raiser of livestock may, without obtaining a Class B  
 5 certificate of public convenience and necessity:

6 (a) transport livestock owned by that person in that  
 7 person's own vehicle; or

8 (b) transport livestock owned by another bona fide  
 9 farmer, rancher, or raiser of livestock when remuneration  
 10 for transportation is limited to a service-for-service  
 11 exchange, reimbursement for fuel expenses, or both.

12 (3) A motor carrier who possesses a Class B certificate  
 13 of public convenience and necessity authorizing  
 14 transportation of livestock shall assess rates and charges  
 15 in accordance with applicable tariffs filed with the  
 16 commission on all livestock movements.

17 ~~(b)(4)~~ Any commercial transportation movement of  
 18 livestock in any motor vehicle having a cargo bed of 22 feet  
 19 in length or less ~~shall be deemed~~ is exempt from the  
 20 provisions of this section."

21 **NEW SECTION. Section 2.** Class B motor carrier  
 22 certificates for existing livestock transportation  
 23 businesses. For the period between May 1, 1993, and May 1,  
 24 1994, a bona fide farmer, rancher, or raiser of livestock  
 25 who engaged in the business of transporting livestock for

1 hire in Montana at any time between May 1, 1992, and May 1,  
2 1993, must be granted a statewide Class B motor carrier  
3 certificate upon:

4 (1) application to the commission, on a form developed  
5 and supplied by the commission; and

6 (2) submission of proof that the person was engaged in  
7 transporting livestock for hire in Montana between May 1,  
8 1992, and May 1, 1993.

9 NEW SECTION. **Section 3. Effective date.** [Section 2 and  
10 this section] are effective on passage and approval.

11 NEW SECTION. **Section 4. Termination.** [Section 2]  
12 terminates May 1, 1994.

-End-

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

1 Sen. Smith BILL NO. 255  
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21 (2) ~~{a}-The-provisions-of-this-section-shall-not-apply~~  
 22 ~~to-the-transportation-of-livestock-by-motor-carrier-by-a~~  
 23 ~~bona-fide-farmer,-rancher,-or-raiser-of-livestock-in-his-own~~  
 24 ~~vehicle-or-vehicles-or-when-such-farmer,-rancher,-or-raiser~~  
 25 ~~of-livestock-provides-transportation-for-the-livestock-of~~

1 ~~another-farmer,-rancher,-or-raiser-of-livestock-between-farm~~  
 2 ~~and-farm,-ranch-and-ranch,-or-pasture-and-pasture--or--to-a~~  
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17 ~~{b}{4}~~ Any commercial transportation movement of  
 18 livestock in any motor vehicle having a cargo bed of 22 feet  
 19 in length or less ~~shall-be-deemed~~ is exempt from the  
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21 NEW SECTION. Section 2. Class B motor carrier  
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(2) ~~(a) The provisions of this section shall not apply to the transportation of livestock by motor carrier by a bona fide farmer, rancher, or raiser of livestock in his own vehicle or vehicles or when such farmer, rancher, or raiser of livestock provides transportation for the livestock of~~

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~~(b)(4) Any commercial transportation movement of livestock in any motor vehicle having a cargo bed of 22 feet in length or less shall be deemed is exempt from the provisions of this section."~~

NEW SECTION. **Section 2.** Class B motor carrier certificates for existing livestock transportation businesses. For the period between May 1, 1993, and May 1, 1994, a bona fide farmer, rancher, or raiser of livestock who engaged in the business of transporting livestock for



1 hire in Montana at any time between May 1, 1992, and May 1,  
2 1993, must be granted a statewide Class B motor carrier  
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