

Sliter

James D. Falls

House BILL NO. *203*

Joe L. King, Clerk

INTRODUCED BY

Jeanette McKee Benedict

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; AMENDING SECTIONS 69-12-101 AND 69-12-323, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

"69-12-101. Definitions. Unless the context requires 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, including sedans of either standard or extended length, with a seating capacity of not more than nine 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, and not on a per-passenger basis.

~~(6)~~(8) "Motor carrier" means a person or corporation, or its lessees, trustees, or receivers appointed



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1 by any court, operating motor vehicles upon any public highway in this state for the transportation of
 2 persons or property for hire on a commercial basis, either as a common carrier or under private contract,
 3 agreement, charter, or undertaking. The term includes any motor carrier serving the public in the business
 4 of transportation of ashes, trash, waste, refuse, rubbish, garbage, and organic and inorganic matter.

5 ~~(7)~~(9) "Motor vehicle" includes vehicles or machines, motor trucks, tractors, or other self-propelled
 6 vehicles used for the transportation of property or persons over the public highways of the state.

7 ~~(8)~~(10) "Person" means an individual, firm, or partnership.

8 ~~(9)~~(11) "Public highway" means a public street, road, highway, or way in this state.

9 ~~(10)~~(12) "Railroad" means the movement of cars on rails, regardless of the motive power used.

10 ~~(11)~~(13) "Recyclable" means any material diverted from the solid waste stream that can be reused
 11 as raw material for new products and for which markets exist."

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

14 **"69-12-323. Decision on application.** (1) The commission ~~must~~ shall issue, within 180 days from
 15 ~~and after~~ the date of the completed filing of ~~said an~~ an application, its finding, order, or decision on ~~said the~~ the
 16 application and the evidence presented in support ~~thereof of the application~~ at the time of said the hearing.
 17 The commission may extend the ~~foregoing~~ time for decision to a date requested by the applicant.

18 (2)(a) If, after a hearing upon an application for a certificate, the commission finds from the
 19 evidence that public convenience and necessity require the authorization of the service proposed or any
 20 part ~~thereof of the proposed service~~, as the commission shall determine, a certificate ~~therefor shall~~ must
 21 be issued. In determining whether a certificate should be issued, the commission shall give reasonable
 22 consideration to the transportation service being furnished or that will be furnished by any railroad or other
 23 existing transportation agency and shall give ~~due~~ consideration to the likelihood of the proposed service
 24 being permanent and continuous throughout 12 months of the year and the effect ~~which that~~ that the proposed
 25 transportation service may have upon other forms of transportation service ~~which that~~ that are essential and
 26 indispensable to the communities to be affected by ~~such the~~ the proposed transportation service or that might
 27 be affected ~~thereby~~ by the proposed service.

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

30 (c) For purposes of issuing operating licenses for limousine service, a determination of public

1 convenience does not include consideration of public need.

2 (3) The commission may issue the certificate as ~~prayed for~~ requested or issue it for the partial
3 exercise only of the privilege sought and may attach to the exercise of the rights granted by ~~such the~~
4 certificate ~~such the~~ terms and conditions ~~as that~~ in its judgment the public convenience and necessity may
5 require. When a certificate has ~~once~~ been issued to a motor carrier as provided in this part, ~~such the~~
6 certificate ~~shall continue~~ continues in force until terminated by the commission for cause ~~as herein provided~~
7 or until terminated by the owner's failure to comply with 69-12-402."

8

9 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

10

-END-

APPROVED BY COMMITTEE
ON BUSINESS AND LABOR

Sliter

John Smith

House BILL NO. 203

INTRODUCED BY *Jeanette McKee Benedict* *Richard Jewell*
Christopher Kelly *Rebecca* *Adam Kadas* *Storall*

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