

SENATE BILL NO. 139

INTRODUCED BY R. ERICKSON

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A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING A MOTOR CARRIER AS A REGULATED COMPANY FOR THE PURPOSE OF COLLECTING FEES; ELIMINATING THE ANNUAL MOTOR CARRIER FEE; AMENDING SECTIONS 69-1-401, 69-12-101, 69-12-402, AND 69-12-422, MCA; REPEALING SECTION 69-12-421, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 69-1-401, MCA, is amended to read:

"69-1-401. Definitions. As used in this part, the following definitions apply:

(1) "Department" means the department of public service regulation provided for in Title 2, chapter 15, part 26.

(2) "Regulated companies" means all organizations, corporations, associations, or other public or private entities ~~which now are or may hereafter~~ that are or in the future may become subject to regulation in any manner by the department of public service regulation, the public service commission, or any successor agency. ~~The term does not include motor carriers regulated pursuant to Title 69, chapter 12.~~

Section 2. 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)~~(3) "Corporation" means a corporation, company, association, or joint-stock association.

~~(5)~~(4) "For hire" means for remuneration of any kind, paid or promised, either directly or indirectly, or



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

3 ~~(6)~~(5) "Garbage" means ashes, trash, waste, refuse, rubbish, organic or inorganic matter that is
4 transported to a licensed transfer station, licensed landfill, licensed municipal solid waste incinerator, or licensed
5 disposal well. The term does not include wastewater and waste tires.

6 ~~(7)~~(6) "Household goods" means any of the following:

7 (a) personal effects and property used or to be used in a dwelling when they are a part of the equipment
8 or supply of the dwelling. The term does not include property moving from a factory or store unless the property
9 is purchased by a householder for use in a dwelling and is transported at the request of the householder.

10 (b) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals,
11 or other establishments when those items are a part of the stock, equipment, or supply of the stores, offices,
12 museums, institutions, hospitals, or other establishments. The term does not include the stock-in-trade of an
13 establishment, whether consignor or consignee, other than used furniture and used fixtures, except when
14 transported as incidental to moving of the establishment or a portion of the establishment from one location to
15 another.

16 (c) articles, including objects of art, displays, and exhibitions that because of their unusual nature or
17 value, require the specialized handling and equipment usually employed in moving household goods and other
18 similar articles.

19 ~~(8)~~(7) "Motor carrier" means a person or corporation, or its lessees, trustees, or receivers appointed by
20 a court, operating motor vehicles upon a public highway in this state for the transportation of passengers,
21 household goods, or garbage for hire on a commercial basis, either as a common carrier or under private
22 contract, agreement, charter, or undertaking.

23 ~~(9)~~(8) "Motor vehicle" includes vehicles or machines, motor trucks, tractors, or other self-propelled
24 vehicles used for the transportation of property or persons over the public highways of the state.

25 ~~(10)~~(9) "Person" means an individual, firm, or partnership.

26 ~~(11)~~(10) "Public highway" means a public street, road, highway, or way in this state.

27 ~~(12)~~(11) "Railroad" means the movement of cars on rails, regardless of the motive power used.

28 ~~(13)~~(12) "Recyclable" means any material diverted from the solid waste stream that can be reused in the
29 production of heat or energy or as raw material for new products and for which markets exist."

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1 **Section 3.** Section 69-12-402, MCA, is amended to read:

2 **"69-12-402. Compliance with commission rules.** ~~No A certificate shall be~~ may not be issued or remain
3 in force unless the ~~holder thereof shall comply~~ certificate holder complies with ~~such~~ commission rules of the
4 ~~commission as it shall adopt~~ governing the filing of bonds, ~~policies of insurance~~ policies, or ~~such security or~~
5 ~~agreement~~ securities or agreements in ~~such a~~ such a form and adequate amount and ~~conditioned as required by the~~
6 ~~commission may require for to ensure:~~

7 (1) the prompt payment of all ~~compensation or~~ fees due the state under the provisions of this ~~chapter~~
8 title; and

9 (2) the payment of any final judgment ~~which may be~~ rendered against ~~any such a~~ motor carrier arising
10 ~~out because~~ of the death of or injury to ~~any of a~~ passenger or injury to other persons or property as a result of
11 any negligent operation of the motor vehicles or ~~such~~ motor carrier, ~~with power in the commission to.~~ The
12 commission may permit self-insurance whenever, in its opinion, if it finds that the financial ability of the motor
13 carrier warrants."

14

15 **Section 4.** Section 69-12-422, MCA, is amended to read:

16 **"69-12-422. Effect of failure to pay compensation, fees, or charges.** (1) ~~Upon the failure of any~~ If a
17 motor carrier ~~fails~~ to pay ~~such compensation~~ fees and charges when due, the commission may in its discretion
18 revoke the carrier's certificate or privilege, ~~and no A~~ carrier whose certificate or privilege is ~~so~~ revoked ~~shall again~~
19 ~~be authorized to~~ may not conduct ~~such~~ business until ~~such compensation shall be~~ the fees and charges are paid.

20 (2) All ~~compensation, fees, or charges~~ imposed and accruing under the provisions of this chapter ~~shall~~
21 ~~be~~ are a lien ~~upon~~ on all property of the motor carrier used in its operations under this chapter. ~~Said~~ The lien ~~shall~~
22 must attach at the time the ~~compensation, fees, or charges~~ become are due and payable and ~~shall have~~ has the
23 effect of an execution duly levied on ~~such the~~ property of the motor carrier, ~~and shall so remain~~ The lien remains
24 until ~~said compensation, the~~ fees, or charges are paid or the property is sold for the payment ~~thereof~~ of the lien."

25

26 NEW SECTION. **Section 5. Repealer.** The following section of the Montana Code Annotated is
27 repealed:

28 69-12-421. Annual fee for motor carriers.

29

30 NEW SECTION. **Section 6. Saving clause.** [This act] does not affect rights and duties that matured,

1 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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3 NEW SECTION. **Section 7. Severability.** If a part of [this act] is invalid, all valid parts that are severable
4 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
5 remains in effect in all valid applications that are severable from the invalid applications.

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7 NEW SECTION. **Section 8. Effective date.** [This act] is effective on passage and approval.

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