

HOUSE BILL NO. 518

INTRODUCED BY B. BARKER, C. HINKLE, P. TUSS, K. BOGNER

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CLASSIFICATION AND MOTOR CARRIER CERTIFICATE LAWS; AMENDING SECTION 69-12-321, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 69-12-321, MCA, is amended to read:

"69-12-321. Hearing on application for motor carrier certificate. (1) (a) Upon the filing of an application for a certificate by a Class A, Class D, or Class E motor carrier or upon the filing of a request for a transfer of authority, the commission shall provide notice of the application to any interested party.

(b) If a protest or a request for hearing is received, the commission shall fix a time and place for a hearing on the application. The hearing must be set for not later than 60 days after receipt of a protest or a hearing request. If a protest or a request for hearing is not received, the commission may act on the application without a hearing as prescribed by commission rules.

(c) A protest related to an application by a motor carrier pursuant to 69-12-311(1)(a) or by a Class E motor carrier is limited to a protest of the motor carrier's ability to meet the requirements of 69-12-323(5).

(2) A motor carrier referred to in 69-12-322, the department of transportation, the governing board or boards of any county, town, or city into or through which the route or service as proposed may extend, and any person or corporation concerned are interested parties to the proceedings and may offer testimony for or against the granting of the certificate.

(3) An application by a motor carrier pursuant to 69-12-311(1)(b) ~~or by a Class D motor carrier~~ for a certificate of public convenience and necessity may be denied without a public hearing when the records of the commission demonstrate that the route or territory sought to be served by the applicant has previously been made the basis of a public investigation and finding by the commission that public convenience and necessity do not require the proposed motor carrier service. A hearing must be held if the applicant presents facts

1 demonstrating that conditions over the route or in the territory and affecting transportation facilities have
 2 materially changed since the previous public investigation and finding and that public convenience and
 3 necessity now require the motor carrier operation."

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5 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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