

1 HOUSE BILL NO. 306

2 INTRODUCED BY M. FUNK

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EXEMPTIONS TO PUBLIC SERVICE COMMISSION
5 REGULATIONS OF MOTOR CARRIERS; PROVIDING AN EXEMPTION FOR CERTAIN TYPES OF
6 RECREATIONAL AND TOURISM TRANSPORTATION; PROVIDING RULEMAKING AUTHORITY; AND
7 AMENDING SECTION 69-12-102, MCA."

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

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11 **Section 1.** Section 69-12-102, MCA, is amended to read:

12 **"69-12-102. Scope of chapter -- exemptions.** (1) This chapter does not affect:

13 (a) the operation of school buses that are used in conveying pupils or other students enrolled in
14 classes to and from district or other schools or in transportation movements related to school activities that are
15 sponsored or supervised by school authorities;

16 (b) the transportation by means of motor vehicles in the regular course of business of employees by a
17 person or corporation engaged exclusively in the construction or maintenance of highways or engaged
18 exclusively in logging or mining operations, insofar as the use of employees in construction and production is
19 concerned;

20 (c) the transportation of household goods and garbage by motor vehicle in a city, town, or village with
21 a population of less than 500 persons according to the latest United States census or in the commercial areas
22 of a city, town, or village with a population of less than 500 persons, as determined by the commission;

23 (d) the transportation of newspapers, newspaper supplements, periodicals, or magazines;

24 (e) motor vehicles used exclusively in carrying junk vehicles from a collection point to a motor vehicle
25 wrecking facility or a motor vehicle graveyard;

26 (f) ambulances;

27 (g) the transportation by motor vehicle of not more than 15 passengers between their places of
28 residence or termini near their residences and their places of employment in a single daily round trip if the

1 driver is also going to or from the driver's place of employment;

2 (h) the operation of:

3 (i) a transportation system by a municipality or transportation district as provided in Title 7, chapter 14,
4 part 2;

5 (ii) a municipal bus service pursuant to Title 7, chapter 14, part 44; or

6 (iii) any public transportation system recognized by the Montana department of transportation as a
7 federal transit administration provider pursuant to 49 U.S.C. 5311;

8 (i) armored motor vehicles used for the transportation of valuable paintings and other items of unusual
9 value requiring special handling and security;

10 (j) the transportation of household goods or garbage under an agreement between a motor carrier
11 and an office or agency of the United States government;

12 (k) the transportation of persons provided by private, nonprofit organizations, including those
13 recognized by the Montana department of transportation as federal transit administration providers pursuant to
14 49 U.S.C. 5310. As used in this subsection (1)(k), "private, nonprofit organizations" means organizations
15 recognized as nonprofit under section 501(c) of the Internal Revenue Code.

16 (l) the transportation of a group of passengers if:

17 (i) the motor vehicle used for the transportation of the passengers is designed to carry more than 26
18 passengers; and

19 (ii) the motor carrier has obtained a USDOT number from the U.S. department of transportation as
20 provided in 49 CFR 390.19; or

21 (m) the transportation of a group of employees to or from a worksite by a motor carrier under contract
22 with the employer for a period of time of at least 1 year; or

23 (n) the transportation by motor vehicle of not more than 15 people to or from outdoor recreation sites,
24 including but not limited to trailheads, fishing access sites, boat ramps and docks, ski slopes and trails, state
25 parks, and national forests, or on a circular tour, with or without stops, of points of interest, except that the
26 commission may require proof of insurance. The commission may not entertain third-party objections to the
27 proof of insurance required under this subsection (1)(n). The commission may adopt rules to implement this
28 subsection (1)(n).

4 (3) This chapter does not prevent bona fide leases, brokerage agreements, or buy-and-sell
5 agreements."

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