2009 -- S 0705

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- MOTOR CARRIERS OF PROPERTY

Introduced By: Senator Roger Picard

Date Introduced: February 26, 2009

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

SECTION 1. Section 39-12-7 of the General Laws in Chapter 39-12 entitled "Motor Carriers of Property" is hereby amended to read as follows:

39-12-7. Issuance of certificate to common carrier. -- A certificate shall be issued by the administrator, after a hearing, to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of this chapter and the requirements, orders, rules, and regulations of the administrator thereunder~~, and that the proposed service, to the extent to be authorized by the certificate, is or will be required by the present or future public convenience and necessity; otherwise the application shall be denied. Any certificate issued under this chapter shall specify the service to be rendered and the routes over which, the fixed termini, if any, between which, if any, at which, and, in case of operations not over specified routes or between fixed termini, the points and places within which, or between which the motor carrier is authorized to operate; and there shall, at the time of the issuance and from time to time thereafter, be attached to the exercise of the privileges granted by the certificate such reasonable terms, conditions, and limitations as the public convenience and necessity may from time to time require; provided, however, that no terms, conditions, or limitations shall restrict the right of the carrier to add to his or her or its equipment and facilities, between which or within the territory specified in the certificate as the development of the business and the~~

~~demands of the business shall require~~. Certificates issued under this chapter shall be renewed before the close of business on December 31 of each calendar year. The renewal fee shall be one hundred dollars ($100) and shall be submitted with the renewal form. All revenues received under this section shall be deposited as general revenues. No certificate shall be issued to a common carrier by motor vehicle or, when issued, shall remain in force authorizing the transportation of property over the publicly used highways of this state, unless the rates and charges upon which the property is transported by the carrier shall have been published in the tariff and filed with the administrator in accordance with this chapter.

SECTION 2. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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RELATING TO PUBLIC UTILITIES AND CARRIERS -- MOTOR CARRIERS OF PROPERTY

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This act would eliminate the requirement that an applicant prove a “public need” (public convenience and necessity) for such services to be granted authority to perform intrastate transportation.

This act would take effect upon passage.

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