

2011 -- S 0540

LC01234

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - MOTOR CARRIERS OF  
PROPERTY

Introduced By: Senator Joshua Miller

Date Introduced: March 10, 2011

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

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

3 **39-12-7. Issuance of certificate to common carrier.** -- A certificate shall be issued by  
4 the administrator, after a hearing, to any qualified applicant therefor, authorizing the whole or any  
5 part of the operations covered by the application, if it is found that the applicant is fit, willing, and  
6 able properly to perform the service proposed and to conform to the provisions of this chapter and  
7 the requirements, orders, rules, and regulations of the administrator thereunder, ~~and that the~~  
8 ~~proposed service, to the extent to be authorized by the certificate, is or will be required by the~~  
9 ~~present or future public convenience and necessity; otherwise the application shall be denied. Any~~  
10 ~~certificate issued under this chapter shall specify the service to be rendered and the routes over~~  
11 ~~which, the fixed termini, if any, between which, if any, at which, and, in case of operations not~~  
12 ~~over specified routes or between fixed termini, the points and places within which, or between~~  
13 ~~which the motor carrier is authorized to operate; and there shall, at the time of the issuance and~~  
14 ~~from time to time thereafter, be attached to the exercise of the privileges granted by the certificate~~  
15 ~~such reasonable terms, conditions, and limitations as the public convenience and necessity may~~  
16 ~~from time to time require; provided, however, that no terms, conditions, or limitations shall~~  
17 ~~restrict the right of the carrier to add to his or her or its equipment and facilities, between which~~  
18 ~~or within the territory specified in the certificate as the development of the business and the~~

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

9 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
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- 1           This act would eliminate the requirement than an applicant for the issuance of a common
- 2 carrier certificate prove a "public need" for such service to be granted authority to perform
- 3 transportation of the proposed service.
- 4           This act would take effect upon passage.

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