

1975 Assembly Bill 51

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CHAPTER 35, Laws of 1975

AN ACT to amend 194.34 (1) and 194.36 (8) (intro.); and to create 194.34 (1) (c) of the statutes, relating to public service commission procedures for contract motor carriers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 194.34 (1) of the statutes is amended to read:

194.34 (1) (a) No person ~~shall~~ may operate a motor vehicle upon the public highways as a contract motor carrier without first having obtained from the commission a license ~~and a permit~~ for the operation of such vehicle. The commission, upon the filing of an application for such license, ~~shall have power~~ may as the public interest ~~may require~~ requires, upon a finding of public convenience and necessity as to service to be performed for the public generally or any (well defined) class thereof, and of convenience and necessity as to other contract motor carrier services, ~~to grant or deny the license prayed for or to grant it for the partial exercise only of the privilege sought in whole or in part,~~ and may attach to the exercise of the privilege granted by such the license such terms and conditions as in its judgment the public ~~interests may require; provided that no interest requires.~~ interests may require. No application for a license or permit to operate a motor vehicle for automobile wrecking or tow service when such motor vehicle is used to transport other vehicles for emergency repairs shall be denied for failure of the applicant to show or the commission to find convenience and necessity therefor. Before granting a license to a contract motor carrier the commission shall take into consideration all existing transportation facilities in the territory for which a license is sought. ~~If the~~

(b) The commission grants shall grant or deny in whole or in part any application all applications for a license or amendment without hearing, it except as hereinafter provided. The commission shall publish the authority so granted without hearing, if any, in such manner as it deems proper, and in such detail as is necessary to show the extent thereof. Any person having an a legal interest may, within 30 days of after any such grant or denial of a license or amendment without hearing, petition the commission for a public hearing thereon or on any part thereof and such petition shall be granted by the commission as a matter of course, and the commission may in its discretion suspend such license or amendment until further order of the commission. If the petition is made by the applicant, the hearing shall be on the entire application for a license or amendment. If the petition is made by any other interested party the hearing shall be only on that portion of the application in which an interest has been indicated.

SECTION 2. 194.34 (1) (c) of the statutes is created to read:

194.34 (1) (c) Before making its determination without hearing the commission may, for purposes of determining if any interested party desires a public hearing on the application, publish the authority requested in the application in such detail as is necessary to show the extent thereof. If any interested party files with the commission a written request for a hearing within 15 days after the date of publication, the commission may not make a determination without hearing and the request for hearing shall be granted as a matter of course. Notice of the hearing containing the time and place of the hearing and the name and address of the parties requesting the hearing shall be mailed by the commission to the applicant and those parties at least 7 days prior to the hearing. If no interested party files a written request within 15 days after the date of publication the commission shall make its determination without hearing, the same as in other cases, except it may not republish any portion of the application, and no person other than the applicant is entitled to a hearing within 30 days after the grant or denial as provided herein.

SECTION 3. 194.36 (8) (intro.) of the statutes is amended to read:

194.36 (8) (intro.) The commission ~~shall have the power~~ may, by general order or ~~otherwise~~ special order, ~~to~~ prescribe a general scale of minimum and maximum rates for contract carriers applicable to their operations in all or any specified part or parts of the state, and ~~to~~ prescribe such rules and regulations as it ~~may deem~~ deems necessary ~~in carrying to carry out the provisions of~~ this chapter. Such power shall be exercised only after a hearing and on order of a majority of the members of said commission.
