

LC 0876/01

1 (5) The department may designate and train civilian
2 employees as inspectors within the motor carrier safety
3 assistance program. Each civilian inspector is a peace
4 officer whose jurisdiction is limited to enforcement of
5 violations of chapters 5 and 9 of Title 61 and any standards
6 adopted pursuant to subsections (1) and (2) of this section.
7 Each employee so designated as a peace officer may:
8 (a) issue citations and make arrests;
9 (b) issue summonses;
10 (c) accept bail;
11 (d) serve warrants of arrest;
12 (e) make reasonable inspections of cargo carried by
13 commercial motor vehicles;
14 (f) make reasonable safety inspections of commercial
15 motor vehicles; and
16 (g) require production of documents relating to the
17 cargo, driver, routing, maintenance, or ownership of such
18 vehicles.
19 (6) Violations of the standards adopted pursuant to
20 subsection (1) are punishable as provided in 61-9-512."

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

1 HOUSE BILL NO. 236
2 INTRODUCED BY Fillbert
3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE 200-MILE
6 SAFETY STANDARD EXEMPTION FOR DRIVERS WHO ARE NOT MOTOR
7 CARRIERS; AND AMENDING SECTION 44-1-1005, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 44-1-1005, MCA, is amended to read:

11 **"44-1-1005. Motor carriers safety -- enforcement --**
12 **violations.** (1) The department of justice shall:

13 (a) adopt, by rule, standards for safety of operations
14 of motor carriers, each of whom is considered to consent
15 impliedly to reasonable safety inspections of its motor
16 vehicles utilized in furtherance of its business as a motor
17 carrier;

18 (b) provide standards for the safe operation of all
19 motor vehicles used in commerce that exceed 26,000 pounds
20 gross vehicle weight, except farm vehicles; and

21 (c) provide for the safe operation of vehicles of less
22 than 26,000 pounds gross vehicle weight if they are used to
23 transport passengers for hire or to transport hazardous
24 materials of a type or quantity that requires the vehicle to
25 be marked or placarded in accordance with rules adopted by

1 the department.

2 (2) Standards of safety adopted pursuant to subsections
3 (1)(b) and (1)(c) must be the same as prescribed for motor
4 carriers, and the same inspection standards and procedures
5 apply. ~~However, standards relating to drivers, other than~~
6 ~~drivers for motor carriers, do not apply to a vehicle~~
7 ~~operated exclusively within a 200-mile radius of its work~~
8 ~~reporting location.~~

9 (3) The highway patrol has responsibility for
10 enforcement of standards adopted pursuant to subsection
11 (1)(a). Inspection of a vehicle based in Montana may, at the
12 request of the carrier, be made at the place of business or
13 domicile of the vehicle owner or, if that is not a
14 practicable inspection site, at a designated location and at
15 a mutually agreeable time. After inspection, a vehicle found
16 to conform to the standards adopted pursuant to subsection
17 (1)(a) is entitled to certification and identification to
18 exempt it from further safety inspection until the next
19 required periodic inspection or until a nonconformity with
20 standards is apparent. Nothing in this section prohibits the
21 inspection of a motor vehicle as provided for by subsection
22 (1)(a) at a safe location on a public road.

23 (4) The department shall cooperate with the department
24 of highways to assure minimum duplication and maximum
25 coordination of enforcement effort.



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