HOUSE BILL NO. 236

INTRODUCED BY GILBERT BY REQUEST OF THE DEPARTMENT OF JUSTICE

	IN THE HOUSE
JANUARY 17, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
JANUARY 18, 1991	FIRST READING.
JANUARY 25, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 26, 1991	PRINTING REPORT.
JANUARY 30, 1991	SECOND READING, DO PASS.
JANUARY 31, 1991	ENGROSSING REPORT.
FEBRUARY 1, 1991	THIRD READING, PASSED. AYES, 98; NOES, l.
	TRANSMITTED TO SENATE.
	IN THE SENATE
FEBRUARY 2, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
MARCH 15, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 16, 1991	SECOND READING, CONCURRED IN.
MARCH 18, 1991	THIRD READING, CONCURRED IN. AYES, 48; NOES, 1.
	RETURNED TO HOUSE.
	IN THE HOUSE
MARCH 19, 1991	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

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House BILL NO. 236 1 2 INTRODUCED BY 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE 200-MILE SAFETY STANDARD EXEMPTION FOR DRIVERS WHO ARE NOT MOTOR б 7 CARRIERS; AND AMENDING SECTION 44-1-1005, MCA." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 44-1-1005, MCA, is amended to read: 10 "44-1-1005. Motor carriers safety -- enforcement --11 12 violations. (1) The department of justice shall: 13 (a) adopt, by rule, standards for safety of operations of motor carriers, each of whom is considered to consent 14 impliedly to reasonable safety inspections of its motor 15 16 vehicles utilized in furtherance of its business as a motor 17 carrier; (b) provide standards for the safe operation of all 18 motor vehicles used in commerce that exceed 26,000 pounds 19 gross vehicle weight, except farm vehicles; and 20 (c) provide for the safe operation of vehicles of less 21 than 26,000 pounds gross vehicle weight if they are used to 22 transport passengers for hire or to transport hazardous 23 24 materials of a type or quantity that requires the vehicle to 25 be marked or placarded in accordance with rules adopted by

Montana Legislative Council

LC 0876/01

1 the department.

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

9 (3) The highway patrol has responsibility for enforcement of standards adopted pursuant to subsection 10 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 to conform to the standards adopted pursuant to subsection 16 (1)(a) is entitled to certification and identification to 17 exempt it from further safety inspection until the next 18 required periodic inspection or until a nonconformity with 19 20 standards is apparent. Nothing in this section prohibits the inspection of a motor vehicle as provided for by subsection 21 (1)(a) at a safe location on a public road. 22

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

-2- INTRODUCED BILL HB 236

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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 officer whose jurisdiction is limited to enforcement of 4 violations of chapters 5 and 9 of Title 61 and any standards 5 adopted pursuant to subsections (1) and (2) of this section. 6 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-

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52nd Legislature

APPROVED BY COMMITTEE ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 236 1 2 INTRODUCED BY 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: Section 1. Section 44-1-1005, MCA, is amended to read: 10 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 impliedly to reasonable safety inspections of its motor 15 16 vehicles utilized in furtherance of its business as a motor 17 carrier; (b) provide standards for the safe operation of all 18 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 than 26,000 pounds gross vehicle weight if they are used to 22 23 transport passengers for hire or to transport hazardous 24

24 materials of a type or quantity that requires the vehicle to 25 be marked or placarded in accordance with rules adopted by

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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 enforcement of standards adopted pursuant to subsection 10 (1)(a). Inspection of a vehicle based in Montana may, at the 11 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 required periodic inspection or until a nonconformity with 19 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.

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

-2- SECOND READING HB 236

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-End-

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LC 0876/01

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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
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25 coordination of enforcement effort.

THIRD READING



(5) The department may designate and train civilian 1 employees as inspectors within the motor carrier safety 2 assistance program. Each civilian inspector is a peace 3 officer whose jurisdiction is limited to enforcement of 4 5 violations of chapters 5 and 9 of Title 61 and any standards adopted pursuant to subsections (1) and (2) of this section. 6 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; (e) make reasonable inspections of cargo carried by 12 commercial motor vehicles; 13 (f) make reasonable safety inspections of commercial 14 motor vehicles; and 15 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 subsection (1) are punishable as provided in 61-9-512." 20

-End-

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HB 0236/02

HOUSE BILL NO. 236 INTRODUCED BY GILBERT BY REQUEST OF THE DEPARTMENT OF JUSTICE A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE 200-MILE SAFETY STANDARD EXEMPTION FOR DRIVERS WHO ARE NOT MOTOR CARRIERS; AND AMENDING SECTION 44-1-1005, MCA." BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 44-1-1005, MCA, is amended to read: *44-1-1005. Motor carriers safety -- enforcement -violations. (1) The department of justice shall: (a) - adopt, by rule, standards for safety of operations of motor carriers, each of whom is considered to consent impliedly to reasonable safety inspections of its motor vehicles utilized in furtherance of its business as a motor carrier; (b) provide standards for the safe operation of all motor vehicles used in commerce that exceed 26,000 pounds gross vehicle weight, except farm vehicles; and (c) provide for the safe operation of vehicles of less than 26,000 pounds gross vehicle weight if they are used to transport passengers for hire or to transport hazardous materials of a type or quantity that requires the vehicle to

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> -2- HB 236 REFERENCE BILL

HB 0236/02

HB 0236/02

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-End-

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