

MINUTES OF THE MEETING  
HIGHWAYS AND TRANSPORTATION COMMITTEE  
MONTANA STATE  
HOUSE OF REPRESENTATIVES

April 11, 1985

The meeting of the Highways and Transportation Committee was called to order by Chairman Harp on April 11, 1985, at 11 a.m. in Room 420 of the State Capitol.

ROLL CALL: All members of the Committee were present except Representative Kennerly, who was absent.

DISPOSITION OF SENATE BILL 182: Chairman Harp advised committee members that a second set of amendments had been prepared for the bill, however, it appeared they would not appropriately address the situation. At the request of the Chairman, amendments to Senate Bill 182 were explained to the Committee by Mr. Tom Gomez, Legislative Researcher (Exhibit 1).

Representative O'Connell made a motion that the original amendments (Exhibit 2), dated April 10, 1985, be approved by the Committee. The motion passed with all members voting aye except Representatives Zabrocki and Campbell, who voted no.

Representative O'Connell made a motion that Senate Bill 182 BE CONCURRED IN AS AMENDED. The motion was approved by all members of the Committee, except Representatives Zabrocki, Koehnke and Harbin, who voted no.

DISPOSITION OF SENATE BILL 22: Representative Keyser made a motion that the Committee reconsider Senate Bill 22 (the bill had been Tabled). The motion was approved by all committee members except Representatives Campbell and Harbin.

Mr. Gomez referred to page 4, line 2, subsection 1(c) of the bill, which would decrease speed limits outside urban districts.

Representative Peterson stated she has received correspondence on both sides of the issue.

Representative Harbin said he was concerned that speed limits for subdivisions outside city limits were lawfully 35 mph, when they often should be 25 mph. He commented counties need this authority.

Chairman Harp commented that county officials often don't want this authority, once it has been given to them.

Representative Campbell made a motion that Senate Bill 22 BE NOT CONCURRED IN. Representative Harbin made a substitute motion that Senate Bill 22 BE CONCURRED IN AS AMENDED (Exhibit 3). Both the motion to amend and that to concur, passed with all committee members voting aye except Representatives Campbell, Peterson and Smith, who voted no.

Highways and Transportation Committee  
April 11, 1985  
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There being no further business before the Committee, the meeting  
was adjourned at 11:30 a.m.

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Representative John G. Harp, Chairman

BILL SUMMARY  
(SB 182)

April 12, 1985

Senate Bill 182, as amended transfers authority for setting motor carrier safety standards from the Public Service Commission and designates the Highway Patrol as the lead agency for the enforcement of safety standards.

As amended, Senate Bill 182 alters the current state enforcement plan whereby three agencies, the PSC, the Highway Patrol and the GVW Division of the Highway Department are charged with responsibility to enforce the state motor carrier safety requirements. Senate Bill 182 eliminates one agency from the current enforcement plan- the Public Service Commission.

Under current law, the Public Service Commission is vested with power and authority to provide for the economic and commercial regulation of motor carriers, and the Commission also has the authority to set safety standards for motor carriers and other motor vehicles used in commerce. Furthermore, the Public Service Commission exercises certain powers to enforce motor carriers safety. These powers include the authority to make arrests, issue summonses, inspect cargo, conduct safety inspections of commercial motor vehicles, and require the production of documents relating to the cargo, driver, routing, or ownership of such vehicles. Both the Highway Patrol and the GVW Division of the Highway Department exercise the same enforcement authority as the Public Service Commission.

Because there are three agencies performing the same functions and because all three agencies have the same enforcement authority, there is a certain amount of confusion and duplication of enforcement effort. Moreover, because each agency has other responsibilities under the laws, there is a lack of a clear mission for the agencies. Senate Bill 182 attempts to rectify these problems.

As amended, Senate Bill 182 would remove an agency-the PSC- that does not have a daily or logical presence on the highways and is not especially organized to work with commercial motor carriers as either the GVW Division or the Highway Patrol, both of which maintain continuous daily presence on the highways and logically can enforce motor carrier safety in conjunction with their other functions.

It should be pointed out that, in practice, the PSC does not enforce motor carrier safety in a manner that is substantially different from the other two agencies. Furthermore, because the PSC is not particularly involved with the daily regulation of motor carriers, when the PSC does conduct inspections to enforce motor carrier safety, the PSC utilizes the weigh station facilities of GVW Division or Highway Patrol personnel to assist in inspections, as is presently done in the case of the

PSC's concentrated safety inspection program.

Hence, Senate Bill 182 eliminates the PSC from motor carrier safety enforcement and transfers to the Highway Patrol the authority to adopt standards and to act as lead agency in joint agency enforcement efforts. As a result, the Highway Patrol through the Motor Vehicle Division of the Justice Department would have the authority to adopt motor carrier safety standards. However, under Senate Bill 182, it is contemplated that the Motor Vehicle Division will adopt safety standards that are substantially the same as those presently adopted by the PSC. This intention is articulated in the statement of intent which is attached to the bill.

In summary, Senate Bill 182 consolidated motor carrier safety enforcement in two agencies, as opposed to three, and eliminates an agency that has no logical connection to the daily enforcement of the motor carrier laws.

## DAILY ROLL CALL

## HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE

49th Legislative Session

Date April 11, 1985

Name	Present	Absent	Excused
Harp	✓		
Abrams	✓		
Campbell	✓		
Compton	✓		
Glazer	✓		
Harbin	✓		
Howe	✓		
Kennerly		✓	
Keyser	✓		
Koehnke	✓		
O'Connell	✓		
Peterson	✓		
Smith	✓		
Zabrocki	✓		

March 28, 1985  
Exhibit 1  
S.B. 22

AMENDMENT TO S.B. 22

Page 4, Line 2  
Following: "(1)"  
Insert: "(c)"

April 10, 1985

Amendments to Senate Bill 182.

1. Title, line 11.  
Following: "PATROL"  
Strike: "SOLE"  
Insert: "PRIMARY"
2. Title, lines 14 and 15.  
Following: "PROVIDING"  
Strike: remainder of line 14 through "AUTHORITY" on line 15  
Insert: "EFFECTIVE DATES"
3. Page 4, line 22.  
Following: "loads"  
Insert: "-- enforcement of motor carrier safety standards"
4. Page 5, line 19.  
Following: "requirements"  
Insert: "and safety requirements"
5. Page 5.  
Following: line 19  
Insert: "(4) The department shall work with the highway patrol in the enforcement of safety standards adopted pursuant to 44-1-1005. For the purposes of such joint enforcement, the highway patrol is designated as the lead agency. The highway patrol and the department shall cooperate to assure minimum duplication and maximum coordination of enforcement effort.

(5) In order to enforce compliance with safety standards adopted pursuant to 44-1-1005, the department shall designate employees as peace officers. The designated employees must be employed in the administration of the gross vehicle weight functions of the department. Each employee so designated as a peace officer may:

(a) issue citations and make arrests in connection with violations of safety standards adopted under 44-1-1005;

(b) issue summons;

(c) accept bail;

(d) serve warrants for arrest;

(e) make reasonable inspections of cargo carried by commercial motor vehicles;

# ROLL CALL VOTE

HOUSE COMMITTEE HIGHWAYS AND TRANSPORTATION

DATE \_\_\_\_\_ BILL NO. \_\_\_\_\_ TIME \_\_\_\_\_

NAME	AYE	NAY	ABSTAIN
REP. HARP	X		
ABRAMS	X		
CAMPBELL		X	
COMPTON	X		
GLASER	X		
HARBIN	X		
HOWE	X		
KENNERLY	X		
KEYSER	X		
KOEHNKE	X		
O'CONNELL	X		
PETERSON		X	
SMITH		X	
ZABROCKI	X		
Totals			

Joann T. DeWolf  
Secretary

Representative John Harp  
Chairman

Motion: SB22  
Harbin-DP as A

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# STANDING COMMITTEE REPORT

April 11

19<sup>85</sup>

MR. **SPEAKER:** .....

We, your committee on ..... **HOUSE HIGHWAYS AND TRANSPORTATION** .....

having had under consideration ..... **SENATE BILL** ..... Bill No. **22** .....

THIRD reading copy ( BLUE )  
color

**TO AUTHORIZE COUNTIES TO ESTABLISH SPEED LIMITS ON COUNTY ROADS, STATE HIGHWAYS, AND FEDERAL-AID SECONDARY HIGHWAYS WITHIN THE JURISDICTIONS OF SUCH COUNTIES, AND TO AUTHORIZE MUNICIPALITIES TO ESTABLISH SPEED LIMITS ON STATE AND FEDERAL-AID HIGHWAYS IN MUNICIPALITIES AND URBAN AREAS; AMENDING SECTIONS 61-9-303 AND 61-9-310, MCA.**

Respectfully report as follows: That ..... **SENATE BILL** ..... Bill No. **22** .....

**Be amended as follows:**

1. Page 4, line 2  
Following: **"(1)"**  
Insert: **"(c)"**

**AND AS AMENDED**

**BE CONCURRED IN**

~~XXXXXX~~  
~~DO PASS~~

# STANDING COMMITTEE REPORT

Page 1 of 2

APRIL 11

19 85

MR. **SPEAKER:**

We, your committee on **HOUSE HIGHWAYS AND TRANSPORTATION**

having had under consideration **SENATE BILL** Bill No. **182**

**THIRD** reading copy ( **BLUE** )  
color

A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING AUTHORITY FOR SETTING MOTOR CARRIER AND MOTOR VEHICLE SAFETY STANDARDS FROM THE PUBLIC SERVICE COMMISSION TO THE MOTOR VEHICLE DIVISION AND GIVING THE HIGHWAY PATROL SOLE AUTHORITY FOR ENFORCEMENT OF SAFETY STANDARDS; AMENDING SECTIONS 44-1-1005, 61-10-141, 69-12-201, AND 69-12-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE FOR RULEMAKING AUTHORITY."

Respectfully report as follows: That **SENATE BILL** Bill No. **182**

Be amended as follows:

1. Title, line 11.  
Following: "PATROL"  
Strike: "SOLE"  
INSERT: "PRIMARY"
2. Title, lines 14 and 15.  
Following: "PROVIDING"  
Strike: remainder of line 14 through "AUTHORITY" on line 15  
Insert: "EFFECTIVE DATES"
3. Page 4, line 22.  
Following: "loads"  
Insert: "-enforcement of motor carrier safety standards"
4. Page 5, line 19.  
Following: "requirements"  
Insert: "and safety requirements"

XXXXXX  
DO PASS

5. Page 5.

Following: line 19

Insert: "(4) The department shall work with the highway patrol in the enforcement of safety standards adopted pursuant to 44-1-1005. For the purposes of such joint enforcement, the highway patrol is designated as the lead agency. The highway patrol and the department shall cooperate to assure minimum duplication and maximum coordination of enforcement effort.

(5) In order to enforce compliance with safety standards adopted pursuant to 44-1-1005, the department shall designate employees as peace officers. The designated employees must be employed in the administration of the gross vehicle weight functions of the department. Each employee so designated as a peace officer may:

- (a) issue citations and make arrests in connection with violations of safety standards adopted under 44-1-1005;
- (b) issue summons;
- (c) accept bail;
- (d) serve warrants for arrest;
- (e) make reasonable inspections of cargo carried by commercial motor vehicles;
- (f) make reasonable safety inspection of commercial motor vehicles utilized by motor carriers; and
- (g) require production of documents relating to the cargo, driver, routing, or ownership of such vehicles.

Renumber: subsequent subsections

6. Page 5, line 24 through line 4, page 6.

Following: "69-12-201" on line 24, page 5

Strike: remainder of line 24, page 5, through line 5, page 6

7. Page 7, lines 24 and 25.

Following: "road." on line 24

Insert: "(4)"

Following: "with" on line 24

Strike: remainder of line 24 through "and" on line 25

8. Page 8, line 5.

Following: line 4

Strike: "October"

Insert: "July"

9. Page 8, line 12.

Following: "on"

Strike: "October"

Insert: "July"

10. Page 8, line 14.

Following: "approval."

Insert: "The remaining provisions of this act are effective on July 1, 1985."

AS AMENDED  
ENACTED IN