

Senate BILL NO. 327
Alvin Fishender

1
2 INTRODUCED BY _____

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE EMPLOYEES
5 OF THE DEPARTMENT OF HIGHWAYS WHO ENFORCE MOTOR TRANSPORT
6 WEIGHT AND SAFETY LAWS TO ALSO ENFORCE PROVISIONS OF THE
7 PUBLIC SERVICE COMMISSION LAW REGARDING TYPES OF COMMODITIES
8 CARRIED, ETC; REQUIRING THE PUBLIC SERVICE COMMISSION AND
9 DEPARTMENT OF HIGHWAYS TO COOPERATE TO REDUCE DUPLICATION OF
10 ENFORCEMENT EFFORT; AND AMENDING SECTION 32-1126, R.C.M.
11 1947."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 32-1126, R.C.M. 1947, is amended to
15 read as follows:

16 "32-1126. Officers may weigh vehicles and require
17 removal of excessive loads -- badges and uniforms of highway
18 employees. (1) A peace officer, officer of the highway
19 patrol, or employee of the department may weigh any vehicle
20 regulated by sections 32-1123.1 through 32-1123.11, either
21 by means of portable or stationary scales, and may require
22 that the vehicle be driven to the nearest scales if those
23 scales are within two (2) miles. That person may then
24 require the driver to unload immediately that portion of the
25 load necessary to decrease the weight of the vehicle to

1 conform to the maximum allowable weights specified in
2 sections 32-1123.1 through 32-1123.11.

3 (2) Commodities and material unloaded as required by
4 this section shall be cared for and removed from the highway
5 right of way by the owner or operator of the vehicle at the
6 risk of that owner or operator. The removal shall be within
7 a reasonable time designated by the person who has compelled
8 the unloading.

9 (3) The department may establish, maintain, and
10 operate, either intermittently or on a continuous schedule,
11 weigh stations and require vehicles, except passenger cars
12 and pickup trucks under eight thousand (8,000) pounds
13 G.V.W., to enter for the purpose of weighing and inspection
14 for compliance with all laws pertaining to their operation
15 and safety requirements.

16 ~~(4) In addition to other enforcement duties assigned~~
17 ~~under this section, an employee of the department has the~~
18 ~~same authority to enforce provisions of the motor carriers~~
19 ~~licensing law as that granted the public service commission~~
20 ~~under 8-103. The commission and the department shall~~
21 ~~cooperate to assure minimum duplication of enforcement~~
22 ~~effort.~~

23 ~~(4)(5)~~ An employee of the department engaged in the
24 enforcement of this section shall wear and prominently
25 display an identification badge or device which shows the

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- 1 employee's name and title. The department may authorize
- 2 uniform dress for those employees."

-End-

Highways & Transportation

On motion reconsider
adverse committee report.

Senate BILL NO. 327
W. J. Fishbein

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE EMPLOYEES OF THE DEPARTMENT OF HIGHWAYS WHO ENFORCE MOTOR TRANSPORT WEIGHT AND SAFETY LAWS TO ALSO ENFORCE PROVISIONS OF THE PUBLIC SERVICE COMMISSION LAW REGARDING TYPES OF COMMODITIES CARRIED, ETC; REQUIRING THE PUBLIC SERVICE COMMISSION AND DEPARTMENT OF HIGHWAYS TO COOPERATE TO REDUCE DUPLICATION OF ENFORCEMENT EFFORT; AND AMENDING SECTION 32-1126, R.C.M. 1947."

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

Section 1. Section 32-1126, R.C.M. 1947, is amended to read as follows:

"32-1126. Officers may weigh vehicles and require removal of excessive loads -- badges and uniforms of highway employees. (1) A peace officer, officer of the highway patrol, or employee of the department may weigh any vehicle regulated by sections 32-1123.1 through 32-1123.11, either by means of portable or stationary scales, and may require that the vehicle be driven to the nearest scales if those scales are within two (2) miles. That person may then require the driver to unload immediately that portion of the load necessary to decrease the weight of the vehicle to

conform to the maximum allowable weights specified in sections 32-1123.1 through 32-1123.11.

(2) Commodities and material unloaded as required by this section shall be cared for and removed from the highway right of way by the owner or operator of the vehicle at the risk of that owner or operator. The removal shall be within a reasonable time designated by the person who has compelled the unloading.

(3) The department may establish, maintain, and operate, either intermittently or on a continuous schedule, weigh stations and require vehicles, except passenger cars and pickup trucks under eight thousand (8,000) pounds G.V.W., to enter for the purpose of weighing and inspection for compliance with all laws pertaining to their operation and safety requirements.

~~(4) In addition to other enforcement duties assigned under this section, an employee of the department has the same authority to enforce provisions of the motor carriers licensing law as that granted the public service commission under 8-103. The commission and the department shall cooperate to assure minimum duplication of enforcement effort.~~

~~(4)(5) An employee of the department engaged in the enforcement of this section shall wear and prominently display an identification badge or device which shows the~~

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1 employee's name and title. The department may authorize
2 uniform dress for those employees."

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1 SENATE BILL NO. 327

2 INTRODUCED BY REGAN, FASBENDER

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5 OF THE DEPARTMENT OF HIGHWAYS WHO ENFORCE MOTOR TRANSPORT
6 WEIGHT AND SAFETY LAWS, AND OFFICERS OF THE HIGHWAY PATROL,
7 TO ALSO ENFORCE PROVISIONS OF THE PUBLIC SERVICE COMMISSION
8 LAW REGARDING TYPES OF COMMODITIES CARRIED, ETC; REQUIRING
9 THE PUBLIC SERVICE COMMISSION, THE HIGHWAY PATROL BUREAU,
10 AND DEPARTMENT OF HIGHWAYS TO COOPERATE TO REDUCE
11 DUPLICATION OF ENFORCEMENT EFFORT; AND AMENDING SECTION
12 SECTIONS 31-110 AND 32-1126, R.C.M. 1947."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 SECTION 1. THERE IS A NEW R.C.M. SECTION THAT READS AS
16 FOLLOWS:

17 Purpose. The purpose of this bill is to establish a
18 system to enforce provisions of the Motor Carrier Act that
19 will:

20 (1) Authorize the department of highways, gross
21 vehicle weight division, and the department of justice,
22 highway patrol bureau, to enforce provisions of the Motor
23 Carrier Act in cooperation with the public service
24 commission, transport division;

25 (2) Increase the level of enforcement coverage

1 available without increasing the budget or appropriations
2 required by any agency; and

3 (3) Allow for analysis of the program and
4 recommendations to the legislature by the public service
5 commission.

6 SECTION 2. SECTION 31-110, R.C.M. 1947, IS AMENDED TO
7 READ AS FOLLOWS:

8 "31-110. Offenses for which arrest may be made by
9 patrolmen--murder, etc.--patrolmen when police
10 officers--forbidden to act in labor disputes--temporary
11 control of traffic in cities and towns-- investigations of
12 accidents--inspection of livestock. In addition to the above
13 duties, the highway patrol supervisor and all patrolmen are
14 authorized under this act to make arrests for the following
15 offenses committed; if committed in the presence of said
16 supervisor or any of said patrolmen, or if committed in a
17 rural district, upon the request of a peace officer, or if
18 committed in a city or town of less than twenty-five hundred
19 (2500) inhabitants, upon the request of any peace officer,
20 or the mayor of said city or town: The crimes of murder,
21 assault with a deadly weapon, arson, burglary, larceny,
22 kidnaping, illegal transportation of narcotics, or violation
23 of the Dyer act regarding the transportation of stolen
24 automobiles. Provided, that such highway patrolmen shall
25 have no authority and are expressly forbidden to make

THIRD READING

1 arrests in labor disputes or in preventing violence in
2 connection with strikes, and shall not be permitted to
3 perform any duties whatsoever in connection with labor
4 disputes, strikes or boycotts.

5 Patrolmen shall be deemed police officers in making
6 arrests in all offenses occurring on the highways and in the
7 use of motor vehicles or the registration thereof, and for
8 the purpose of serving warrants of arrest in connection with
9 such violations.

10 The patrolmen are also hereby empowered to stop any
11 truck or motor vehicle in which livestock or livestock
12 products are being transported and ascertain whether the
13 driver of such truck or vehicle is rightfully in possession
14 of such livestock or livestock products; and whenever the
15 patrolmen have good reason to believe that such livestock or
16 livestock products have been stolen, they are empowered to
17 take possession of the same until such livestock or
18 livestock products can be delivered into the custody of the
19 sheriff or until such time as the facts as to the actual
20 ownership can be ascertained.

21 A highway patrolman has the same authority to enforce
22 provisions of the motor carrier's licensing law as that
23 granted the public service commission under 8-103. The
24 highway patrol bureau shall cooperate with the public
25 service commission and the department of highways to assure

1 minimum duplication and maximum coordination of enforcement
2 effort."

3 Section 3. Section 32-1126, R.C.M. 1947, is amended to
4 read as follows:

5 "32-1126. Officers may weigh vehicles and require
6 removal of excessive loads -- badges and uniforms of highway
7 employees. (1) A peace officer, officer of the highway
8 patrol, or employee of the department may weigh any vehicle
9 regulated by sections 32-1123.1 through 32-1123.11, either
10 by means of portable or stationary scales, and may require
11 that the vehicle be driven to the nearest scales if those
12 scales are within two (2) miles. That person may then
13 require the driver to unload immediately that portion of the
14 load necessary to decrease the weight of the vehicle to
15 conform to the maximum allowable weights specified in
16 sections 32-1123.1 through 32-1123.11.

17 (2) Commodities and material unloaded as required by
18 this section shall be cared for and removed from the highway
19 right of way by the owner or operator of the vehicle at the
20 risk of that owner or operator. The removal shall be within
21 a reasonable time designated by the person who has compelled
22 the unloading.

23 (3) The department may establish, maintain, and
24 operate, either intermittently or on a continuous schedule,
25 weigh stations and require vehicles, except passenger cars

1 and pickup trucks under eight thousand (8,000) pounds
2 G.V.W., to enter for the purpose of weighing and inspection
3 for compliance with all laws pertaining to their operation
4 and safety requirements.

5 (4) In addition to other enforcement duties assigned
6 under this section, an employee of the department has the
7 same authority to enforce provisions of the motor carriers
8 licensing law as that granted the public service commission
9 under 8-103. THIS SECTION DOES NOT RELIEVE THE PUBLIC
10 SERVICE COMMISSION FROM ITS RESPONSIBILITY AS THE LEAD
11 AGENCY AS REQUIRED IN SECTION 8-103, R.C.M. 1947. The
12 commission, HIGHWAY PATROL, and the department shall
13 cooperate to assure minimum duplication, AND MAXIMUM
14 COORDINATION, of enforcement effort.

15 (4)(5) An employee of the department engaged in the
16 enforcement of this section shall wear and prominently
17 display an identification badge or device which shows the
18 employee's name and title. The department may authorize
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REFERENCE BILL

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