

House Bill 337

In The House

January 19, 1981	Introduced and referred to Committee on Judiciary.
February 7, 1981	Committee recommend bill do pass as amended.
February 9, 1981	Bill printed and placed on members' desks.
February 10, 1981	Second reading do not pass.

HOUSE BILL NO. 337

INTRODUCED BY

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

*Kendrick Hammett Dail*  
*Palmit*

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE GVM PERSONNEL TO ARREST FOR VIOLATIONS OF MOTOR VEHICLE REGISTRATION, SPECIAL MOBILE EQUIPMENT, AND SPECIAL FUEL TAX LAWS, AND FOR RESISTING ARREST AND OBSTRUCTING A PEACE OFFICER; AND TO CLARIFY THEIR AUTHORITY TO ARREST FOR VIOLATIONS OF MOTOR CARRIER LAWS; AMENDING SECTIONS 61-12-206 AND 69-12-203, MCA."

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

Section 1. Section 69-12-203, MCA, is amended to read:

"69-12-203. Supervisor of motor carriers. (1) The commission shall appoint a supervisor of motor carriers who shall have general responsibility to the commission for enforcement of the provisions of this chapter. The supervisor shall be either an attorney admitted to practice law in Montana or a person qualified by at least 5 years of suitable experience and training in appropriate phases of the motor carrier industry. He shall serve at the pleasure of the commission and at an annual salary to be set by the commission.

(2) The supervisor shall direct all enforcement

activities in behalf of the commission, including the investigation and prosecution of violations of this chapter, as amended, or the rules or orders prescribed thereunder by the commission. In directing enforcement activities, the supervisor shall coordinate with the highway patrol and the department of highways as set forth in 61-10-141.

(3) The supervisor and whatever field inspectors may be employed by the commission to assist him shall be deemed peace officers for the purpose of making arrests in connection with violations of this chapter, as amended, and issuing summonses, accepting bail, and serving warrants of arrest. The supervisor and field inspectors are empowered to make reasonable inspections of cargoes carried by commercial motor vehicles and require production of manifests, bills of lading, leases, and other documents relating to the cargo, driver, routing, or ownership of such vehicles. The scope of the inspections is limited to the enforcement of the provisions of Title 69, chapter 12."

Section 2. Section 61-12-206, MCA, is amended to read:

"61-12-206. Offenses for which arrest authorized. (1) Employees appointed under 61-12-201 may make arrests for violations of the following statutory provisions only:

- (a) part 1, chapter 10, of this title;
- (b) part 3, chapter 4, of this title;
- (c) sections 15-24-201 through 15-24-205;

1 (d) sections 15-70-302 through 15-70-307;  
2 (e) sections 15-70-311 through 15-70-314;  
3 (f) Title 15, chapter 71;  
4 (g) section 45-7-301;  
5 (h) section 45-7-302;  
6 (i) section 61-3-301;  
7 (j) section 61-3-332;  
8 (k) section 61-3-431;  
9 (l) section 61-3-434;  
10 (m) section 61-3-502(1);  
11 (n) sections 61-4-114 through 61-4-116;  
12 (o) sections 61-10-201 through 61-10-215;  
13 (p) sections 61-10-222 through 61-10-224;  
14 (q) sections 61-10-231 through 61-10-233;  
15 (r) Title 69, chapter 12.  
16 (2) These employees may not arrest for violations  
17 other than specified in this section."

-End-

Approved by Committee  
on Judiciary

HOUSE BILL NO. 337

INTRODUCED BY KANDUCH, HARRINGTON, DAILY, PAVLOVICH

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE GVM PERSONNEL TO ARREST FOR VIOLATIONS OF MOTOR VEHICLE REGISTRATION, SPECIAL MOBILE EQUIPMENT, AND SPECIAL FUEL TAX LAWS, AND FOR RESISTING ARREST AND OBSTRUCTING A PEACE OFFICER; AND TO CLARIFY THEIR AUTHORITY TO ARREST FOR VIOLATIONS OF MOTOR CARRIER LAWS; AMENDING SECTIONS 61-12-206 AND 69-12-203, MCA."

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(2) The supervisor shall direct all enforcement

activities in behalf of the commission, including the investigation and prosecution of violations of this chapter, as amended, or the rules or orders prescribed thereunder by the commission. In directing enforcement activities, the supervisor shall coordinate with the highway patrol and the department of highways as set forth in 61-10-141.

(3) The supervisor and whatever field inspectors may be employed by the commission to assist him shall be deemed peace officers for the purpose of making arrests in connection with violations of this chapter, as amended, and issuing summonses, accepting bail, and serving warrants of arrest. The supervisor and field inspectors are empowered to make reasonable inspections of cargoes carried by commercial motor vehicles and require production of manifests, bills of lading, leases, and other documents relating to the cargo, driver, routing, or ownership of such vehicles. The scope of the inspections is limited to the enforcement of the provisions of Title 09, chapter 12."

Section 2. Section 61-12-206, MCA, is amended to read:

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- (a) part 1, chapter 10, of this title;
- (b) part 3, chapter 4, of this title;
- (c) sections 15-24-201 through 15-24-205;

1        (D) SECTION 15-24-1001;  
2        f+d(E) sections 15-70-302 through 15-70-307;  
3        f+e(F) sections 15-70-311 through 15-70-314;  
4        fft(G) Title 15, chapter 71;  
5        fg+(H) section 45-7-301;  
6        fh+(I) section 45-7-302;  
7        f+(J) section 61-3-301;  
8        fj+(K) section 61-3-332;  
9        fw+(L) section 61-3-431;  
10       f++(M) section 61-3-434;  
11       ff+(n)(N) section 61-3-502(1);  
12       fg+fn+(O) sections 61-4-114 through 61-4-116;  
13       fh+fo+(P) sections 61-10-201 through 61-10-215;  
14       f++fp+(Q) sections 61-10-222 through 61-10-224;  
15       fj+fg+(R) sections 61-10-231 through 61-10-233;  
16       f+(S) Title 62, chapter 12.  
17       (2) These employees may not arrest for violations  
18 other than specified in this section."

-End-