

HOUSE BILL NO. 748

INTRODUCED BY MEYER, HAZELBAKER, HARP

IN THE HOUSE

February 13, 1981	Introduced and referred to Committee on Highways and Transportation.
February 20, 1981	Committee recommend bill do pass. Report adopted.
February 21, 1981	Bill printed and placed on members' desks.
February 23, 1981	Second reading, do pass.
February 24, 1981	Considered correctly engrossed.
February 25, 1981	Third reading, passed. Ayes, 93; Noes, 4. Transmitted to Senate.

IN THE SENATE

March 3, 1981	Introduced and referred to Committee on Highways and Transportation.
March 17, 1981	Committee recommend bill be concurred in. Report adopted.
March 19, 1981	Second reading, concurred in.
March 21, 1981	Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 23, 1981	Returned from Senate. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 department shall cooperate to assure minimum duplication and
2 maximum coordination of enforcement effort."

3 Section 3. Section 69-12-201, MCA, is amended to read:

4 "69-12-201. Supervision and regulation of motor
5 carriers. (1) The commission is hereby vested with power and
6 authority and it is hereby made its duty to:

7 (a) supervise and regulate every motor carrier in this
8 state;

9 (b) fix, alter, regulate, and determine specific,
10 just, reasonable, equal, nondiscriminatory, and sufficient
11 rates, fares, charges, and classifications for Class A and
12 Class B motor carriers;

13 (c) regulate the properties, facilities, operations,
14 accounts, service, practices, affairs, and safety of
15 operations of all motor carriers, ~~each of which is~~
16 ~~considered to consent impliedly to reasonable safety~~
17 ~~inspections of its motor vehicles utilized in furtherance of~~
18 ~~its business as a motor carrier;~~

19 (d) require the filing of annual and other reports,
20 tariffs, schedules, or other data by such motor carriers;
21 and

22 (e) supervise and regulate motor carriers in all
23 matters affecting the relationship between such motor
24 carriers and the traveling and shipping public.

25 (2) The commission shall have power and authority by

1 general order or otherwise to prescribe rules in conformity
2 with this chapter and applicable to any and all motor
3 carriers.

4 (3) The commission also may fix and determine
5 reasonable maximum or minimum rates for the operations of
6 any Class C motor carrier when the same are required for the
7 best interests of public transportation."

8 Section 4. Section 69-12-203, MCA, is amended to read:

9 "69-12-203. Supervisor of motor carriers. (1) The
10 commission shall appoint a supervisor of motor carriers who
11 shall have general responsibility to the commission for
12 enforcement of the provisions of this chapter. The
13 supervisor shall be either an attorney admitted to practice
14 law in Montana or a person qualified by at least 5 years of
15 suitable experience and training in appropriate phases of
16 the motor carrier industry. He shall serve at the pleasure
17 of the commission and at an annual salary to be set by the
18 commission.

19 (2) The supervisor shall direct all enforcement
20 activities in behalf of the commission, including the
21 investigation and prosecution of violations of this chapter,
22 as amended, or the rules or orders prescribed thereunder by
23 the commission.

24 (3) The supervisor and whatever field inspectors may
25 be employed by the commission to assist him shall be deemed

1 peace officers for the purpose of making arrests in
2 connection with violations of this chapter, as amended, and
3 issuing summonses, accepting bail, and serving warrants of
4 arrest. The supervisor and field inspectors are empowered to
5 make reasonable inspections of cargoes carried by commercial
6 motor vehicles, make reasonable safety inspections of
7 commercial motor vehicles utilized by motor carriers, and
8 require production of manifests, bills of lading, leases,
9 and other documents relating to the cargo, driver, routing,
10 or ownership of such vehicles. The scope of the inspections
11 is limited to the enforcement of the provisions of Title 69,
12 chapter 12."

-End-

Approved by Committee
on Highways & Transportation

HOUSE BILL NO. 748

INTRODUCED BY

Meyer *Hall* *HARP*

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR SAFETY INSPECTIONS FOR MOTOR CARRIERS; PROVIDING FOR IMPLIED CONSENT TO INSPECTIONS BY MOTOR CARRIERS; AMENDING SECTIONS 44-1-1005, 61-10-141, 69-12-201, AND 69-12-203, 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. Enforcement of motor carriers' licensing law. A highway patrolman has the same authority to enforce provisions of the motor carriers' licensing law as that granted the public service commission under 69-12-203. The division shall cooperate with the public service commission and the department of highways to assure minimum duplication and maximum coordination of enforcement effort."

Section 2. Section 61-10-141, MCA, is amended to read:

"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads. (1) A peace officer, officer of the highway patrol, or employee of the department may weigh any vehicle regulated by 61-10-101 through 61-10-110, 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 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 61-10-101 through 61-10-110.

(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 weigh stations, either intermittently or on a continuous schedule, and may require vehicles, except passenger cars and pickup trucks under 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 69-12-203. This section does not relieve the public service commission from its responsibility as the lead agency as required in 69-12-201 through 69-12-203 and 69-12-205. The commission, highway patrol, and the

HB 748

1 department shall cooperate to assure minimum duplication and
2 maximum coordination of enforcement effort."

3 Section 3. Section 69-12-201, MCA, is amended to read:

4 "69-12-201. Supervision and regulation of motor
5 carriers. (1) The commission is hereby vested with power and
6 authority and it is hereby made its duty to:

7 (a) supervise and regulate every motor carrier in this
8 state;

9 (b) fix, alter, regulate, and determine specific,
10 just, reasonable, equal, nondiscriminatory, and sufficient
11 rates, fares, charges, and classifications for Class A and
12 Class B motor carriers;

13 (c) regulate the properties, facilities, operations,
14 accounts, service, practices, affairs, and safety of
15 operations of all motor carriers, each of which is
16 considered to consent impliedly to reasonable safety
17 inspections of its motor vehicles utilized in furtherance of
18 its business as a motor carrier;

19 (d) require the filing of annual and other reports,
20 tariffs, schedules, or other data by such motor carriers;
21 and

22 (e) supervise and regulate motor carriers in all
23 matters affecting the relationship between such motor
24 carriers and the traveling and shipping public.

25 (2) The commission shall have power and authority by

1 general order or otherwise to prescribe rules in conformity
2 with this chapter and applicable to any and all motor
3 carriers.

4 (3) The commission also may fix and determine
5 reasonable maximum or minimum rates for the operations of
6 any Class C motor carrier when the same are required for the
7 best interests of public transportation."

8 Section 4. Section 69-12-203, MCA, is amended to read:

9 "69-12-203. Supervisor of motor carriers. (1) The
10 commission shall appoint a supervisor of motor carriers who
11 shall have general responsibility to the commission for
12 enforcement of the provisions of this chapter. The
13 supervisor shall be either an attorney admitted to practice
14 law in Montana or a person qualified by at least 5 years of
15 suitable experience and training in appropriate phases of
16 the motor carrier industry. He shall serve at the pleasure
17 of the commission and at an annual salary to be set by the
18 commission.

19 (2) The supervisor shall direct all enforcement
20 activities in behalf of the commission, including the
21 investigation and prosecution of violations of this chapter,
22 as amended, or the rules or orders prescribed thereunder by
23 the commission.

24 (3) The supervisor and whatever field inspectors may
25 be employed by the commission to assist him shall be deemed

LC 1221/01

1 peace officers for the purpose of making arrests in
2 connection with violations of this chapter, as amended, and
3 issuing summonses, accepting bail, and serving warrants of
4 arrest. The supervisor and field inspectors are empowered to
5 make reasonable inspections of cargoes carried by commercial
6 motor vehicles, ~~make reasonable safety inspections of~~
7 ~~commercial motor vehicles utilized by motor carriers,~~ and
8 require production of manifests, bills of lading, leases,
9 and other documents relating to the cargo, driver, routing,
10 or ownership of such vehicles. The scope of the inspections
11 is limited to the enforcement of the provisions of Title 69,
12 chapter 12."

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13 continuous schedule, and may require vehicles, except
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15 to enter for the purpose of weighing and inspection for
16 compliance with all laws pertaining to their operation and
17 safety requirements.

18 (4) In addition to other enforcement duties assigned
19 under this section, an employee of the department has the
20 same authority to enforce provisions of the motor carriers'
21 licensing law as that granted the public service commission
22 under 69-12-203. This section does not relieve the public
23 service commission from its responsibility as the lead
24 agency as required in 69-12-201 through 69-12-203 and
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