

HOUSE BILL NO. 749

INTRODUCED BY MEYER, HAZELBAKER, HARP

IN THE HOUSE

February 13, 1981	Introduced and referred to Committee on Highways and Transportation.
February 16, 1981	Fiscal note requested.
February 20, 1981	Fiscal note returned. Committee recommend bill do pass as amended. Report adopted. Statement of intent attached.
February 21, 1981	Bill printed and placed on members' desks.
February 23, 1981	Second reading, do pass.
February 24, 1981	Correctly engrossed.
February 25, 1981	Third reading, passed. Ayes, 96; Noes, 1. 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, 44; Noes, 4.

IN THE HOUSE

March 23, 1981

Returned from Senate. Con-
curred in. Sent to enrolling.

Reported correctly enrolled.

1 types of materials transported solely for the purpose of
2 excavation or fill.

3 (2) This chapter does not prevent bona fide leases,
4 brokerage agreements, or buy-and-sell agreements."

5 Section 2. Section 69-12-201, MCA, is amended to read:

6 *69-12-201. Supervision and regulation of motor
7 carriers and other motor vehicles used in commerce. (1) The
8 commission is hereby vested with power and authority and it
9 is hereby made its duty to:

10 (a) supervise and regulate every motor carrier in this
11 state;

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

16 (c) regulate the properties, facilities, operations,
17 accounts, service, practices, affairs, and safety of
18 operations of all motor carriers;

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; and

25 (f) provide standards for the safe operation of all

1 motor vehicles used in commerce that exceed 26,000 pounds
2 gross vehicle weight, except farm vehicles. Such standards
3 of safety shall be the same as prescribed for motor
4 carriers. However, standards relating to drivers do not
5 apply to a vehicle operated exclusively within a 200-mile
6 radius of its work reporting location.

7 (2) The commission shall have power and authority by
8 general order or otherwise to prescribe rules in conformity
9 with this chapter and applicable to any and all motor
10 carriers.

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

-End-

STATE OF MONTANA

REQUEST NO. 392-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 16, 19 81, there is hereby submitted a Fiscal Note for House Bill 749 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION

An act providing safety standards and inspections for motor vehicles used in commerce weighing in excess of 26,000 pounds gross vehicle weight.

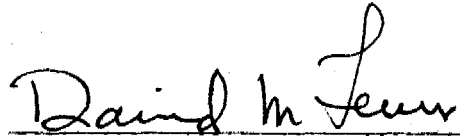
ASSUMPTION

Enforcement personnel in the three (3) affected agencies (PSC, GVW, MHP) are in place and no additional expense for the implementation of this statute would be contemplated.

<u>STATE</u>	FY82	FY83
Revenue	0	0
Expenditures	0	0

LOCAL IMPACT

Monies to local school districts may increase due to increased enforcement activities (Amount cannot be estimated).



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/21/81

1 STATEMENT OF INTENT

2 HOUSE BILL 749

3 House Highways and Transportation Committee

4
5 A statement of intent is required for this bill because
6 it grants the Public Service Commission the authority to
7 provide safety standards for motor vehicles used in
8 commerce.

9 All interstate motor carriers, interstate private
10 carriers, and carriers hauling unregulated commodities in
11 interstate commerce must now meet equipment safety
12 requirements and inspections as established by the Federal
13 Motor Carrier Safety Regulations of the Department of
14 Transportation. In addition, regulated intrastate motor
15 carriers must also meet the same safety standards.

16 The Legislature intends to include large over-the-road
17 trucks, in excess of 26,000 pounds GVW, used in commerce
18 operating on Montana's highways to adhere to safety
19 equipment standards. It is the intent of the Legislature to
20 establish by regulation uniform safety standards and a
21 safety inspection program that will focus on mechanical
22 factors most often blamed for accidents involving trucks,
23 passenger carriers, and hazardous material transporters.
24 Included would be detailed inspections of brakes, steering
25 components, tires, and driver logs where required.

1 It is intended that rules promulgated by PSC
2 incorporate the "Critical Item Truck Inspection" program and
3 that the rules include a procedure for conducting the
4 inspection program as well as providing for a vehicle
5 identification program acknowledging the inspection. The
6 rules shall provide that safety infractions posing no
7 imminent threat to public safety shall not result in an "out
8 of service" order. Such a vehicle shall be allowed to
9 proceed to obtain repairs before final inspection and
10 issuance of inspection acknowledgment. It is recognized that
11 repairing or parking large over-the-road trucks on the
12 roadway is extremely dangerous.

Approved by Committee
on Highways & Transportation

1 HOUSE BILL NO. 749

2 INTRODUCED BY MEYER, HAZELBAKER, HARP

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR SAFETY
5 STANDARDS AND INSPECTIONS FOR MOTOR VEHICLES USED IN
6 COMMERCE WEIGHING IN EXCESS OF 26,000 POUNDS GROSS VEHICLE
7 WEIGHT; AMENDING SECTIONS 69-12-102 AND 69-12-201, MCA."
8

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

10 Section 1. Section 69-12-102, MCA, is amended to read:

11 "69-12-102. Scope of chapter -- exemptions. (1) This
12 Except as provided in 69-12-201(1)(f) this chapter does not
13 affect:

14 (a) motor vehicles used in carrying property
15 consisting of agricultural commodities (not including
16 manufactured products thereof) if the motor vehicles are not
17 used in carrying other property or passengers for
18 compensation;

19 (b) the operation of school buses which are used in
20 conveying pupils or other students enrolled in classes to
21 and from district or other schools or in transportation
22 movements related to school activities which are sponsored
23 or supervised by school authorities;

24 (c) the transportation by means of motor vehicles in
25 the regular course of business of employees, supplies, and

1 materials by a person or corporation engaged exclusively in
2 the construction or maintenance of highways or engaged
3 exclusively in logging or mining operations, insofar as the
4 use of employees, supplies, and materials in construction
5 and production is concerned;

6 (d) the transportation of property by motor vehicle in
7 a city, town, or village with a population of less than 500
8 persons according to the latest United States census or in
9 the commercial areas thereof, as determined by the
10 commission;

11 (e) the transportation of newspapers, newspaper
12 supplements, periodicals, or magazines;

13 (f) tow trucks and wreckers designed and exclusively
14 used in towing abandoned, wrecked, or disabled vehicles or
15 while these tow trucks and wreckers are rendering assistance
16 to abandoned, wrecked, or disabled vehicles;

17 (g) motor vehicles used exclusively in carrying junk
18 vehicles from a collection point to a motor vehicle wrecking
19 facility or a motor vehicle graveyard;

20 (h) ambulances; or

21 (i) the transportation of pit run or processed sand
22 and gravel, concrete mix, aggregate, plant mix asphalt
23 pavement, aggregate mix, dirt, rock, material from
24 demolished buildings and structures, used paving materials,
25 used concrete, broken concrete, riprap, and other forms and

1 types of materials transported solely for the purpose of
2 excavation or fill.

3 (2) This chapter does not prevent bona fide leases,
4 brokerage agreements, or buy-and-sell agreements."

5 Section 2. Section 69-12-201, MCA, is amended to read:
6 "69-12-201. Supervision and regulation of motor
7 carriers and other motor vehicles used in commerce. (1) The
8 commission is hereby vested with power and authority and it
9 is hereby made its duty to:

10 (a) supervise and regulate every motor carrier in this
11 state;

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

16 (c) regulate the properties, facilities, operations,
17 accounts, service, practices, affairs, and safety of
18 operations of all motor carriers;

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; and

25 (f) provide standards for the safe operation of all

1 motor vehicles used in commerce that exceed 26,000 pounds
2 gross vehicle weight, except farm vehicles, AND VEHICLES OF
3 LESS THAN 26,000 POUNDS GROSS VEHICLE WEIGHT IF THEY ARE:

- 4 (I) BEING USED TO TRANSPORT PASSENGERS FOR HIRE; OR
- 5 (II) BEING USED TO TRANSPORT HAZARDOUS MATERIALS OF A
- 6 TYPE OR QUANTITY THAT REQUIRES THE VEHICLE TO BE MARKED OR
- 7 PLACARDED IN ACCORDANCE WITH RULES ADOPTED BY THE
- 8 COMMISSION. Such standards of safety shall be the same as
- 9 prescribed for motor carriers, AND THE SAME INSPECTION
- 10 STANDARDS AND PROCEDURES SHALL APPLY. However, standards
- 11 relating to drivers, OTHER THAN DRIVERS FOR MOTOR CARRIERS,
- 12 do not apply to a vehicle operated exclusively within a
- 13 200-mile radius of its work reporting location.

14 (2) The commission shall have power and authority by
15 general order or otherwise to prescribe rules in conformity
16 with this chapter and applicable to any and all motor
17 carriers.

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

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2 the construction or maintenance of highways or engaged
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4 use of employees, supplies, and materials in construction
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6 (d) the transportation of property by motor vehicle in
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