HOUSE BILL NO. 698

INTRODUCED BY STOBIE, C. SMITH, JONES, UNDERDAL, RYAN, FAGG, PECK, ELLISON, WALLIN, BACHINI, QUILICI, MENAHAN, MARKS, BRAND, DARKO, WALDRON, HAND, MANUEL, BLISS, HANSON, WINSLOW, KEYSER, SCHULTZ, IVERSON, DEVLIN, HARP, SOLBERG, VINGER, ADDY, KITSELMAN, ABRAMS, SWITZER, ELLIOTT, THOFT, MCCALLUM, DONALDSON, ROUSH, ZABROCKI, NORMAN, LYNCH, THOMAS, JACOBSEN

IN THE HOUSE

February	9, 1983	Introduced and referred to Committee on Highways and Transportation.
February	15, 1983	Committee recommend bill do pass as amended. Report adopted.
February	16, 1983	Bill printed and placed on members' desks.
February	18, 1983	Second reading, do pass.
February	21, 1983	Considered correctly engrossed.
February	22, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Highways and Transportation.
March 24, 1983	Committee recommend bill be concurred in. Report adopted.
March 26, 1983	Second reading, concurred in.
March 28, 1983	Third reading, concurred in. Ayes, 47; Noes, 0.

IN THE HOUSE

March 28, 1983

Returned to House.

March 29, 1983

Sent to enrolling.

Reported correctly enrolled.

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INTRODUCED BY

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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 law. A highway patrolman has the same authority to enforce provisions of the motor carriers law as that granted the public service commission under 69-12-203, except_that_the highway patrol has sole responsibility for enforcement of standards adopted pursuant to 69-12-201(1)(f) with repard to vehicles based in Montana and for making inspections thereof. Inspection of a vehicle based in Montana must be made at the place of business or domicile of the yebicle owner or if that is not a practicable inspection site at a designated location and at a mutually agreeable time. After inspection. a vehicle found to conform to the standards adopted pursuant to 69-12-201(1)(f) is entitled to certification and identification to exempt it from further safety inspection until the next required periodic

inspection or until a nonconformity with standards is apparent. 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 69-12-203, MCA, is amended to read:

"69-12-203. Supervisor of motor carriers. (I) 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.
- (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

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issuing summonses, accepting bail, and serving warrants of 1 2 arrest. The Except as otherwise provided in 44-1-1005. the supervisor and field inspectors are empowered to make 3 reasonable inspections of cargoes carried by commercial 5 motor vehicles, make reasonable safety inspections of 6 commercial motor vehicles utilized by motor carriers, and require production of manifests, bills of lading, leases, 7 and other documents relating to the cargo, driver, routing, 8 or ownership of such vehicles. The scope of the Inspections 9 10 is limited to the enforcement of the provisions of Title 69. chapter 12." 11

-End-

Approved by Committee on Highways & Transportation

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7	SHITZER, ELLIOTT, THOFT, MCCALLUM, DONALDSON, ROUSH,
8	ZABROCKI, NORMAN, LYNCH, THOMAS, JACOBSEN
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10	A BILL FOR AN ACT ENTITLED: "AN ACT MAKING THE HIGHWAY
11	PATROL PRIMARILY RESPONSIBLE FOR AND REVISING RULES FOR
12	SAFETY INSPECTIONS OF TRUCKS BASED IN MONTANA; AMENDING
13	SECTIONS SECTION 44-1-1005 AND-69-12-203, MCA.*
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15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16	Section 1. Section 44-1-1005, MCA, is amended to read:
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18	highway patrolman has the same authority to enforce
19	provisions of the motor carriers law as that granted the
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23	with regard to vehicles based in Montana and for making
24	inspections thereof AI IHE REQUEST OF THE CARRIER.
25	Inspection of a vehicle pased in Montana must MAY be made at

1	the place of business or domicile of the vehicle owner or-
2	if that is not a practicable inspection site at a
3	designated location and at a mutually agreeable time. After
4	inspection, a vehicle found to conform to the standards
5	adopted pursuant to 69-12-201(11(f) is entitled to
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2	cooperate with the public service commission and the
3	department of highways to assure minimum duplication and
4	maximum coordination of enforcement effort."
15	Section-2Section-69-12-203+-MEAy-is-amended-to-read+
16	#69-12-203Supervisor-ofmotorcorriers(1)The
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f37-The-supervisor-and-whatever-field--inspectors--may be--employed-by-the-commission-to-assist-him-shall-be-deemed peace--officers--for--the--parpose--of--making--arrests---in connection--with-violations-of-this-chaptery-as-amendedy-and issuing-summonsesy-occepting-baily-and-serving--warrants--of arrests---The-fixcept-as-atherwisa-proxided-in-ti-la05x-the supervisor--and--field--inspectors--are--empowered--to--make reasonable--inspections--of--cafgoes--carried--by-emmercial motor--vehiclesy--make--reasonable--safety--inspections---of commercial--motor--vehicles---wtilized-by-motor-carriersy-and require-production-of-menifestsy-bills--of--ladingy--leasesy and--other-documents-relating-to-the-cargoy-drivery-routingy or-ownership-of-such-vehicless-The-scope-of-tha--inspections is-limited-to-the-enforcement-of-the-provisions-of-litle-69y chapter-12**

-End-

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-End-

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