

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

| | |
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| 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

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| March 1, 1983 | Introduced and referred to Committee on Highways and Transportation. |
| March 24, 1983 | Committee recommend bill be concurring 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.

1 House BILL NO. 698
 2 INTRODUCED BY Robert Smith James Underdal
 3 Ryan Ellison, William Suter, Mark W. Schan, David
 4 Free, Rick G. Goshorn, Menahan, Bruce Barker
 5 James Schmitz, Jeffery W. Wolsen, M. Hanson, Manuel
 6 Patrol RESPONSIBLE FOR AND REVISING RULES FOR SAFETY
 7 INSPECTIONS OF TRUCKS BASED IN MONTANA; AMENDING SECTIONS
 8 44-1-1005 AND 69-12-203, MCA." Nowan Lynch, Thomas D. Jordan, Edgell

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

10 Section 1. Section 44-1-1005, MCA, is amended to read:

11 "44-1-1005. Enforcement of motor carriers law. A
 12 highway patrolman has the same authority to enforce
 13 provisions of the motor carriers law as that granted the
 14 public service commission under 69-12-203, except that the
 15 highway patrol has sole responsibility for enforcement of
 16 standards adopted pursuant to 69-12-201(1)(f) with regard to
 17 vehicles based in Montana and for making inspections
 18 thereof. Inspection of a vehicle based in Montana must be
 19 made at the place of business or domicile of the vehicle
 20 owner or, if that is not a practicable inspection site, at a
 21 designated location and at a mutually agreeable time. After
 22 inspection, a vehicle found to conform to the standards
 23 adopted pursuant to 69-12-201(1)(f) is entitled to
 24 certification and identification to exempt it from further
 25 safety inspection until the next required periodic

1 inspection or until a nonconformity with standards is
 2 apparent. The division shall cooperate with the public
 3 service commission and the department of highways to assure
 4 minimum duplication and maximum coordination of enforcement
 5 effort."

6 Section 2. Section 69-12-203, MCA, is amended to read:

7 "69-12-203. Supervisor of motor carriers. (1) The
 8 commission shall appoint a supervisor of motor carriers who
 9 shall have general responsibility to the commission for
 10 enforcement of the provisions of this chapter. The
 11 supervisor shall be either an attorney admitted to practice
 12 law in Montana or a person qualified by at least 5 years of
 13 suitable experience and training in appropriate phases of
 14 the motor carrier industry. He shall serve at the pleasure
 15 of the commission and at an annual salary to be set by the
 16 commission.

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

22 (3) The supervisor and whatever field inspectors may
 23 be employed by the commission to assist him shall be deemed
 24 peace officers for the purpose of making arrests in
 25 connection with violations of this chapter, as amended, and

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

-End-

Approved by Committee
on Highways & Transportation

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A BILL FOR AN ACT ENTITLED: "AN ACT MAKING THE HIGHWAY
PATROL PRIMARILY RESPONSIBLE FOR AND REVISING RULES FOR
SAFETY INSPECTIONS OF TRUCKS BASED IN MONTANA; AMENDING
SECTIONS SECTION 44-1-1005 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 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 PRIMARY responsibility for
enforcement of standards adopted pursuant to 69-12-201(1)(f)
with regard to vehicles based in Montana and for making
inspections thereof AT THE REQUEST OF THE CARRIER.
Inspection of a vehicle based in Montana must MAY be made at

the place of business or domicile of the vehicle 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. NOTHING IN THIS SECTION SHALL PROHIBIT THE
INSPECTION OF A MOTOR VEHICLE AS DEFINED BY 69-12-201(1)(E)
AT A SAFE LOCATION ON A PUBLIC ROAD. 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. (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."

1 (2)--The---supervisor---shall---direct---all---enforcement
 2 activities---in---behalf---of---the---commission---including---the
 3 investigation-and-prosecution-of-violations-of-this-chapter
 4 as-amended-or-the-rules-or-orders-prescribed-thereunder-by
 5 the-commission.

6 (3)--The-supervisor-and-whatever-field--inspectors--may
 7 be-employed-by-the-commission-to-assist-him-shall-be-deemed
 8 peace-officers--for--the--purpose--of--making--arrests--in
 9 connection--with-violations-of-this-chapter-as-amended-and
 10 issuing-summonses-accepting-bail-and-serving-warrants-of
 11 arrest---The-Except-as-otherwise-provided-in-44-3-1885-the
 12 supervisor--and--field--inspectors--are--empowered--to--make
 13 reasonable--inspections--of--cargoes--carried--by-commercial
 14 motor--vehicles--make--reasonable--safety--inspections--of
 15 commercial--motor--vehicles--utilized-by-motor-carriers-and
 16 require-production-of-manifests-bills-of-lading--leases
 17 and--other-documents-relating-to-the-cargo--driver--routing
 18 or-ownership-of-such-vehicles-The-scope-of-the--inspections
 19 is-limited-to-the-enforcement-of-the-provisions-of-Title-69
 20 chapter-12."

-End-

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Section 2. 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."

1 (2) ~~The supervisor shall direct all enforcement~~
 2 ~~activities in behalf of the commission, including the~~
 3 ~~investigation and prosecution of violations of this chapter,~~
 4 ~~as amended, or the rules or orders prescribed thereunder by~~
 5 ~~the commission.~~

6 (3) ~~The supervisor and whatever field inspectors may~~
 7 ~~be employed by the commission to assist him shall be deemed~~
 8 ~~peace officers for the purpose of making arrests in~~
 9 ~~connection with violations of this chapter as amended, and~~
 10 ~~issuing summonses, accepting bail, and serving warrants of~~
 11 ~~arrest. The except as otherwise provided in 44-1-1005, the~~
 12 ~~supervisor and field inspectors are empowered to make~~
 13 ~~reasonable inspections of cargoes carried by commercial~~
 14 ~~motor vehicles, make reasonable safety inspections of~~
 15 ~~commercial motor vehicles utilized by motor carriers, and~~
 16 ~~require production of manifests, bills of lading, leases,~~
 17 ~~and other documents relating to the cargo, driver, routing,~~
 18 ~~or ownership of such vehicles. The scope of the inspections~~
 19 ~~is limited to the enforcement of the provisions of Title 69,~~
 20 ~~chapter 12.~~

-End-

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3 investigation-and-prosecution-of-violations-of-this-chapter
4 as--amended--or--the--rules--or--orders--prescribed--thereunder--by
5 the--commission;
6 (3)--The--supervisor--and--whatever--field--inspectors--may
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8 peace--officers--for--the--purpose--of--making--arrests--in
9 connection--with--violations--of--this--chapter--as--amended--and
10 issuing--summonses--accepting--bail--and--serving--warrants--of
11 arrest--The--except--as--otherwise--provided--in--it--1925--the
12 supervisor--and--field--inspectors--are--empowered--to--make
13 reasonable--inspections--of--cargoes--carried--by--commercial
14 motor--vehicles--make--reasonable--safety--inspections--of
15 commercial--motor--vehicles--utilized--by--motor--carriers--and
16 require--production--of--manifests--bills--of--lading--leases
17 and--other--documents--relating--to--the--cargo--driver--routing
18 or--ownership--of--such--vehicles--The--scope--of--the--inspections
19 is--limited--to--the--enforcement--of--the--provisions--of--title--69
20 chapter--12.

-End-