

HOUSE BILL NO. 60

INTRODUCED BY HANSON

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

IN THE HOUSE

January 7, 1985	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
January 12, 1985	Committee recommend bill do pass as amended. Report adopted.  Bill printed and placed on members' desks.
January 14, 1985	Second reading, do pass.
January 15, 1985	Considered correctly engrossed.
January 16, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 18, 1985	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
January 26, 1985	Committee recommend bill be concurred in. Report adopted.
January 28, 1985	Second reading, concurred in.
January 30, 1985	Third reading, concurred in. Ayes, 47; Noes, 2.  Returned to House.

IN THE HOUSE

January 31, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 60

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BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE GROSS VEHICLE WEIGHT ENFORCEMENT OFFICERS IN THE LIST OF OFFICERS AUTHORIZED TO DEMAND THAT A PERSON EXHIBIT A LIVESTOCK CERTIFICATE OR PERMIT; AMENDING SECTION 81-3-231, MCA."

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

Section 1. Section 81-3-231, MCA, is amended to read:

"81-3-231. Penalties. (1) A person is guilty of a misdemeanor and is punishable as provided in subsection (6) of this section if he removes livestock or causes livestock to be removed from a county in this state:

(a) without having the livestock inspected before removal if an inspection is required by law;

(b) without obtaining a market consignment permit or transportation permit if the permits are required by law;

(c) and does obtain a market consignment permit for livestock but does not deliver the livestock transported thereunder to the livestock market designated in the market consignment permit;

(d) and does obtain a transportation permit for the livestock but does not deliver the livestock transported

thereunder to the destination as shown on the transportation permit and fails to have the livestock so transported inspected at the point of destination or does not file a loading tally with the carrier as provided in 81-4-607.

(2) A person who sells livestock or offers livestock for sale at a livestock market without having the livestock inspected or removes livestock or causes livestock to be removed from a livestock market without obtaining a release is guilty of a misdemeanor and is punishable as provided in subsection (6) of this section.

(3) A person who ships by railroad carrier and the railroad carrier transporting livestock for which a loading tally has been filed as provided by 81-4-607 and for which shipment of livestock an inspection has not been made which after shipment causes or permits the livestock to leave the custody of the railroad carrier at a place other than where this state regularly maintains a stock inspector is guilty of a misdemeanor and is punishable as provided in subsection (6) of this section.

(4) A person who has in his charge livestock being removed from a county in the state for which an inspection certificate, a market consignment permit, or a market release certificate has been issued and fails to have in his possession accompanying the livestock the inspection certificate, market consignment permit, or a market release

1 certificate as issued for the livestock, or who, having the  
2 certificate of inspection, market consignment permit, or  
3 market release certificate, fails to exhibit it to a  
4 sheriff, deputy sheriff, constable, gross vehicle weight  
5 enforcement officer, highway patrolman, state stock  
6 inspector, or deputy state stock inspector at his request is  
7 guilty of a misdemeanor and is punishable as provided in  
8 subsection (6) of this section.

9 (5) Except as specifically otherwise provided, a  
10 person violating any of the provisions of this part is  
11 guilty of a misdemeanor and is punishable as provided in  
12 subsection (6) of this section.

13 (6) Upon conviction under this section, a person,  
14 firm, association, or corporation shall be fined not less  
15 than \$50 or more than \$500 or imprisoned in the county jail  
16 for a period of not more than 6 months or both fined and  
17 imprisoned. Of all fines assessed and collected under this  
18 section, 50% shall be paid into the state treasury and  
19 credited to the state special revenue fund for the use of  
20 the department and 50% shall be paid into the general fund  
21 of the county in which the conviction occurred."

-End-

APPROVED BY COMMITTEE  
ON AGRICULTURE LIVESTOCK  
& IRRIGATION

1 HOUSE BILL NO. 60  
2 INTRODUCED BY HANSON  
3 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK  
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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE GROSS  
6 VEHICLE WEIGHT ENFORCEMENT OFFICERS IN THE LIST OF OFFICERS  
7 AUTHORIZED TO DEMAND THAT A PERSON EXHIBIT A LIVESTOCK  
8 CERTIFICATE OR PERMIT; AMENDING SECTION 81-3-231, MCA; AND  
9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
10

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

12 Section 1. Section 81-3-231, MCA, is amended to read:

13 "81-3-231. Penalties. (1) A person is guilty of a  
14 misdemeanor and is punishable as provided in subsection (6)  
15 of this section if he removes livestock or causes livestock  
16 to be removed from a county in this state:

17 (a) without having the livestock inspected before  
18 removal if an inspection is required by law;

19 (b) without obtaining a market consignment permit or  
20 transportation permit if the permits are required by law;

21 (c) and does obtain a market consignment permit for  
22 livestock but does not deliver the livestock transported  
23 thereunder to the livestock market designated in the market  
24 consignment permit;

25 (d) and does obtain a transportation permit for the

1 livestock but does not deliver the livestock transported  
2 thereunder to the destination as shown on the transportation  
3 permit and fails to have the livestock so transported  
4 inspected at the point of destination or does not file a  
5 loading tally with the carrier as provided in 81-4-607.

6 (2) A person who sells livestock or offers livestock  
7 for sale at a livestock market without having the livestock  
8 inspected or removes livestock or causes livestock to be  
9 removed from a livestock market without obtaining a release  
10 is guilty of a misdemeanor and is punishable as provided in  
11 subsection (6) of this section.

12 (3) A person who ships by railroad carrier and the  
13 railroad carrier transporting livestock for which a loading  
14 tally has been filed as provided by 81-4-607 and for which  
15 shipment of livestock an inspection has not been made which  
16 after shipment causes or permits the livestock to leave the  
17 custody of the railroad carrier at a place other than where  
18 this state regularly maintains a stock inspector is guilty  
19 of a misdemeanor and is punishable as provided in subsection  
20 (6) of this section.

21 (4) A person who has in his charge livestock being  
22 removed from a county in the state for which an inspection  
23 certificate, a market consignment permit, or a market  
24 release certificate has been issued and fails to have in his  
25 possession accompanying the livestock the inspection

1 certificate, market consignment permit, or a market release  
2 certificate as issued for the livestock, or who, having the  
3 certificate of inspection, market consignment permit, or  
4 market release certificate, fails to exhibit it to a  
5 sheriff, deputy sheriff, constable, gross vehicle weight  
6 enforcement officer, highway patrolman, state stock  
7 inspector, or deputy state stock inspector at his request is  
8 guilty of a misdemeanor and is punishable as provided in  
9 subsection (6) of this section.

10 (5) Except as specifically otherwise provided, a  
11 person violating any of the provisions of this part is  
12 guilty of a misdemeanor and is punishable as provided in  
13 subsection (6) of this section.

14 (6) Upon conviction under this section, a person,  
15 firm, association, or corporation shall be fined not less  
16 than \$50 or more than \$500 or imprisoned in the county jail  
17 for a period of not more than 6 months or both fined and  
18 imprisoned. Of all fines assessed and collected under this  
19 section, 50% shall be paid into the state treasury and  
20 credited to the state special revenue fund for the use of  
21 the department and 50% shall be paid into the general fund  
22 of the county in which the conviction occurred."

23 NEW SECTION. SECTION 2. EFFECTIVE DATE. THIS ACT IS  
24 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

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 22 livestock but does not deliver the livestock transported  
 23 thereunder to the livestock market designated in the market  
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 6 (2) A person who sells livestock or offers livestock  
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