

HOUSE BILL NO. 309

1/22 Introduced
1/22 Referred to Business & Labor
1/31 Hearing
2/04 Fiscal Note Requested
2/11 Fiscal Note Received
Died in Committee

1 House BILL NO. 309
 2 INTRODUCED BY B.R. Gilbert
 3 BY REQUEST OF THE PUBLIC SERVICE COMMISSION

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING PRIMARY
 6 RESPONSIBILITY FOR MOTOR VEHICLE SAFETY ENFORCEMENT,
 7 INCLUDING TERMINAL INSPECTIONS, FROM THE HIGHWAY PATROL TO
 8 THE PUBLIC SERVICE COMMISSION; AMENDING SECTIONS 44-1-1005
 9 AND 69-12-201, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

13 "44-1-1005. Enforcement of motor carriers law. A
 14 highway patrolman has the same authority to enforce
 15 provisions of the motor carriers law as that granted the
 16 public service commission under 69-12-203~~7~~, ~~except that the~~
 17 ~~highway patrol has primary responsibility for enforcement of~~
 18 ~~standards adopted pursuant to 69-12-201(1)(f) with regard to~~
 19 ~~vehicles based in Montana and for making inspections thereof~~
 20 ~~at the request of the carrier; inspection of a vehicle~~
 21 ~~based in Montana may be made at the place of business or~~
 22 ~~domicile of the vehicle owner or, if that is not a~~
 23 ~~practicable inspection site, at a designated location and at~~
 24 ~~a mutually agreeable time; after inspection, a vehicle~~
 25 ~~found to conform to the standards adopted pursuant to~~

1 ~~69-12-201(1)(f) is entitled to certification and~~
 2 ~~identification to exempt it from further safety inspection~~
 3 ~~until the next required periodic inspection or until a~~
 4 ~~nonconformity with standards is apparent; Nothing in this~~
 5 ~~section shall prohibit the inspection of a motor vehicle as~~
 6 ~~defined by 69-12-201(1)(f) at a safe location on a public~~
 7 ~~road. The division shall cooperate with the public service~~
 8 ~~commission and the department of highways to assure minimum~~
 9 ~~duplication and maximum coordination of enforcement effort."~~

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

11 "69-12-201. Supervision and regulation of motor
 12 carriers and other motor vehicles used in commerce. (1) The
 13 commission is hereby vested with power and authority and it
 14 is hereby made its duty to:

15 (a) supervise and regulate every motor carrier in this
 16 state;

17 (b) fix, alter, regulate, and determine specific,
 18 just, reasonable, equal, nondiscriminatory, and sufficient
 19 rates, fares, charges, and classifications for Class A and
 20 Class B motor carriers;

21 (c) regulate the properties, facilities, operations,
 22 accounts, service, practices, affairs, and safety of
 23 operations of all motor carriers, each of which is
 24 considered to consent impliedly to reasonable safety
 25 inspections of its motor vehicles utilized in furtherance of



1 its business as a motor carrier;

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

4 (e) supervise and regulate motor carriers in all
5 matters affecting the relationship between such motor
6 carriers and the traveling and shipping public;

7 (f) provide standards for the safe operation of all
8 motor vehicles used in commerce that exceed 26,000 pounds
9 gross vehicle weight, except farm vehicles; and

10 (g) provide standards for the safe operation of
11 vehicles of less than 26,000 pounds gross vehicle weight if
12 they are:

13 (i) being used to transport passengers for hire; or
14 (ii) being used to transport hazardous materials of a
15 type or quantity that requires the vehicle to be marked or
16 placarded in accordance with rules adopted by the
17 commission.

18 (2) The commission has primary responsibility for
19 enforcement of standards for safe operation of motor
20 vehicles based in Montana and for making inspections thereof
21 at the request of the carrier. Inspection of a vehicle based
22 in Montana may be made at the place of business or domicile
23 of the vehicle owner or at a designated location and at a
24 mutually agreeable time. After inspection, a vehicle found
25 to conform to the standards adopted pursuant to this section

1 is entitled to certification and identification to exempt it
2 from further safety inspection until the next required
3 inspection or until a nonconformity with standards is
4 apparent. Nothing in this section prohibits the inspection
5 of a motor vehicle at a safe location on a public road.

6 ~~(2)~~(3) Such standards of safety shall be the same as
7 prescribed for motor carriers, and the same inspection
8 standards and procedures shall apply. However, standards
9 relating to drivers, other than drivers for motor carriers,
10 do not apply to a vehicle operated exclusively within a
11 200-mile radius of its work reporting location.

12 ~~(3)~~(4) The commission shall have power and authority
13 by general order or otherwise to prescribe rules in
14 conformity with this chapter and applicable to any and all
15 motor carriers.

16 ~~(4)~~(5) The commission also may fix and determine
17 reasonable maximum or minimum rates for the operations of
18 any Class C motor carrier when the same are required for the
19 best interests of public transportation."

20 NEW SECTION. Section 3. Extension of authority. Any
21 existing authority of the public service commission to make
22 rules on the subject of the provisions of this act is
23 extended to the provisions of this act.

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN 323-85

Form BD-15

In compliance with a written request received February 5, 19 85, there is hereby submitted a Fiscal Note for House Bill 309 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:

House Bill 309 transfers primary responsibility for motor vehicle safety enforcement, including terminal inspections, from the Highway Patrol to the Public Service Commission.

ASSUMPTIONS:

1. The Highway Patrol officer currently performing terminal inspections would be reassigned to traffic enforcement duties.
2. The Highway Patrol would continue to perform some truck safety inspections.
3. The Public Service Commission will continue to conduct 481 terminal inspections annually.
4. That federal funds currently used by Public Service Commission to conduct terminal inspections continue to be allocated to the State of Montana.

FISCAL IMPACT:

There are no fiscal impacts that will increase/decrease current expenditures.

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

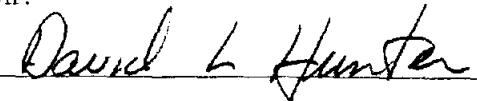
None

LONG-RANGE EFFECTS:

None

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

S.B. 182, as proposed, places all motor vehicle safety activities with the Highway Patrol Division, Department of Justice. If S.B. 182 is adopted, it will conflict with this proposed legislation.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date:

Feb 9, 1985

HB 309