

SENATE BILL NO. 182

INTRODUCED BY FARRELL, HAGER, BOYLAN, HARDING, ELLISON, LYBECK,
CAMPBELL, SHAW, TVEIT, GAGE, LORY, H. HAMMOND, ANDERSON,
C. SMITH, JONES, KITSELMAN, B. BROWN, PETERSON, HARP, WALLIN,
JENKINS, COMPTON, HANSON

IN THE SENATE

January 22, 1985	Introduced and referred to Committee on Highways and Transportation.
January 23, 1985	Fiscal Note requested.
January 29, 1985	Fiscal Note returned.
February 22, 1985	Committee recommend bill do pass. Report adopted. Statement of Intent attached.
February 23, 1985	Bill printed and placed on members' desks.
February 25, 1985	Second reading, do pass.
February 26, 1985	Considered correctly engrossed.
February 27, 1985	Third reading, passed. Ayes, 29; Noes, 21. Transmitted to House.

IN THE HOUSE

March 7, 1985	Introduced and referred to Committee on Highways and Transportation.
March 30, 1985	Committee report without recommendation.
April 1, 1985	On motion, taken from second reading and rereferred to Committee on Highways and Transportation.

April 11, 1985 Committee recommend bill be
 concurred in as amended. Report
 adopted.

April 12, 1985 Second reading, concurred in as
 amended.

April 15, 1985 Third reading, concurred in.

 Returned to Senate with
 Amendments.

IN THE SENATE

April 13, 1985 On motion, rules suspended to
 accept. Motion adopted.

April 15, 1985 Received from House.

April 17, 1985 Second reading, pass
 consideration.

April 18, 1985 Second reading, amendments not
 concurred in. Ayes, 25; Noes,
 20.

April 19, 1985 On motion, Senate reconsider its
 action taken on not concurring in
 amendments. Motion adopted.

 On motion, placed on second
 reading 87th Legislative Day.
 Motion adopted.

April 22, 1985 Second reading, amendments
 concurred in.

April 23, 1985 Third reading, amendments
 concurred in.

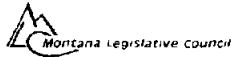
 Sent to enrolling.

 Reported correctly enrolled.

1 *Envision* Senate BILL NO. 182
 2 INTRODUCED BY *Fanell Hayes Longley*
 3 *Lybuck, Smith, Jantz, Kitzelmann, Bob Brown, M. Hansen, HARP, [unclear]*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING AUTHORITY
 5 FOR SETTING MOTOR CARRIER AND MOTOR VEHICLE SAFETY STANDARDS
 6 FROM THE PUBLIC SERVICE COMMISSION TO THE MOTOR VEHICLE
 7 DIVISION AND GIVING THE HIGHWAY PATROL SOLE AUTHORITY FOR
 8 ENFORCEMENT OF SAFETY STANDARDS; AMENDING SECTIONS
 9 44-1-1005, 61-10-141, 69-12-201, AND 69-12-203, MCA; AND
 10 PROVIDING AN IMMEDIATE EFFECTIVE DATE FOR RULEMAKING
 11 AUTHORITY."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 14 Section 1. Section 69-12-201, MCA, is amended to read:
 15 "69-12-201. Supervision and regulation of motor
 16 carriers and other motor vehicles used in commerce. (1) The
 17 commission is hereby vested with power and authority and it
 18 is hereby made its duty to:
 19 (a) supervise and regulate every motor carrier in this
 20 state;
 21 (b) fix, alter, regulate, and determine specific,
 22 just, reasonable, equal, nondiscriminatory, and sufficient
 23 rates, fares, charges, and classifications for Class A and
 24 Class B motor carriers;
 25 (c) regulate the properties, facilities, operations,

1 accounts, service, practices, and affairs, and safety of
 2 operations of all motor carriers, each of which is
 3 considered to consent impliedly to reasonable safety
 4 inspections of its motor vehicles utilized in furtherance of
 5 its business as a motor carrier;
 6 (d) require the filing of annual and other reports,
 7 tariffs, schedules, or other data by such motor carriers;
 8 (e) supervise and regulate motor carriers in all
 9 matters affecting the relationship between such motor
 10 carriers and the traveling and shipping public;
 11 (f) provide standards for the safe operation of all
 12 motor vehicles used in commerce that exceed 26,000 pounds
 13 gross vehicle weight, except farm vehicles; and
 14 (g) provide standards for the safe operation of
 15 vehicles of less than 26,000 pounds gross vehicle weight if
 16 they are:
 17 (i) being used to transport passengers for hire; or
 18 (ii) being used to transport hazardous materials of a
 19 type or quantity that requires the vehicle to be marked or
 20 placarded in accordance with rules adopted by the
 21 commission;
 22 (2) Such standards of safety shall be the same as
 23 prescribed for motor carriers, and the same inspection
 24 standards and procedures shall apply. However, standards
 25 relating to drivers, other than drivers for motor carriers,



1 ~~do not apply to a vehicle operated exclusively within a~~
2 ~~200-mile-radius-of-its-work-reporting-location.~~

3 ~~(3)~~(2) The commission shall have power and authority
4 by general order or otherwise to prescribe rules in
5 conformity with this chapter and applicable to any and all
6 motor carriers.

7 ~~(4)~~(3) The commission also may fix and determine
8 reasonable maximum or minimum rates for the operations of
9 any Class C motor carrier when the same are required for the
10 best interests of public transportation."

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

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

22 (2) The supervisor shall direct all enforcement
23 activities in behalf of the commission, including the
24 investigation and prosecution of violations of this chapter,
25 as amended, or the rules or orders prescribed thereunder by

1 the commission.

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

16 Section 3. Section 61-10-141, MCA, is amended to read:

17 "61-10-141. Officers authorized to weigh vehicles and
18 require removal of excessive loads. (1) A peace officer,
19 officer of the highway patrol, or employee of the department
20 may weigh any vehicle regulated by 61-10-101 through
21 61-10-110, either by means of portable or stationary scales,
22 and may require that the vehicle be driven to the nearest
23 scales if those scales are within 2 miles. That person may
24 then require the driver to unload immediately that portion
25 of the load necessary to decrease the weight of the vehicle

1 to conform to the maximum allowable weights specified in
2 61-10-101 through 61-10-110.

3 (2) Commodities and material unloaded as required by
4 this section shall be cared for and removed from the highway
5 right-of-way by the owner or operator of the vehicle at the
6 risk of that owner or operator. The removal shall be within
7 a reasonable time designated by the person who has compelled
8 the unloading.

9 (3) The department may establish, maintain, and
10 operate weigh stations, either intermittently or on a
11 continuous schedule, and may require vehicles, except
12 passenger cars and pickup trucks under 8,000 pounds G.V.W.,
13 to enter for the purpose of weighing and inspection for
14 compliance with all laws pertaining to their operation and
15 ~~safety-requirements.~~

16 (4) In addition to other enforcement duties assigned
17 under this section, an employee of the department has the
18 same authority to enforce provisions of the motor carriers
19 law as that granted the public service commission under
20 69-12-203. This section does not relieve the public service
21 commission from its responsibility as the lead agency as
22 required in 69-12-201 through 69-12-203 and 69-12-205. The
23 commission, highway patrol, and the department shall
24 cooperate to assure minimum duplication and maximum
25 coordination of enforcement effort."

1 Section 4. Section 44-1-1005, MCA, is amended to read:

2 "~~44-1-1005. Enforcement-of-motor-carriers-law~~ Motor
3 ~~carriers safety -- enforcement. A-highway-patrolman-has-the~~
4 ~~same--authority--to-enforce-provisions-of-the-motor-carriers~~
5 ~~law-as-that-granted--the--public--service--commission--under~~
6 ~~69-12-203,-except-that-the~~ (1) The division shall:

7 (a) adopt, by rule, standards for safety of operations
8 of motor carriers, each of whom is considered to consent
9 impliedly to reasonable safety inspections of its motor
10 vehicles utilized in furtherance of its business as a motor
11 carrier;

12 (b) provide standards for the safe operation of all
13 motor vehicles used in commerce that exceed 26,000 pounds
14 gross vehicle weight, except farm vehicles; and

15 (c) provide for the safe operation of vehicles of less
16 than 26,000 pounds gross vehicle weight if they are used to
17 transport passengers for hire or to transport hazardous
18 materials of a type or quantity that requires the vehicle to
19 be marked or placarded in accordance with rules adopted by
20 the division.

21 (2) Standards of safety adopted pursuant to
22 subsections (1)(b) and (1)(c) must be the same as prescribed
23 for motor carriers, and the same inspection standards and
24 procedures apply. However, standards relating to drivers,
25 other than drivers for motor carriers, do not apply to a

1 vehicle operated exclusively within a 200-mile radius of its
 2 work reporting location.

3 (3) The highway patrol has primary responsibility for
 4 enforcement of standards adopted pursuant to ~~69-12-201(f)~~
 5 ~~with regard to vehicles based in Montana and for making~~
 6 ~~inspections thereof at the request of the carrier~~ subsection
 7 (1)(a). Inspection of a vehicle based in Montana may, at
 8 the request of the carrier, be made at the place of business
 9 or domicile of the vehicle owner or, if that is not a
 10 practicable inspection site, at a designated location and at
 11 a mutually agreeable time. After inspection, a vehicle
 12 found to conform to the standards adopted pursuant to
 13 ~~69-12-201(f)~~ subsection (1)(a) is entitled to
 14 certification and identification to exempt it from further
 15 safety inspection until the next required periodic
 16 inspection or until a nonconformity with standards is
 17 apparent. Nothing in this section ~~shall prohibit~~ prohibits
 18 the inspection of a motor vehicle as defined by
 19 ~~69-12-201(f)~~ subsection (1)(a) at a safe location on a
 20 public road. The division shall cooperate with the public
 21 service commission and the department of highways to assure
 22 minimum duplication and maximum coordination of enforcement
 23 effort."

24 NEW SECTION. Section 5. Initial adoption of
 25 standards. The division shall initiate proceedings before

1 October 1, 1985, to adopt standards for safety of operations
 2 of motor carriers and motor vehicles pursuant to
 3 44-1-1005(1). The standards may include those previously
 4 adopted by the public service commission, but the division
 5 may modify or expand the standards as necessary to conform
 6 to 44-1-1005(1) and other applicable sections. The division
 7 shall make the standards pursuant to 44-1-1005(1) effective
 8 on October 1, 1985.

9 NEW SECTION. Section 6. Effective date. This section
 10 and section 5 are effective on passage and approval.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 195-85

Form BD-15

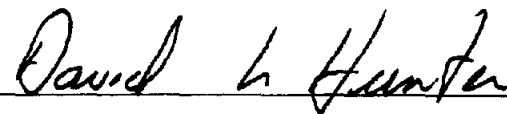
In compliance with a written request received January 25, 19 85, there is hereby submitted a Fiscal Note for Senate Bill 182 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 182 transfers the authority for setting motor carrier and motor vehicle standards from the Public Service Commission to the Motor Vehicle Division and gives the Highway Patrol sole authority for enforcement of safety standards.

ASSUMPTIONS:

1. Motor carrier safety inspections would continue being performed in accordance with the Federal Department of Transportation (DOT) standards. These standards have been adopted by the PSC and Highway Patrol.
2. The DOT has available grant money on an 80/20 match basis, which may be available for funding a portion of this program. These funds will be available through FY 1987.
3. A goal of 10,000 inspections in FY 1986 and 16,000 in FY 1987 can be accomplished provided requested staffing levels are approved. It is assumed that these inspection quotas would be acceptable to DOT.
4. All equipment previously purchased by Public Service Regulation for motor carrier inspections will be transferred to the Department of Justice.
5. Current state funded motor vehicle inspection activity will not provide the 20% soft match requirement, therefore, state general funds are required.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: JAN 29, 1985

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FISCAL IMPACT: (continued)

FISCAL IMPACT:

Effect on Expenditures:	FY 86			FY 87		
	<u>Current</u>	<u>Proposed</u>	<u>Difference</u>	<u>Current</u>	<u>Proposed</u>	<u>Difference</u>
Personal Services	\$ 125,398	\$ 264,071	\$ 138,673	\$ 125,398	\$ 408,661	\$ 283,263
Operating	191,104	160,444	(30,660)	191,104	142,408	(48,676)
Equipment	18,596	-0-	(18,596)	18,596	-0-	(18,596)
Total	\$ 335,098	\$ 424,515	\$ 89,417	\$ 335,098	\$ 551,067	\$ 215,971
General Fund	\$ -0-	\$ 47,731	\$ 47,731	\$ -0-	\$ 63,813	\$ 63,813
Federal Special	\$ 335,098	\$376,784	\$ 41,686	\$ 335,098	\$ 487,256	\$ 152,158

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

N/A

LONG RANGE IMPACT:

N/A

TECHNICAL NOTE:

1. Section 3 (3) of H.B. 182 appears to remove GVW stations current safety inspection authority. This revision of duties also reduces potential state "soft" match.
2. The immediate effective date may increase the administrative costs of the proposed transfer. A July 1, 1985 date would coincide with fiscal year reports and accounting procedures.

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

1 STATEMENT OF INTENT

2 SENATE BILL 182

3 Senate Highways and Transportation Committee

4
5 A statement of intent is required for this bill because
6 it requires that the motor vehicle division adopt motor
7 carrier safety standards and provide for their
8 implementation. The intention of the legislature is that the
9 division adopt standards substantially similar to those
10 promulgated by the public service commission pursuant to
11 69-12-201 and 69-12-203, prior to amendment by this bill,
12 with such modifications as the division from time to time
13 considers appropriate and in conformance with those and
14 other applicable sections.

15 It is appropriate to quote the statement of intent that
16 accompanied Chapter 227, Laws of 1981, which granted the
17 public service commission its authority to adopt motor
18 carrier safety standards:

19 "A statement of intent is required for this bill
20 because it grants the Public Service Commission the
21 authority to provide safety standards for motor vehicles
22 used in commerce.

23 All interstate motor carriers, interstate private
24 carriers, and carriers hauling unregulated commodities in
25 interstate commerce must now meet equipment safety

1 requirements and inspections as established by the Federal
2 Motor Carrier Safety Regulations of the Department of
3 Transportation. In addition, regulated intrastate motor
4 carriers must also meet the same safety standards.

5 The Legislature intends to include large over-the-road
6 trucks, in excess of 26,000 pounds GVW, used in commerce
7 operating on Montana's highways to adhere to safety
8 equipment standards. It is the intent of the Legislature to
9 establish by regulation uniform safety standards and a
10 safety inspection program that will focus on mechanical
11 factors most often blamed for accidents involving trucks,
12 passenger carriers, and hazardous material transporters.
13 Included would be detailed inspections of brakes, steering
14 components, tires, and driver logs where required.

15 It is intended that rules promulgated by PSC
16 incorporate the "Critical Item Truck Inspection" program and
17 that the rules include a procedure for conducting the
18 inspection program as well as providing for a vehicle
19 identification program acknowledging the inspection. The
20 rules shall provide that safety infractions posing no
21 imminent threat to public safety shall not result in an "out
22 of service" order. Such a vehicle shall be allowed to
23 proceed to obtain repairs before final inspection and
24 issuance of inspection acknowledgment. It is recognized that
25 repairing or parking large over-the-road trucks on the



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1 roadway is extremely dangerous."

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 7 ~~considered to consent impliedly to reasonable safety~~
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10 (d) require the filing of annual and other reports,
 11 tariffs, schedules, or other data by such motor carriers;

12 (e) supervise and regulate motor carriers in all
 13 matters affecting the relationship between such motor
 14 carriers and the traveling and shipping public;

15 ~~(f) provide standards for the safe operation of all~~
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 24 ~~placarded in accordance with rules adopted by the~~
 25 ~~commission;~~

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

~~(3)(2)~~ The commission shall have power and authority by general order or otherwise to prescribe rules in conformity with this chapter and applicable to any and all motor carriers.

~~(4)(3)~~ The commission also may fix and determine reasonable maximum or minimum rates for the operations of any Class C motor carrier when the same are required for the best interests of public transportation."

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.

(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 issuing summonses, accepting bail, and serving warrants of arrest. The supervisor and field inspectors are empowered to make reasonable inspections of cargoes carried by commercial motor vehicles, ~~make reasonable safety inspections of commercial motor vehicles utilized by motor carriers,~~ and require production of manifests, bills of lading, leases, and other documents relating to the cargo, driver, routing, or ownership of such vehicles. The scope of the inspections is limited to the enforcement of the provisions of Title 69, chapter 12."

Section 3. Section 61-10-141, MCA, is amended to read:

"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads. (1) A peace officer, officer of the highway patrol, or employee of the department may weigh any vehicle regulated by 61-10-101 through 61-10-110, either by means of portable or stationary scales,

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3 then require the driver to unload immediately that portion
4 of the load necessary to decrease the weight of the vehicle
5 to conform to the maximum allowable weights specified in
6 61-10-101 through 61-10-110.

7 (2) Commodities and material unloaded as required by
8 this section shall be cared for and removed from the highway
9 right-of-way by the owner or operator of the vehicle at the
10 risk of that owner or operator. The removal shall be within
11 a reasonable time designated by the person who has compelled
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18 compliance with all laws pertaining to their operation and
19 ~~safety requirements.~~

20 (4) In addition to other enforcement duties assigned
21 under this section, an employee of the department has the
22 same authority to enforce provisions of the motor carriers
23 law as that granted the public service commission under
24 69-12-203. This section does not relieve the public service
25 commission from its responsibility as the lead agency as

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2 commission, highway patrol, and the department shall
3 cooperate to assure minimum duplication and maximum
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5 Section 4. Section 44-1-1005, MCA, is amended to read:
6 "~~44-1-1005. Enforcement of motor carriers law~~ Motor
7 carriers safety -- enforcement. ~~A highway patrolman has the~~
8 ~~same authority to enforce provisions of the motor carriers~~
9 ~~law as that granted the public service commission under~~
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12 of motor carriers, each of whom is considered to consent
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 9 may modify or expand the standards as necessary to conform
 10 to 44-1-1005(1) and other applicable sections. The division
 11 shall make the standards pursuant to 44-1-1005(1) effective
 12 on October 1, 1985.

13 NEW SECTION. Section 6. Effective date. This section
 14 and section 5 are effective on passage and approval.

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1 STATEMENT OF INTENT

2 SENATE BILL 182

3 Senate Highways and Transportation Committee
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6 it requires that the motor vehicle division adopt motor
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23 All interstate motor carriers, interstate private
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25 interstate commerce must now meet equipment safety

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3 Transportation. In addition, regulated intrastate motor
4 carriers must also meet the same safety standards.

5 The Legislature intends to include large over-the-road
6 trucks, in excess of 26,000 pounds GVW, used in commerce
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9 establish by regulation uniform safety standards and a
10 safety inspection program that will focus on mechanical
11 factors most often blamed for accidents involving trucks,
12 passenger carriers, and hazardous material transporters.
13 Included would be detailed inspections of brakes, steering
14 components, tires, and driver logs where required.

15 It is intended that rules promulgated by PSC
16 incorporate the "Critical Item Truck Inspection" program and
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7
 8 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING AUTHORITY
 9 FOR SETTING MOTOR CARRIER AND MOTOR VEHICLE SAFETY STANDARDS
 10 FROM THE PUBLIC SERVICE COMMISSION TO THE MOTOR VEHICLE
 11 DIVISION AND GIVING THE HIGHWAY PATROL SOLE AUTHORITY FOR
 12 ENFORCEMENT OF SAFETY STANDARDS; AMENDING SECTIONS
 13 44-1-1005, 61-10-141, 69-12-201, AND 69-12-203, MCA; AND
 14 PROVIDING AN IMMEDIATE EFFECTIVE DATE FOR RULEMAKING
 15 AUTHORITY."
 16

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

18 Section 1. Section 69-12-201, MCA, is amended to read:

19 "69-12-201. Supervision and regulation of motor
 20 carriers and other motor vehicles used in commerce. (1) The
 21 commission is hereby vested with power and authority and it
 22 is hereby made its duty to:

23 (a) supervise and regulate every motor carrier in this
 24 state;

25 (b) fix, alter, regulate, and determine specific,

1 just, reasonable, equal, nondiscriminatory, and sufficient
 2 rates, fares, charges, and classifications for Class A and
 3 Class B motor carriers;

4 (c) regulate the properties, facilities, operations,
 5 accounts, service, practices, and affairs, and safety of
 6 operations of all motor carriers, each of which is
 7 considered to consent impliedly to reasonable safety
 8 inspections of its motor vehicles utilized in furtherance of
 9 its business as a motor carrier;

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

12 (e) supervise and regulate motor carriers in all
 13 matters affecting the relationship between such motor
 14 carriers and the traveling and shipping public;

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

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

21 (i) being used to transport passengers for hire; or

22 (ii) being used to transport hazardous materials of a
 23 type or quantity that requires the vehicle to be marked or
 24 placarded in accordance with rules adopted by the
 25 commission.

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

7 ~~(3)~~(2) The commission shall have power and authority
 8 by general order or otherwise to prescribe rules in
 9 conformity with this chapter and applicable to any and all
 10 motor carriers.

11 ~~(4)~~(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."

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

16 "69-12-203. Supervisor of motor carriers. (1) The
 17 commission shall appoint a supervisor of motor carriers who
 18 shall have general responsibility to the commission for
 19 enforcement of the provisions of this chapter. The
 20 supervisor shall be either an attorney admitted to practice
 21 law in Montana or a person qualified by at least 5 years of
 22 suitable experience and training in appropriate phases of
 23 the motor carrier industry. He shall serve at the pleasure
 24 of the commission and at an annual salary to be set by the
 25 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 supervisor and field inspectors are empowered to
 12 make reasonable inspections of cargoes carried by commercial
 13 motor vehicles, ~~make reasonable safety inspections of~~
 14 ~~commercial motor vehicles utilized by motor carriers,~~ and
 15 require production of manifests, bills of lading, leases,
 16 and other documents relating to the cargo, driver, routing,
 17 or ownership of such vehicles. The scope of the inspections
 18 is limited to the enforcement of the provisions of Title 69,
 19 chapter 12."

20 Section 3. Section 61-10-141, MCA, is amended to read:

21 "61-10-141. Officers authorized to weigh vehicles and
 22 require removal of excessive loads. (1) A peace officer,
 23 officer of the highway patrol, or employee of the department
 24 may weigh any vehicle regulated by 61-10-101 through
 25 61-10-110, either by means of portable or stationary scales,

1 and may require that the vehicle be driven to the nearest
2 scales if those scales are within 2 miles. That person may
3 then require the driver to unload immediately that portion
4 of the load necessary to decrease the weight of the vehicle
5 to conform to the maximum allowable weights specified in
6 61-10-101 through 61-10-110.

7 (2) Commodities and material unloaded as required by
8 this section shall be cared for and removed from the highway
9 right-of-way by the owner or operator of the vehicle at the
10 risk of that owner or operator. The removal shall be within
11 a reasonable time designated by the person who has compelled
12 the unloading.

13 (3) The department may establish, maintain, and
14 operate weigh stations, either intermittently or on a
15 continuous schedule, and may require vehicles, except
16 passenger cars and pickup trucks under 8,000 pounds G.V.W.,
17 to enter for the purpose of weighing and inspection for
18 compliance with all laws pertaining to their operation and
19 safety requirements.

20 (4) In addition to other enforcement duties assigned
21 under this section, an employee of the department has the
22 same authority to enforce provisions of the motor carriers
23 law as that granted the public service commission under
24 69-12-203. This section does not relieve the public service
25 commission from its responsibility as the lead agency as

1 required in 69-12-201 through 69-12-203 and 69-12-205. The
2 commission, highway patrol, and the department shall
3 cooperate to assure minimum duplication and maximum
4 coordination of enforcement effort."

5 Section 4. Section 44-1-1005, MCA, is amended to read:

6 "~~44-1-1005. Enforcement of motor carriers law~~ Motor
7 ~~carriers safety -- enforcement. A highway patrolman has the~~
8 ~~same authority to enforce provisions of the motor carriers~~
9 ~~law as that granted the public service commission under~~
10 ~~69-12-203, except that the~~ (1) The division shall:

11 (a) adopt, by rule, standards for safety of operations
12 of motor carriers, each of whom is considered to consent
13 impliedly to reasonable safety inspections of its motor
14 vehicles utilized in furtherance of its business as a motor
15 carrier;

16 (b) provide standards for the safe operation of all
17 motor vehicles used in commerce that exceed 26,000 pounds
18 gross vehicle weight, except farm vehicles; and

19 (c) provide for the safe operation of vehicles of less
20 than 26,000 pounds gross vehicle weight if they are used to
21 transport passengers for hire or to transport hazardous
22 materials of a type or quantity that requires the vehicle to
23 be marked or placarded in accordance with rules adopted by
24 the division.

25 (2) Standards of safety adopted pursuant to

1 subsections (1)(b) and (1)(c) must be the same as prescribed
 2 for motor carriers, and the same inspection standards and
 3 procedures apply. However, standards relating to drivers,
 4 other than drivers for motor carriers, do not apply to a
 5 vehicle operated exclusively within a 200-mile radius of its
 6 work reporting location.

7 (3) The highway patrol has primary responsibility for
 8 enforcement of standards adopted pursuant to 69-12-201(1)(f)
 9 with regard to vehicles based in Montana and for making
 10 inspections thereof at the request of the carrier subsection
 11 (1)(a). Inspection of a vehicle based in Montana may, at
 12 the request of the carrier, be made at the place of business
 13 or domicile of the vehicle owner or, if that is not a
 14 practicable inspection site, at a designated location and at
 15 a mutually agreeable time. After inspection, a vehicle
 16 found to conform to the standards adopted pursuant to
 17 69-12-201(1)(f) subsection (1)(a) is entitled to
 18 certification and identification to exempt it from further
 19 safety inspection until the next required periodic
 20 inspection or until a nonconformity with standards is
 21 apparent. Nothing in this section shall prohibit prohibits
 22 the inspection of a motor vehicle as defined by
 23 69-12-201(1)(f) subsection (1)(a) at a safe location on a
 24 public road. The division shall cooperate with the public
 25 service commission and the department of highways to assure

1 minimum duplication and maximum coordination of enforcement
 2 effort."

3 NEW SECTION. Section 5. Initial adoption of
 4 standards. The division shall initiate proceedings before
 5 October 1, 1985, to adopt standards for safety of operations
 6 of motor carriers and motor vehicles pursuant to
 7 44-1-1005(1). The standards may include those previously
 8 adopted by the public service commission, but the division
 9 may modify or expand the standards as necessary to conform
 10 to 44-1-1005(1) and other applicable sections. The division
 11 shall make the standards pursuant to 44-1-1005(1) effective
 12 on October 1, 1985.

13 NEW SECTION. Section 6. Effective date. This section
 14 and section 5 are effective on passage and approval.

-End-

HOUSE STANDING COMMITTEE REPORT

Page 1 of 2

APRIL 11 1985

MR. SPEAKER:

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration SENATE BILL Bill No. 182

THIRD reading copy (BLIND)
color

A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING AUTHORITY FOR SETTING MOTOR CARRIER AND MOTOR VEHICLE SAFETY STANDARDS FROM THE PUBLIC SERVICE COMMISSION TO THE MOTOR VEHICLE DIVISION AND GIVING THE HIGHWAY PATROL SOLE AUTHORITY FOR ENFORCEMENT OF SAFETY STANDARDS; AMENDING SECTIONS 44-1-1005, 61-10-141, 69-12-201, AND 69-12-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE FOR RULEMAKING AUTHORITY."

Respectfully report as follows: That SENATE BILL Bill No. 182

Be amended as follows:

1. Title, line 11.
Following: "PATROL"
Strike: "SOLE"
INSERT: "PRIMARY"
2. Title, lines 14 and 15.
Following: "PROVIDING"
Strike: remainder of line 14 through "AUTHORITY" on line 15
Insert: "EFFECTIVE DATES"
3. Page 4, line 22.
Following: "loads"
Insert: "-enforcement of motor carrier safety standards"
4. Page 5, line 19.
Following: "requirements"
Insert: "and safety requirements"

AND AS AMENDED
BE CONCURRED IN

SENATE

Representative John G. Harp, Chairman

Senate Bill 182

Page 2 Of 2

April 11 1985

5. Page 5.
Following: line 19
Insert: "(4) The department shall work with the highway patrol in the enforcement of safety standards adopted pursuant to 44-1-1005. For the purposes of such joint enforcement, the highway patrol is designated as the lead agency. The highway patrol and the department shall cooperate to assure minimum duplication and maximum coordination of enforcement effort.

(5) In order to enforce compliance with safety standards adopted pursuant to 44-1-1005, the department shall designate employees as peace officers. The designated employees must be employed in the administration of the gross vehicle weight functions of the department. Each employee so designated as a peace officer may:

- (a) issue citations and make arrests in connection with violations of safety standards adopted under 44-1-1005;
- (b) issue summons;
- (c) accept bail;
- (d) serve warrants for arrest;
- (e) make reasonable inspections of cargo carried by commercial motor vehicles;
- (f) make reasonable safety inspection of commercial motor vehicles utilized by motor carriers; and
- (g) require production of documents relating to the cargo, driver, routing, or ownership of such vehicles.

Renumber: subsequent subsections

6. Page 5, line 24 through line 4, page 6.
Following: "69-12-203" on line 24, page 5
Strike: remainder of line 24, page 5, through line 5, page 6
7. Page 7, lines 24 and 25.
Following: "road." on line 24
Insert: "(4)"
Following: "with" on line 24
Strike: remainder of line 24 through "and" on line 25
8. Page 8, line 5.
Following: line 4
Strike: "October"
Insert: "July"
9. Page 8, line 12.
Following: "on"
Strike: "October"
Insert: "July"
10. Page 8, line 14.
Following: "approval."
Insert: "The remaining provisions of this act are effective on July 1, 1985."

Representative John G. Harp, Chairman

COMMITTEE OF THE WHOLE AMENDMENT

HOUSE

4-12-85

DATE

1:00

TIME

MR. CHAIRMAN: I MOVE TO AMEND SENATE BILL No. 182 #1

third reading copy (blue) as follows:
Color

1. Page 8, following line 14.
Insert: "NEW SECTION. Section 7. Transfer of personnel.
It is the intention of the legislature that for the continuity of an ongoing truck safety program persons employed by the public service commission solely for truck safety under the motor carrier safety assistance program on January 1, 1985, must be employed by the department of justice, division of motor vehicles, in the performance of duties similar to those they performed before January 1, 1985."

AS

ADOPT

REJECT

Driscoll
Rep. Driscoll

1 STATEMENT OF INTENT

2 SENATE BILL 182

3 Senate Highways and Transportation Committee

4

5 A statement of intent is required for this bill because

6 it requires that the motor vehicle division adopt motor

7 carrier safety standards and provide for their

8 implementation. The intention of the legislature is that the

9 division adopt standards substantially similar to those

10 promulgated by the public service commission pursuant to

11 69-12-201 and 69-12-203, prior to amendment by this bill,

12 with such modifications as the division from time to time

13 considers appropriate and in conformance with those and

14 other applicable sections.

15 It is appropriate to quote the statement of intent that

16 accompanied Chapter 227, Laws of 1981, which granted the

17 public service commission its authority to adopt motor

18 carrier safety standards:

19 "A statement of intent is required for this bill

20 because it grants the Public Service Commission the

21 authority to provide safety standards for motor vehicles

22 used in commerce.

23 All interstate motor carriers, interstate private

24 carriers, and carriers hauling unregulated commodities in

25 interstate commerce must now meet equipment safety

1 requirements and inspections as established by the Federal

2 Motor Carrier Safety Regulations of the Department of

3 Transportation. In addition, regulated intrastate motor

4 carriers must also meet the same safety standards.

5 The Legislature intends to include large over-the-road

6 trucks, in excess of 26,000 pounds GVW, used in commerce

7 operating on Montana's highways to adhere to safety

8 equipment standards. It is the intent of the Legislature to

9 establish by regulation uniform safety standards and a

10 safety inspection program that will focus on mechanical

11 factors most often blamed for accidents involving trucks,

12 passenger carriers, and hazardous material transporters.

13 Included would be detailed inspections of brakes, steering

14 components, tires, and driver logs where required.

15 It is intended that rules promulgated by PSC

16 incorporate the "Critical Item Truck Inspection" program and

17 that the rules include a procedure for conducting the

18 inspection program as well as providing for a vehicle

19 identification program acknowledging the inspection. The

20 rules shall provide that safety infractions posing no

21 imminent threat to public safety shall not result in an "out

22 of service" order. Such a vehicle shall be allowed to

23 proceed to obtain repairs before final inspection and

24 issuance of inspection acknowledgment. It is recognized that

25 repairing or parking large over-the-road trucks on the

SB 0182/si

1 roadway is extremely dangerous."

1 SENATE BILL NO. 182

2 INTRODUCED BY FARRELL, HAGER, BOYLAN, HARDING,
 3 ELLISON, LYBECK, CAMPBELL, SHAW, TVEIT, GAGE, LORY,
 4 H. HAMMOND, ANDERSON, C. SMITH, JONES, KITSELMAN,
 5 B. BROWN, PETERSON, HARP, WALLIN, JENKINS, COMPTON,

6 HANSON

7
 8 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING AUTHORITY
 9 FOR SETTING MOTOR CARRIER AND MOTOR VEHICLE SAFETY STANDARDS
 10 FROM THE PUBLIC SERVICE COMMISSION TO THE MOTOR VEHICLE
 11 DIVISION AND GIVING THE HIGHWAY PATROL SOLE PRIMARY
 12 AUTHORITY FOR ENFORCEMENT OF SAFETY STANDARDS; AMENDING
 13 SECTIONS 44-1-1005, 61-10-141, 69-12-201, AND 69-12-203,
 14 MCA; AND PROVIDING AN--IMMEDIATE--EFFECTIVE--DATE--FOR
 15 RULEMAKING-AUTHORITY EFFECTIVE DATES."

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. Section 69-12-201, MCA, is amended to read:

19 "69-12-201. Supervision and regulation of motor
 20 carriers and other motor vehicles used in commerce. (1) The
 21 commission is hereby vested with power and authority and it
 22 is hereby made its duty to:

23 (a) supervise and regulate every motor carrier in this
 24 state;

25 (b) fix, alter, regulate, and determine specific,

1 just, reasonable, equal, nondiscriminatory, and sufficient
 2 rates, fares, charges, and classifications for Class A and
 3 Class B motor carriers;

4 (c) regulate the properties, facilities, operations,
 5 accounts, service, practices, and affairs,--and--safety--of
 6 operations of all motor carriers,--each--of--which--is
 7 considered--to--consent--impliedly--to--reasonable--safety
 8 inspections--of--its--motor--vehicles--utilized--in--furtherance--of
 9 its--business--as--a--motor--carrier;

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

12 (e) supervise and regulate motor carriers in all
 13 matters affecting the relationship between such motor
 14 carriers and the traveling and shipping public;

15 (f)--provide--standards--for--the--safe--operation--of--all
 16 motor--vehicles--used--in--commerce--that--exceed--26,000--pounds
 17 gross--vehicle--weight,--except--farm--vehicles,--and

18 (g)--provide--standards--for--the--safe--operation--of
 19 vehicles--of--less--than--26,000--pounds--gross--vehicle--weight--if
 20 they--are:

21 (i)--being--used--to--transport--passengers--for--hire,--or

22 (ii)--being--used--to--transport--hazardous--materials--of--a
 23 type--or--quantity--that--requires--the--vehicle--to--be--marked--or
 24 placarded--in--accordance--with--rules--adopted--by--the
 25 commission;

~~{2}~~--Such--standards--of--safety--shall--be--the--same--as prescribed--for--motor--carriers,--and--the--same--inspection standards--and--procedures--shall--apply.--However,--standards relating--to--drivers,--other--than--drivers--for--motor--carriers, do--not--apply--to--a--vehicle--operated--exclusively--within--a 200-mile-radius-of-its-work-reporting-location.

{3}{2} The commission shall have power and authority by general order or otherwise to prescribe rules in conformity with this chapter and applicable to any and all motor carriers.

{4}{3} The commission also may fix and determine reasonable maximum or minimum rates for the operations of any Class C motor carrier when the same are required for the best interests of public transportation."

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.

{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 issuing summonses, accepting bail, and serving warrants of arrest. The supervisor and field inspectors are empowered to make reasonable inspections of cargoes carried by commercial motor vehicles,--make--reasonable--safety--inspections--of commercial--motor--vehicles--utilized--by--motor--carriers, and require production of manifests, bills of lading, leases, and other documents relating to the cargo, driver, routing, or ownership of such vehicles. The scope of the inspections is limited to the enforcement of the provisions of Title 69, chapter 12."

Section 3. Section 61-10-141, MCA, is amended to read:

"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads -- ENFORCEMENT OF MOTOR CARRIER SAFETY STANDARDS. (1) A peace officer, officer of the highway patrol, or employee of the department may weigh any vehicle regulated by 61-10-101 through 61-10-110, either

1 by means of portable or stationary scales, and may require
 2 that the vehicle be driven to the nearest scales if those
 3 scales are within 2 miles. That person may then require the
 4 driver to unload immediately that portion of the load
 5 necessary to decrease the weight of the vehicle to conform
 6 to the maximum allowable weights specified in 61-10-101
 7 through 61-10-110.

8 (2) Commodities and material unloaded as required by
 9 this section shall be cared for and removed from the highway
 10 right-of-way by the owner or operator of the vehicle at the
 11 risk of that owner or operator. The removal shall be within
 12 a reasonable time designated by the person who has compelled
 13 the unloading.

14 (3) The department may establish, maintain, and
 15 operate weigh stations, either intermittently or on a
 16 continuous schedule, and may require vehicles, except
 17 passenger cars and pickup trucks under 8,000 pounds G.V.W.,
 18 to enter for the purpose of weighing and inspection for
 19 compliance with all laws pertaining to their operation and
 20 safety-requirements AND SAFETY REQUIREMENTS.

21 (4) THE DEPARTMENT SHALL WORK WITH THE HIGHWAY PATROL
 22 IN THE ENFORCEMENT OF SAFETY STANDARDS ADOPTED PURSUANT TO
 23 44-1-1005. FOR THE PURPOSES OF SUCH JOINT ENFORCEMENT, THE
 24 HIGHWAY PATROL IS DESIGNATED AS THE LEAD AGENCY. THE HIGHWAY
 25 PATROL AND THE DEPARTMENT SHALL COOPERATE TO ASSURE MINIMUM

1 DUPLICATION AND MAXIMUM COORDINATION OF ENFORCEMENT EFFORT.

2 (5) IN ORDER TO ENFORCE COMPLIANCE WITH SAFETY
 3 STANDARDS ADOPTED PURSUANT TO 44-1-1005, THE DEPARTMENT
 4 SHALL DESIGNATE EMPLOYEES AS PEACE OFFICERS. THE DESIGNATED
 5 EMPLOYEES MUST BE EMPLOYED IN THE ADMINISTRATION OF THE
 6 GROSS VEHICLE WEIGHT FUNCTIONS OF THE DEPARTMENT. EACH
 7 EMPLOYEE SO DESIGNATED AS A PEACE OFFICER MAY:

8 (A) ISSUE CITATIONS AND MAKE ARRESTS IN CONNECTION
 9 WITH VIOLATIONS OF SAFETY STANDARDS ADOPTED UNDER 44-1-1005;

10 (B) ISSUE SUMMONS;

11 (C) ACCEPT BAIL;

12 (D) SERVE WARRANTS FOR ARREST;

13 (E) MAKE REASONABLE INSPECTIONS OF CARGO CARRIED BY
 14 COMMERCIAL MOTOR VEHICLES;

15 (F) MAKE REASONABLE SAFETY INSPECTIONS OF COMMERCIAL
 16 MOTOR VEHICLES UTILIZED BY MOTOR CARRIERS; AND

17 (G) REQUIRE PRODUCTION OF DOCUMENTS RELATING TO THE
 18 CARGO, DRIVER, ROUTING, OR OWNERSHIP OF SUCH VEHICLES.

19 ~~(4)~~(6) In addition to other enforcement duties
 20 assigned under this section, an employee of the department
 21 has the same authority to enforce provisions of the motor
 22 carriers law as that granted the public service commission
 23 under 69-12-203. ~~This section does not relieve the public~~
 24 ~~service commission from its responsibility as the lead~~
 25 ~~agency as required in 69-12-201 through 69-12-203 and~~

1 ~~69-12-205. The commission, highway patrol, and the~~
 2 ~~department shall cooperate to assure minimum duplication and~~
 3 ~~maximum coordination of enforcement effort."~~

4 Section 4. Section 44-1-1005, MCA, is amended to read:

5 "44-1-1005. ~~Enforcement of motor carriers law~~ Motor
 6 ~~carriers safety -- enforcement. A highway patrolman has the~~
 7 ~~same authority to enforce provisions of the motor carriers~~
 8 ~~law as that granted the public service commission under~~
 9 ~~69-12-203, except that the (1) The division shall:~~

10 (a) adopt, by rule, standards for safety of operations
 11 of motor carriers, each of whom is considered to consent
 12 impliedly to reasonable safety inspections of its motor
 13 vehicles utilized in furtherance of its business as a motor
 14 carrier;

15 (b) provide standards for the safe operation of all
 16 motor vehicles used in commerce that exceed 26,000 pounds
 17 gross vehicle weight, except farm vehicles; and

18 (c) provide for the safe operation of vehicles of less
 19 than 26,000 pounds gross vehicle weight if they are used to
 20 transport passengers for hire or to transport hazardous
 21 materials of a type or quantity that requires the vehicle to
 22 be marked or placarded in accordance with rules adopted by
 23 the division.

24 (2) Standards of safety adopted pursuant to
 25 subsections (1)(b) and (1)(c) must be the same as prescribed

1 for motor carriers, and the same inspection standards and
 2 procedures apply. However, standards relating to drivers,
 3 other than drivers for motor carriers, do not apply to a
 4 vehicle operated exclusively within a 200-mile radius of its
 5 work reporting location.

6 (3) The highway patrol has primary responsibility for
 7 enforcement of standards adopted pursuant to 69-12-201(i)(f)
 8 with regard to vehicles based in Montana and for making
 9 inspections thereof at the request of the carrier subsection
 10 (1)(a). Inspection of a vehicle based in Montana may, at
 11 the request of the carrier, be made at the place of business
 12 or domicile of the vehicle owner or, if that is not a
 13 practicable inspection site, at a designated location and at
 14 a mutually agreeable time. After inspection, a vehicle
 15 found to conform to the standards adopted pursuant to
 16 69-12-201(i)(f) subsection (1)(a) is entitled to
 17 certification and identification to exempt it from further
 18 safety inspection until the next required periodic
 19 inspection or until a nonconformity with standards is
 20 apparent. Nothing in this section shall prohibit prohibits
 21 the inspection of a motor vehicle as defined by
 22 69-12-201(i)(f) subsection (1)(a) at a safe location on a
 23 public road.

24 (4) The division shall cooperate with the public
 25 service commission and the department of highways to assure

1 minimum duplication and maximum coordination of enforcement
2 effort."

3 NEW SECTION. Section 5. Initial adoption of
4 standards. The division shall initiate proceedings before
5 ~~October~~ JULY 1, 1985, to adopt standards for safety of
6 operations of motor carriers and motor vehicles pursuant to
7 44-1-1005(1). The standards may include those previously
8 adopted by the public service commission, but the division
9 may modify or expand the standards as necessary to conform
10 to 44-1-1005(1) and other applicable sections. The division
11 shall make the standards pursuant to 44-1-1005(1) effective
12 on ~~October~~ JULY 1, 1985.

13 NEW SECTION. Section 6. Effective date. This section
14 and section 5 are effective on passage and approval. THE
15 REMAINING PROVISIONS OF THIS ACT ARE EFFECTIVE JULY 1, 1985.

16 NEW SECTION. SECTION 7. TRANSFER OF PERSONNEL. IT IS
17 THE INTENTION OF THE LEGISLATURE THAT, FOR THE CONTINUITY OF
18 AN ONGOING TRUCK SAFETY PROGRAM, PERSONS EMPLOYED BY THE
19 PUBLIC SERVICE COMMISSION SOLELY FOR TRUCK SAFETY UNDER THE
20 MOTOR CARRIER SAFETY ASSISTANCE PROGRAM ON JANUARY 1, 1985,
21 MUST BE EMPLOYED BY THE DEPARTMENT OF JUSTICE, DIVISION OF
22 MOTOR VEHICLES, IN THE PERFORMANCE OF DUTIES SIMILAR TO
23 THOSE THEY PERFORMED BEFORE JANUARY 1, 1985.

-End-