

HOUSE BILL NO. 281

INTRODUCED BY SPAETH

BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE HOUSE

JANUARY 19, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
JANUARY 29, 1987	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.  STATEMENT OF INTENT ADOPTED.
JANUARY 30, 1987	PRINTING REPORT.
JANUARY 31, 1987	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
FEBRUARY 2, 1987	SECOND READING, DO PASS.
FEBRUARY 3, 1987	ENGROSSING REPORT.  THIRD READING, PASSED.  TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 4, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
FEBRUARY 23, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 2, 1987	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
MARCH 3, 1987	SECOND READING, CONCURRED IN.
MARCH 5, 1987	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.  RETURNED TO HOUSE.

MARCH 6, 1987

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

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3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE RULEMAKING  
6 AUTHORITY TO THE DEPARTMENT OF JUSTICE TO IMPLEMENT TITLE  
7 61, CHAPTER 5, MCA, RELATING TO LICENSING FOR MOTOR VEHICLE  
8 OPERATORS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9

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

11 Section 1. Authority of department. The department  
12 shall administer and enforce the provisions of this chapter  
13 and may adopt rules to implement this chapter.

14 Section 2. Codification instruction. Section 1 is  
15 intended to be codified as an integral part of Title 61,  
16 chapter 5, and the provisions of Title 61, chapter 5, apply  
17 to section 1.

18 Section 3. Effective date. This act is effective on  
19 passage and approval.

-End-

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

1 STATEMENT OF INTENT

2 HOUSE BILL 281

3 House Highways & Transportation Committee

4

5 A statement of intent is required for this bill because  
6 section 1 expressly grants the department of justice general  
7 rulemaking authority to promulgate regulations to enforce  
8 Title 61, chapter 5. The department's authority to adopt  
9 administrative rules affecting Title 61, chapter 5, has been  
10 challenged in the Montana supreme court principally because  
11 there is no easily identifiable general rulemaking authority  
12 in chapter 5. On past occasions, the department has relied  
13 on the authority granted the highway patrol by 44-1-103 to  
14 promulgate regulations for licensing motor vehicle  
15 operators. Clarification of rulemaking authority is needed  
16 since reorganization of the department's functions removed  
17 the licensing of motor vehicle operators from the highway  
18 patrol.

SECOND READING

HB-281

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REFERENCE BILL  
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