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.

IN THE HOUSE

MARCH 6, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1	HOUSE BILL NO. 211
2	INTRODUCED BY
3	BY REQUEST OF THE DEPARTMENT OF JUSTICE
4	
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-



INTRODUCED BILL HB-281

50th Legislature

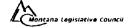
patrol.

HB 0281/si

APPROVED BY COMMITTEE ON HIGHWAYS & TRANSPORTATION

1	STATEMENT OF INTENT
2	HOUSE BILL 281
3	House Highways & Transportation Committee

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



SECOND READING

50th Legislature HB 0281/02

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50th Legislature

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HOUSE BILL 281

House Highways & Transportation Committee

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THIRD READING

50th Legislature

HB 0281/02

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REFERENCE BILL HB-281



