

SENATE BILL NO. 69

INTRODUCED BY FARRELL

BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE SENATE

JANUARY 7, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
FEBRUARY 10, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 11, 1987	PRINTING REPORT.
FEBRUARY 13, 1987	SECOND READING, DO PASS.
FEBRUARY 14, 1987	ENGROSSING REPORT.
FEBRUARY 16, 1987	THIRD READING, PASSED. AYES, 46; NOES, 4.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 18, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
MARCH 27, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 28, 1987	SECOND READING, CONCURRED IN.
MARCH 30, 1987	THIRD READING, CONCURRED IN. AYES, 94; NOES, 4.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 31, 1987	RECEIVED FROM HOUSE. SENT TO ENROLLING.
----------------	------------------------------------------------

1 road.

2 (4) The department shall cooperate with the department
3 of highways to assure minimum duplication and maximum
4 coordination of enforcement effort.

5 (5) The department may designate and train civilian
6 employees as inspectors within the motor carrier safety
7 administration program. Each civilian inspector is a peace
8 officer but may exercise only the powers set forth in
9 subsections (5) and (6) of 61-10-141 for the limited purpose
10 of enforcement of standards adopted pursuant to subsection
11 (1) of this section.

12 (6) Violations of the standards adopted pursuant to
13 subsection (1) are punishable as provided in 69-12-108."

14 Section 2. Section 69-12-108, MCA, is amended to read:

15 "69-12-108. Violations. (1) Any motor carrier subject
16 to the provisions of this chapter, ~~as amended,~~ or the
17 standards adopted pursuant to 44-1-1005 whenever ~~any such~~
18 ~~motor carrier is a corporation, any director or officer~~
19 ~~thereof, any receiver, trustee, lessee, agent, or person~~
20 ~~acting for or employed by such corporation, any person,~~
21 ~~corporation, or association or officer, agent, or employee~~
22 ~~thereof, or any broker of property or officer, agent, or~~
23 ~~employee thereof who violates or fails to comply with or who~~
24 ~~procures, aids, or abets in the violation of any provision~~
25 of this chapter, ~~as amended,~~ or the standards adopted

1 pursuant to 44-1-1005, or who fails to obey, observe, or
2 comply with any lawful order, decision, rule, direction,
3 demand, or requirement of the commission or any part of the
4 provisions thereof is:

5 ~~(1)~~(a) subject to a civil penalty, to be collected and
6 deposited to the general fund by the commission after notice
7 and hearing, in an amount not less than \$25 or more than
8 \$500 for the first offense and not less than \$25 or more
9 than \$1,000 for each subsequent offense; or

10 ~~(2)~~(b) subject, upon conviction in a justice's court,
11 to a fine of not less than \$25 or more than \$500 for the
12 first offense and not less than \$25 or more than \$1,000 for
13 each subsequent offense.

14 (2) If a motor carrier is a corporation, a director or
15 officer thereof; a receiver, trustee, lessee, agent, or
16 person acting for or employed by such corporation; or a
17 broker of property or an officer, agent, or employee thereof
18 charged with a violation is subject to the penalties
19 provided in this section."

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

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB069, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act authorizing the Department of Justice to designate civilian employees as peace officers for purposes of enforcing motor carrier safety standards, and providing penalties for violations of those standards.

ASSUMPTIONS:

1. Motor vehicle safety inspectors of the Highway Patrol Division are the designated civilian employees.
2. 1800 commercial vehicle inspections will result in out-of-service violations for either vehicle and/or driver per year.
3. Half of those violations will result in summonses being written with \$100 being the average fine.

FISCAL IMPACT:

	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>	\$ 198,720	\$ 198,720	\$ 0	\$ 198,890	\$ 198,890	\$ 0
<u>Funding:</u>						
Federal	\$ 198,720	\$ 198,720	\$ 0	\$ 198,890	\$ 198,890	\$ 0
<u>Revenues:</u>	\$ 0	\$ 90,000	\$ 90,000	\$ 0	\$ 90,000	\$ 90,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

The revenue collected will be deposited in the county treasury where the violation occurred.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

N/A

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

N/A

David L. Hunter DATE 1/15/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

William E. Farrell DATE 1/15/87
 WILLIAM FARRELL, PRIMARY SPONSOR

Fiscal Note for SB069, as introduced.

SB-69

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

1 SENATE BILL NO. 69
 2 INTRODUCED BY FARRELL
 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
 6 DEPARTMENT OF JUSTICE TO DESIGNATE CIVILIAN EMPLOYEES AS
 7 PEACE OFFICERS FOR--PURPOSES--OF--ENFORCING--MOTOR--CARRIER
 8 SAFETY---STANDARDS WITH LIMITED JURISDICTION; PROVIDING
 9 PENALTIES FOR VIOLATIONS OF SAFETY STANDARDS; AND AMENDING
 10 SECTIONS 44-1-1005 AND ~~69-12-100~~ 61-9-512, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 44-1-1005, MCA, is amended to read:
 14 "44-1-1005. Motor carriers safety -- enforcement --
 15 penalties. (1) The department of justice shall:
 16 (a) adopt, by rule, standards for safety of operations
 17 of motor cartiers, each of whom is considered to consent
 18 impliedly to reasonable safety inspections of its motor
 19 vehicles utilized in furtherance of its business as a motor
 20 carrier;
 21 (b) provide standards for the safe operation of all
 22 motor vehicles used in commerce that exceed 26,000 pounds
 23 gross vehicle weight, except farm vehicles; and
 24 (c) provide for the safe operation of vehicles of less
 25 than 26,000 pounds gross vehicle weight if they are used to

1 transport passengers for hire or to transport hazardous
 2 materials of a type or quantity that requires the vehicle to
 3 be marked or placarded in accordance with rules adopted by
 4 the department.
 5 (2) Standards of safety adopted pursuant to
 6 subsections (1)(b) and (1)(c) must be the same as prescribed
 7 for motor carriers, and the same inspection standards and
 8 procedures apply. However, standards relating to drivers,
 9 other than drivers for motor carriers, do not apply to a
 10 vehicle operated exclusively within a 200-mile radius of its
 11 work reporting location.
 12 (3) The highway patrol has responsibility for
 13 enforcement of standards adopted pursuant to subsection
 14 (1)(a). Inspection of a vehicle based in Montana may, at
 15 the request of the carrier, be made at the place of business
 16 or domicile of the vehicle owner or, if that is not a
 17 practicable inspection site, at a designated location and at
 18 a mutually agreeable time. After inspection, a vehicle
 19 found to conform to the standards adopted pursuant to
 20 subsection (1)(a) is entitled to certification and
 21 identification to exempt it from further safety inspection
 22 until the next required periodic inspection or until a
 23 nonconformity with standards is apparent. Nothing in this
 24 section prohibits the inspection of a motor vehicle as
 25 defined by subsection (1)(a) at a safe location on a public



1 road.

2 (4) The department shall cooperate with the department
3 of highways to assure minimum duplication and maximum
4 coordination of enforcement effort.

5 (5) The department may designate and train civilian
6 employees as inspectors within the motor carrier safety
7 administration ASSISTANCE program. Each civilian inspector
8 is a peace officer but may exercise only the powers set
9 forth in subsections (5) and (6) of 61-10-141 for the
10 limited purpose of enforcement of standards adopted pursuant
11 to subsection (i) of this section: WHOSE JURISDICTION IS
12 LIMITED TO ENFORCEMENT OF VIOLATIONS OF CHAPTERS 5 AND 9 OF
13 TITLE 61 AND ANY STANDARDS ADOPTED PURSUANT TO SUBSECTIONS
14 (1) AND (2) OF THIS SECTION. EACH EMPLOYEE SO DESIGNATED AS
15 A PEACE OFFICER MAY:

16 (A) ISSUE CITATIONS AND MAKE ARRESTS;

17 (B) ISSUE SUMMONS;

18 (C) ACCEPT BAIL;

19 (D) SERVE WARRANTS OF ARREST;

20 (E) MAKE REASONABLE INSPECTIONS OF CARGO CARRIED BY
21 COMMERCIAL MOTOR VEHICLES;

22 (F) MAKE REASONABLE SAFETY INSPECTIONS OF COMMERCIAL
23 MOTOR VEHICLES; AND

24 (G) REQUIRE PRODUCTION OF DOCUMENTS RELATING TO THE
25 CARGO, DRIVER, ROUTING, MAINTENANCE, OR OWNERSHIP OF SUCH

1 VEHICLES.

2 (6) Violations of the standards adopted pursuant to
3 subsection (1) are punishable as provided in 69-12-108
4 61-9-512."

5 Section 2:--Section 69-12-108, MCA, is amended to read:
6 "69-12-108:--Violations: (i)--Any motor carrier subject
7 to the provisions of this chapter, as amended, or the
8 standards adopted pursuant to 44-1-1005 whenever any such
9 motor carrier is a corporation, any director or officer
10 thereof, any receiver, trustee, lessee, agent, or person
11 acting for or employed by such corporation, any person,
12 corporation, or association or officer, agent, or employee
13 thereof, or any broker of property or officer, agent, or
14 employee thereof who violates or fails to comply with or who
15 procures, aids, or abets in the violation of any provision
16 of this chapter, as amended, or the standards adopted
17 pursuant to 44-1-1005, or who fails to obey, observe, or
18 comply with any lawful order, decision, rule, direction,
19 demand, or requirement of the commission or any part of the
20 provisions thereof is:

21 (i)(a) subject to a civil penalty, to be collected and
22 deposited to the general fund by the commission after notice
23 and hearing, in an amount not less than \$25 or more than
24 \$500 for the first offense and not less than \$25 or more
25 than \$1,000 for each subsequent offense; or

1 ~~(2)(b) subject, upon conviction in a justice's court,~~
 2 ~~to a fine of not less than \$25 or more than \$500 for the~~
 3 ~~first offense and not less than \$25 or more than \$1,000 for~~
 4 ~~each subsequent offense.~~

5 ~~(2) If a motor carrier is a corporation, a director or~~
 6 ~~officer thereof, a receiver, trustee, lessee, agent, or~~
 7 ~~person acting for or employed by such corporation, or a~~
 8 ~~broker of property or an officer, agent, or employee thereof~~
 9 ~~charged with a violation is subject to the penalties~~
 10 ~~provided in this section."~~

11 SECTION 2. SECTION 61-9-512, MCA, IS AMENDED TO READ:

12 "61-9-512. Violation of rules -- penalty. (1) Any
 13 violation of any rules adopted by the department shall be
 14 deemed is a misdemeanor.

15 (2) A person convicted of any standard adopted
 16 pursuant to 44-1-1005 shall be fined not less than \$25 or
 17 more than \$500 for the first offense and not less than \$25
 18 or more than \$1,000 for each subsequent offense.

19 (3) The penalties provided in subsection (2) apply to
 20 any motor carrier that is a corporation subject to the
 21 standards adopted pursuant to 44-1-1005. The penalties may
 22 be imposed against:

- 23 (a) a director or officer of the corporation;
- 24 (b) any receiver, trustee, lessee, agent, or person
- 25 acting for or employed by the corporation; or

1 (c) any broker of property or officer, agent, or
 2 employee thereof."

3 NEW SECTION. Section 3. Extension of authority. Any
 4 existing authority of the department of justice or the
 5 public service commission to make rules on the subject of
 6 the provisions of this act is extended to the provisions of
 7 this act.

-End-

1 SENATE BILL NO. 69

2 INTRODUCED BY FARRELL

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
6 DEPARTMENT OF JUSTICE TO DESIGNATE CIVILIAN EMPLOYEES AS
7 PEACE OFFICERS FOR--PURPOSES--OF--ENFORCING--MOTOR--CARRIER
8 SAFETY---STANDARDS WITH LIMITED JURISDICTION; PROVIDING
9 PENALTIES FOR VIOLATIONS OF SAFETY STANDARDS; AND AMENDING
10 SECTIONS 44-1-1005 AND ~~69-12-100~~ 61-9-512, MCA."

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

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

14 "44-1-1005. Motor carriers safety -- enforcement --
15 penalties. (1) The department of justice shall:16 (a) adopt, by rule, standards for safety of operations
17 of motor carriers, each of whom is considered to consent
18 impliedly to reasonable safety inspections of its motor
19 vehicles utilized in furtherance of its business as a motor
20 carrier;21 (b) provide standards for the safe operation of all
22 motor vehicles used in commerce that exceed 26,000 pounds
23 gross vehicle weight, except farm vehicles; and24 (c) provide for the safe operation of vehicles of less
25 than 26,000 pounds gross vehicle weight if they are used to1 transport passengers for hire or to transport hazardous
2 materials of a type or quantity that requires the vehicle to
3 be marked or placarded in accordance with rules adopted by
4 the department.5 (2) Standards of safety adopted pursuant to
6 subsections (1)(b) and (1)(c) must be the same as prescribed
7 for motor carriers, and the same inspection standards and
8 procedures apply. However, standards relating to drivers,
9 other than drivers for motor carriers, do not apply to a
10 vehicle operated exclusively within a 200-mile radius of its
11 work reporting location.12 (3) The highway patrol has responsibility for
13 enforcement of standards adopted pursuant to subsection
14 (1)(a). Inspection of a vehicle based in Montana may, at
15 the request of the carrier, be made at the place of business
16 or domicile of the vehicle owner or, if that is not a
17 practicable inspection site, at a designated location and at
18 a mutually agreeable time. After inspection, a vehicle
19 found to conform to the standards adopted pursuant to
20 subsection (1)(a) is entitled to certification and
21 identification to exempt it from further safety inspection
22 until the next required periodic inspection or until a
23 nonconformity with standards is apparent. Nothing in this
24 section prohibits the inspection of a motor vehicle as
25 defined by subsection (1)(a) at a safe location on a public

1 road.

2 (4) The department shall cooperate with the department
3 of highways to assure minimum duplication and maximum
4 coordination of enforcement effort.

5 (5) The department may designate and train civilian
6 employees as inspectors within the motor carrier safety
7 administration ASSISTANCE program. Each civilian inspector
8 is a peace officer but may exercise only the powers set
9 forth in subsections (5) and (6) of 61-10-141 for the
10 limited purpose of enforcement of standards adopted pursuant
11 to subsection (1) of this section; WHOSE JURISDICTION IS
12 LIMITED TO ENFORCEMENT OF VIOLATIONS OF CHAPTERS 5 AND 9 OF
13 TITLE 61 AND ANY STANDARDS ADOPTED PURSUANT TO SUBSECTIONS
14 (1) AND (2) OF THIS SECTION. EACH EMPLOYEE SO DESIGNATED AS
15 A PEACE OFFICER MAY:

16 (A) ISSUE CITATIONS AND MAKE ARRESTS;

17 (B) ISSUE SUMMONS;

18 (C) ACCEPT BAIL;

19 (D) SERVE WARRANTS OF ARREST;

20 (E) MAKE REASONABLE INSPECTIONS OF CARGO CARRIED BY
21 COMMERCIAL MOTOR VEHICLES;

22 (F) MAKE REASONABLE SAFETY INSPECTIONS OF COMMERCIAL
23 MOTOR VEHICLES; AND

24 (G) REQUIRE PRODUCTION OF DOCUMENTS RELATING TO THE
25 CARGO, DRIVER, ROUTING, MAINTENANCE, OR OWNERSHIP OF SUCH

1 VEHICLES.

2 (6) Violations of the standards adopted pursuant to
3 subsection (1) are punishable as provided in 69-12-100
4 61-9-512."

5 Section 2, Section 69-12-100, MCA, is amended to read:

6 "69-12-100. Violations, (1) Any motor carrier subject
7 to the provisions of this chapter, as amended, or the
8 standards adopted pursuant to 44-1-1005 whenever any such
9 motor carrier is a corporation, any director or officer
10 thereof, any receiver, trustee, lessee, agent, or person
11 acting for or employed by such corporation, any person,
12 corporation, or association or officer, agent, or employee
13 thereof, or any broker of property or officer, agent, or
14 employee thereof who violates or fails to comply with or who
15 procures, aids, or abets in the violation of any provision
16 of this chapter, as amended, or the standards adopted
17 pursuant to 44-1-1005, or who fails to obey, observe, or
18 comply with any lawful order, decision, rule, direction,
19 demand, or requirement of the commission or any part of the
20 provisions thereof is:

21 (1)(a) subject to a civil penalty, to be collected and
22 deposited to the general fund by the commission after notice
23 and hearing, in an amount not less than \$25 or more than
24 \$500 for the first offense and not less than \$25 or more
25 than \$1,000 for each subsequent offense, or

1 ~~(2)(b) subject, upon conviction in a justice's court,~~
2 ~~to a fine of not less than \$25 or more than \$500 for the~~
3 ~~first offense and not less than \$25 or more than \$1,000 for~~
4 ~~each subsequent offense.~~

5 ~~(2) if a motor carrier is a corporation, a director or~~
6 ~~officer thereof, a receiver, trustee, lessee, agent, or~~
7 ~~person acting for or employed by such corporation, or a~~
8 ~~broker of property or an officer, agent, or employee thereof~~
9 ~~charged with a violation is subject to the penalties~~
10 ~~provided in this section."~~

11 SECTION 2. SECTION 61-9-512, MCA, IS AMENDED TO READ:

12 "61-9-512. Violation of rules -- penalty. (1) Any
13 violation of any rules adopted by the department shall be
14 deemed is a misdemeanor.

15 (2) A person convicted of any standard adopted
16 pursuant to 44-1-1005 shall be fined not less than \$25 or
17 more than \$500 for the first offense and not less than \$25
18 or more than \$1,000 for each subsequent offense.

19 (3) The penalties provided in subsection (2) apply to
20 any motor carrier that is a corporation subject to the
21 standards adopted pursuant to 44-1-1005. The penalties may
22 be imposed against:

- 23 (a) a director or officer of the corporation;
- 24 (b) any receiver, trustee, lessee, agent, or person
- 25 acting for or employed by the corporation; or

1 (c) any broker of property or officer, agent, or
2 employee thereof."

3 NEW SECTION. Section 3. Extension of authority. Any
4 existing authority of the department of justice or the
5 public service commission to make rules on the subject of
6 the provisions of this act is extended to the provisions of
7 this act.

-End-

SENATE BILL NO. 69

INTRODUCED BY FARRELL

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF JUSTICE TO DESIGNATE CIVILIAN EMPLOYEES AS PEACE OFFICERS FOR--PURPOSES--OF--ENFORCING--MOTOR--CARRIER SAFETY---STANDARDS WITH LIMITED JURISDICTION; PROVIDING PENALTIES FOR VIOLATIONS OF SAFETY STANDARDS; AND AMENDING SECTIONS 44-1-1005 AND 69-12-100 61-9-512, MCA."

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

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

"44-1-1005. Motor carriers safety -- enforcement -- penalties. (1) The department of justice shall:

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

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

(c) provide for the safe operation of vehicles of less than 26,000 pounds gross vehicle weight if they are used to

transport passengers for hire or to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with rules adopted by the department.

(2) Standards of safety adopted pursuant to subsections (1)(b) and (1)(c) must be the same as prescribed for motor carriers, and the same inspection standards and procedures 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) The highway patrol has responsibility for enforcement of standards adopted pursuant to subsection (1)(a). Inspection of a vehicle based in Montana may, at the request of the carrier, be made at the place of business or domicile of the vehicle owner or, if that is not a practicable inspection site, at a designated location and at a mutually agreeable time. After inspection, a vehicle found to conform to the standards adopted pursuant to subsection (1)(a) is entitled to certification and identification to exempt it from further safety inspection until the next required periodic inspection or until a nonconformity with standards is apparent. Nothing in this section prohibits the inspection of a motor vehicle as defined by subsection (1)(a) at a safe location on a public



1 road.

2 (4) The department shall cooperate with the department
3 of highways to assure minimum duplication and maximum
4 coordination of enforcement effort.

5 (5) The department may designate and train civilian
6 employees as inspectors within the motor carrier safety
7 administration ASSISTANCE program. Each civilian inspector
8 is a peace officer but may exercise only the powers set
9 forth in subsections (5) and (6) of 61-10-141 for the
10 limited purpose of enforcement of standards adopted pursuant
11 to subsection (i) of this section. WHOSE JURISDICTION IS
12 LIMITED TO ENFORCEMENT OF VIOLATIONS OF CHAPTERS 5 AND 9 OF
13 TITLE 61 AND ANY STANDARDS ADOPTED PURSUANT TO SUBSECTIONS
14 (1) AND (2) OF THIS SECTION. EACH EMPLOYEE SO DESIGNATED AS
15 A PEACE OFFICER MAY:

16 (A) ISSUE CITATIONS AND MAKE ARRESTS;

17 (B) ISSUE SUMMONS;

18 (C) ACCEPT BAIL;

19 (D) SERVE WARRANTS OF ARREST;

20 (E) MAKE REASONABLE INSPECTIONS OF CARGO CARRIED BY
21 COMMERCIAL MOTOR VEHICLES;

22 (F) MAKE REASONABLE SAFETY INSPECTIONS OF COMMERCIAL
23 MOTOR VEHICLES; AND

24 (G) REQUIRE PRODUCTION OF DOCUMENTS RELATING TO THE
25 CARGO, DRIVER, ROUTING, MAINTENANCE, OR OWNERSHIP OF SUCH

1 VEHICLES.

2 (6) Violations of the standards adopted pursuant to
3 subsection (1) are punishable as provided in 69-12-100
4 61-9-512."

5 Section 2:--Section 69-12-100, MEA, is amended to read:

6 "69-12-100:--Violations: (i)--Any motor carrier subject
7 to the provisions of this chapter, as amended, or the
8 standards adopted pursuant to 44-1-1005 whenever any such
9 motor carrier is a corporation, any director or officer
10 thereof, any receiver, trustee, lessee, agent, or person
11 acting for or employed by such corporation, any person,
12 corporation, or association or officer, agent, or employee
13 thereof, or any broker of property or officer, agent, or
14 employee thereof who violates or fails to comply with or who
15 procures, aids, or abets in the violation of any provision
16 of this chapter, as amended, or the standards adopted
17 pursuant to 44-1-1005, or who fails to obey, observe, or
18 comply with any lawful order, decision, rule, direction,
19 demand, or requirement of the commission or any part of the
20 provisions thereof is:

21 (i)(a)--subject to a civil penalty, to be collected and
22 deposited to the general fund by the commission after notice
23 and hearing, in an amount not less than \$25 or more than
24 \$500 for the first offense and not less than \$25 or more
25 than \$1,000 for each subsequent offense; or

~~(2)(b) subject, upon conviction in a justice's court, to a fine of not less than \$25 or more than \$500 for the first offense and not less than \$25 or more than \$1,000 for each subsequent offense.~~

~~(2) If a motor carrier is a corporation, a director or officer thereof, a receiver, trustee, lessee, agent, or person acting for or employed by such corporation; or a broker of property or an officer, agent, or employee thereof charged with a violation is subject to the penalties provided in this section."~~

SECTION 2. SECTION 61-9-512, MCA, IS AMENDED TO READ:

"61-9-512. Violation of rules -- penalty. (1) Any violation of any rules adopted by the department shall be deemed is a misdemeanor.

(2) A person convicted of any standard adopted pursuant to 44-1-1005 shall be fined not less than \$25 or more than \$500 for the first offense and not less than \$25 or more than \$1,000 for each subsequent offense.

(3) The penalties provided in subsection (2) apply to any motor carrier that is a corporation subject to the standards adopted pursuant to 44-1-1005. The penalties may be imposed against:

(a) a director or officer of the corporation;

(b) any receiver, trustee, lessee, agent, or person acting for or employed by the corporation; or

(c) any broker of property or officer, agent, or employee thereof."

NEW SECTION. Section 3. Extension of authority. Any existing authority of the department of justice or the public service commission to make rules on the subject of the provisions of this act is extended to the provisions of this act.

-End-