

HOUSE BILL NO. 110
INTRODUCED BY EUDAILY, AAFEDT, KADAS

IN THE HOUSE

JANUARY 10, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
JANUARY 11, 1989	FIRST READING.
JANUARY 20, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 21, 1989	PRINTING REPORT.
JANUARY 23, 1989	SECOND READING, DO PASS.
JANUARY 24, 1989	ENGROSSING REPORT.
JANUARY 25, 1989	THIRD READING, PASSED. AYES, 89; NOES, 9.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 26, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
FEBRUARY 15, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 27, 1989	SECOND READING, CONCURRED IN.
MARCH 1, 1989	THIRD READING, CONCURRED IN. AYES, 41; NOES, 1.
	RETURNED TO HOUSE.

MARCH 2, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *110*
2 INTRODUCED BY *Edaily* *Refeath* *Kadas*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT EMPLOYEES
5 OF THE DEPARTMENT OF HIGHWAYS AND PEACE OFFICERS FROM
6 STOPPING RECREATIONAL VEHICLES FOR GROSS VEHICLE WEIGHT
7 INSPECTIONS; AND AMENDING SECTIONS 61-1-132 AND 61-10-141,
8 MCA."
9

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

11 **Section 1.** Section 61-1-132, MCA, is amended to read:

12 "61-1-132. Recreational vehicle. The term
13 "recreational vehicle" as used in 61-4-101 through 61-4-105
14 and 61-10-141 includes travel trailers as defined in
15 61-1-131, motor homes as defined in 61-1-130, and other
16 self-propelled vehicles originally designed or permanently
17 altered to provide temporary facilities for recreational,
18 travel, or camping use."

19 **Section 2.** Section 61-10-141, MCA, is amended to read:

20 "61-10-141. Officers authorized to weigh vehicles and
21 require removal of excessive loads -- enforcement of motor
22 carrier safety standards. (1) A peace officer, officer of
23 the highway patrol, or employee of the department of
24 highways may weigh any vehicle regulated by 61-10-101
25 through 61-10-110, except recreational vehicles as defined

1 in 61-1-132, either by means of portable or stationary
2 scales, and may require that the vehicle be driven to the
3 nearest scales if those scales are within 2 miles. That
4 person may then require the driver to unload immediately
5 that portion of the load necessary to decrease the weight of
6 the vehicle to conform to the maximum allowable weights
7 specified in 61-10-101 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 of highways may establish,
15 maintain, and operate weigh stations, either intermittently
16 or on a continuous schedule, and may require vehicles,
17 except passenger cars and pickup trucks under 8,000 pounds
18 G.V.W. and recreational vehicles as defined in 61-1-132, to
19 enter for the purpose of weighing and inspection for
20 compliance with all laws pertaining to their operation and
21 safety requirements.

22 (4) The department of highways shall work with the
23 highway patrol in the enforcement of safety standards
24 adopted pursuant to 44-1-1005. For the purposes of such
25 joint enforcement, the highway patrol is designated as the

1 lead agency. The highway patrol and the department of
2 highways shall cooperate to assure minimum duplication and
3 maximum coordination of enforcement effort.

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

11 (a) issue citations and make arrests in connection
12 with violations of safety standards adopted under 44-1-1005;

13 (b) issue summons;

14 (c) accept bail;

15 (d) serve warrants for arrest;

16 (e) make reasonable inspections of cargo carried by
17 commercial motor vehicles;

18 (f) make reasonable safety inspections of commercial
19 motor vehicles utilized by motor carriers; and

20 (g) require production of documents relating to the
21 cargo, driver, routing, or ownership of such vehicles.

22 (6) In addition to other enforcement duties assigned
23 under this section, an employee of the department of
24 highways has the same authority to enforce provisions of the
25 motor carriers law as that granted the public service

1 commission under 69-12-203."

2 NEW SECTION. **Section 3.** Extension of authority. Any
3 existing authority to make rules on the subject of the
4 provisions of [this act] is extended to the provisions of
5 [this act].

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 110

INTRODUCED BY EUDAILY, AAFEDT, KADAS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT EMPLOYEES OF THE DEPARTMENT OF HIGHWAYS AND PEACE OFFICERS FROM STOPPING RECREATIONAL VEHICLES FOR GROSS VEHICLE WEIGHT INSPECTIONS; AND AMENDING SECTIONS 61-1-132 AND 61-10-141, MCA."

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

Section 1. Section 61-1-132, MCA, is amended to read:

"61-1-132. Recreational vehicle. The term "recreational vehicle" as used in 61-4-101 through 61-4-105 and 61-10-141 includes travel trailers as defined in 61-1-131, motor homes as defined in 61-1-130, and other self-propelled vehicles originally designed or permanently altered to provide temporary facilities for recreational, travel, or camping use."

Section 2. 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 of highways may weigh any vehicle regulated by 61-10-101 through 61-10-110, except recreational vehicles as defined

in 61-1-132, either by means of portable or stationary scales, and may require that the vehicle be driven to the nearest scales if those scales are within 2 miles. That person may then require the driver to unload immediately that portion of the load necessary to decrease the weight of the vehicle to conform to the maximum allowable weights specified in 61-10-101 through 61-10-110.

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

(3) The department of highways may establish, maintain, and operate weigh stations, either intermittently or on a continuous schedule, and may require vehicles, except passenger cars and pickup trucks under 8,000 pounds G.V.W. and recreational vehicles as defined in 61-1-132 THAT ARE NOT NEW OR USED RECREATIONAL VEHICLES TRAVELING INTO OR THROUGH MONTANA FOR DELIVERY TO A DISTRIBUTOR OR A DEALER, to enter for the purpose of weighing and inspection for compliance with all laws pertaining to their operation and safety requirements.

(4) The department of highways 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 of highways 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 of highways shall designate employees as peace officers. The designated employees must be employed in the administration of the gross vehicle weight functions of the department of highways. 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 inspections 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.
- (6) In addition to other enforcement duties assigned under this section, an employee of the department of

highways has the same authority to enforce provisions of the motor carriers law as that granted the public service commission under 69-12-203."

NEW SECTION. **Section 3.** Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

-End-

HOUSE BILL NO. 110

INTRODUCED BY EUDAILY, AAFEDT, KADAS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT EMPLOYEES OF THE DEPARTMENT OF HIGHWAYS AND PEACE OFFICERS FROM STOPPING RECREATIONAL VEHICLES FOR GROSS VEHICLE WEIGHT INSPECTIONS; AND AMENDING SECTIONS 61-1-132 AND 61-10-141, MCA."

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

Section 1. Section 61-1-132, MCA, is amended to read:

"61-1-132. Recreational vehicle. The term "recreational vehicle" as used in 61-4-101 through 61-4-105 and 61-10-141 includes travel trailers as defined in 61-1-131, motor homes as defined in 61-1-130, and other self-propelled vehicles originally designed or permanently altered to provide temporary facilities for recreational, travel, or camping use."

Section 2. 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 of highways may weigh any vehicle regulated by 61-10-101 through 61-10-110, except recreational vehicles as defined

in 61-1-132, either by means of portable or stationary scales, and may require that the vehicle be driven to the nearest scales if those scales are within 2 miles. That person may then require the driver to unload immediately that portion of the load necessary to decrease the weight of the vehicle to conform to the maximum allowable weights specified in 61-10-101 through 61-10-110.

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

(3) The department of highways may establish, maintain, and operate weigh stations, either intermittently or on a continuous schedule, and may require vehicles, except passenger cars and pickup trucks under 8,000 pounds G.V.W. and recreational vehicles as defined in 61-1-132 THAT ARE NOT NEW OR USED RECREATIONAL VEHICLES TRAVELING INTO OR THROUGH MONTANA FOR DELIVERY TO A DISTRIBUTOR OR A DEALER, to enter for the purpose of weighing and inspection for compliance with all laws pertaining to their operation and safety requirements.

(4) The department of highways shall work with the highway patrol in the enforcement of safety standards

1 adopted pursuant to 44-1-1005. For the purposes of such
 2 joint enforcement, the highway patrol is designated as the
 3 lead agency. The highway patrol and the department of
 4 highways shall cooperate to assure minimum duplication and
 5 maximum coordination of enforcement effort.

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

13 (a) issue citations and make arrests in connection
 14 with violations of safety standards adopted under 44-1-1005;

15 (b) issue summons;

16 (c) accept bail;

17 (d) serve warrants for arrest;

18 (e) make reasonable inspections of cargo carried by
 19 commercial motor vehicles;

20 (f) make reasonable safety inspections of commercial
 21 motor vehicles utilized by motor carriers; and

22 (g) require production of documents relating to the
 23 cargo, driver, routing, or ownership of such vehicles.

24 (6) In addition to other enforcement duties assigned
 25 under this section, an employee of the department of

1 highways has the same authority to enforce provisions of the
 2 motor carriers law as that granted the public service
 3 commission under 69-12-203."

4 NEW SECTION. **Section 3. Extension of authority.** Any
 5 existing authority to make rules on the subject of the
 6 provisions of [this act] is extended to the provisions of
 7 [this act].

-End-

1 HOUSE BILL NO. 110

2 INTRODUCED BY EUDAILY, AAFEDT, KADAS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT EMPLOYEES
5 OF THE DEPARTMENT OF HIGHWAYS AND PEACE OFFICERS FROM
6 STOPPING RECREATIONAL VEHICLES FOR GROSS VEHICLE WEIGHT
7 INSPECTIONS; AND AMENDING SECTIONS 61-1-132 AND 61-10-141,
8 MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 61-1-132, MCA, is amended to read:

12 "61-1-132. Recreational vehicle. The term
13 "recreational vehicle" as used in 61-4-101 through 61-4-105
14 and 61-10-141 includes travel trailers as defined in
15 61-1-131, motor homes as defined in 61-1-130, and other
16 self-propelled vehicles originally designed or permanently
17 altered to provide temporary facilities for recreational,
18 travel, or camping use."

19 Section 2. Section 61-10-141, MCA, is amended to read:

20 "61-10-141. Officers authorized to weigh vehicles and
21 require removal of excessive loads -- enforcement of motor
22 carrier safety standards. (1) A peace officer, officer of
23 the highway patrol, or employee of the department of
24 highways may weigh any vehicle regulated by 61-10-101
25 through 61-10-110, except recreational vehicles as defined

1 in 61-1-132, either by means of portable or stationary
2 scales, and may require that the vehicle be driven to the
3 nearest scales if those scales are within 2 miles. That
4 person may then require the driver to unload immediately
5 that portion of the load necessary to decrease the weight of
6 the vehicle to conform to the maximum allowable weights
7 specified in 61-10-101 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 of highways may establish,
15 maintain, and operate weigh stations, either intermittently
16 or on a continuous schedule, and may require vehicles,
17 except passenger cars and pickup trucks under 8,000 pounds
18 G.V.W. and recreational vehicles as defined in 61-1-132 THAT
19 ARE NOT NEW OR USED RECREATIONAL VEHICLES TRAVELING INTO OR
20 THROUGH MONTANA FOR DELIVERY TO A DISTRIBUTOR OR A DEALER,
21 to enter for the purpose of weighing and inspection for
22 compliance with all laws pertaining to their operation and
23 safety requirements.

24 (4) The department of highways shall work with the
25 highway patrol in the enforcement of safety standards

1 adopted pursuant to 44-1-1005. For the purposes of such
 2 joint enforcement, the highway patrol is designated as the
 3 lead agency. The highway patrol and the department of
 4 highways shall cooperate to assure minimum duplication and
 5 maximum coordination of enforcement effort.

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

- 13 (a) issue citations and make arrests in connection
- 14 with violations of safety standards adopted under 44-1-1005;
- 15 (b) issue summons;
- 16 (c) accept bail;
- 17 (d) serve warrants for arrest;
- 18 (e) make reasonable inspections of cargo carried by
- 19 commercial motor vehicles;
- 20 (f) make reasonable safety inspections of commercial
- 21 motor vehicles utilized by motor carriers; and
- 22 (g) require production of documents relating to the
- 23 cargo, driver, routing, or ownership of such vehicles.
- 24 (6) In addition to other enforcement duties assigned
- 25 under this section, an employee of the department of

1 highways has the same authority to enforce provisions of the
 2 motor carriers law as that granted the public service
 3 commission under 69-12-203."

4 NEW SECTION. Section 3. Extension of authority. Any
 5 existing authority to make rules on the subject of the
 6 provisions of [this act] is extended to the provisions of
 7 [this act].

-End-