

1 HOUSE BILL NO. 48

2 INTRODUCED BY LARSON

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PASSENGER TRANSPORT VEHICLES TO COMPLY
6 WITH MOTOR CARRIER SAFETY RULES, WHETHER OR NOT THE TRANSPORTATION IS FOR HIRE;
7 AMENDING SECTION 44-1-1005, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
8

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

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

12 **"44-1-1005. Motor carriers safety -- enforcement -- violations.** (1) The department of justice shall:

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

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

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

22 (2) Standards of safety adopted pursuant to subsections (1)(b) and (1)(c) must be the same as
23 prescribed for motor carriers, and the same inspection standards and procedures apply.

24 (3) The highway patrol has responsibility for enforcement of standards adopted pursuant to
25 subsection (1)(a). Inspection of a vehicle based in Montana may, at the request of the carrier, be made at
26 the place of business or domicile of the vehicle owner or, if that is not a practicable inspection site, at a
27 designated location and at a mutually agreeable time. After inspection, a vehicle found to conform to the
28 standards adopted pursuant to subsection (1)(a) is entitled to certification and identification to exempt it
29 from further safety inspection until the next required periodic inspection or until a nonconformity with
30 standards is apparent. Nothing in this section prohibits the inspection of a motor vehicle as provided for

1 by subsection (1)(a) at a safe location on a public road.

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

4 (5) The department may designate and train civilian employees as inspectors within the motor
5 carrier safety assistance program. Each civilian inspector is a peace officer whose jurisdiction is limited to
6 enforcement of violations of ~~chapters 5 and 9 of Title 61, chapters 5 and 9,~~ and any standards adopted
7 pursuant to subsections (1) and (2) of this section. Each employee ~~so~~ designated as a peace officer may:

8 (a) issue citations and make arrests;

9 (b) issue summonses;

10 (c) accept bail;

11 (d) serve warrants of arrest;

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

13 (f) make reasonable safety inspections of commercial motor vehicles; and

14 (g) require production of documents relating to the cargo, driver, routing, maintenance, or
15 ownership of ~~such~~ commercial motor vehicles.

16 (6) Violations of the standards adopted pursuant to subsection (1) are punishable as provided in
17 61-9-512."

18

19 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

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