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House BILL NO. 111

INTRODUCED BY

Charles Stoney

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE ARREST AUTHORITY OF DEPARTMENT OF TRANSPORTATION MOTOR CARRIER SERVICES DIVISION EMPLOYEES WHO ARE APPOINTED AS PEACE OFFICERS; AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION TO APPOINT EMPLOYEES OF ANOTHER JURISDICTION TO ENFORCE MONTANA GROSS VEHICLE WEIGHT LAWS AT JOINT WEIGH STATIONS; AND AMENDING SECTIONS 61-12-201, 61-12-206, AND 61-12-208, MCA."

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

Section 1. Section 61-12-201, MCA, is amended to read:

"**61-12-201. Appointment of employees and out-of-state personnel as peace officers.** (1) The director of transportation may appoint employees of the department as peace officers to carry out this part. The employees appointed may include only those employees of the department who are employed in the administration of the motor carrier services functions of the department and employees of other jurisdictions. Out-of-state personnel may be appointed only for the purpose of enforcing gross vehicle weight laws at joint weigh station facilities. Each employee appointed must be issued a certificate of appointment and execute an oath of office, which must be entered into the records of the department.

(2) The department may not terminate existing motor carrier services officers because the state enters into joint weigh station agreements."

Section 2. Section 61-12-206, MCA, is amended to read:

"**61-12-206. Offenses for which arrest authorized.** (1) Employees appointed under 61-12-201 may make arrests for violations of the following statutory provisions only:

- (1) part 1, chapter 10, of this title;
- (2) part 3, chapter 4, of this title;
- (3) sections 15-24-201 through 15-24-205;
- (4) Title 15, chapter 70, parts 2 and 3;

1 ~~(5)~~ sections 15-71-101 through 15-71-105;
2 (6) section 44-1-1005 and safety rules adopted under that section;
3 ~~(7)~~ section 61-3-502(1);
4 ~~(8)~~ sections 61-10-201, 61-10-203, 61-10-206, 61-10-209, and 61-10-211 through 61-10-215;
5 ~~(9)~~ sections 61-10-222 through 61-10-224;
6 ~~(10)~~ sections 61-10-231 through 61-10-233; and
7 (11) Title 69, chapter 12.
8 ~~(2) These employees may not arrest for violations other than specified in this section."~~

9

10 **Section 3.** Section 61-12-208, MCA, is amended to read:

11 **"61-12-208. Duty upon making an arrest -- power to fix and accept bail. ~~Such employees~~**
12 Employees appointed under 61-12-201, upon making an arrest, shall deliver to the offender a form of notice
13 to appear, describing the nature of the offense, with instructions on the notice for the offender to report
14 to the nearest justice of the peace. The employee may accept a deposit for appearance justifiable for the
15 offense charged. The person who is arrested may be detained for a reasonable time for the purpose of
16 issuing the notice or of awaiting the arrival of another peace officer who has been called to the scene, or
17 the person may be transported, as provided in 46-7-101. If the employee accepts bail, ~~he~~ the employee
18 shall give a signed receipt to the offender, setting forth the amount received. The employee shall then
19 deliver the bail money to the justice of the peace before whom the offender is to appear, and the justice
20 of the peace shall give a receipt to the employee for the amount of bail money delivered. After the filing
21 of the complaint and appearance of the defendant, the justice of the peace shall assume jurisdiction and
22 may set and accept further appearance bail bond."

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House BILL NO. III

INTRODUCED BY

Charles Stuenkel

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE ARREST AUTHORITY OF DEPARTMENT OF TRANSPORTATION MOTOR CARRIER SERVICES DIVISION EMPLOYEES WHO ARE APPOINTED AS PEACE OFFICERS; AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION TO APPOINT EMPLOYEES OF ANOTHER JURISDICTION TO ENFORCE MONTANA GROSS VEHICLE WEIGHT LAWS AT JOINT WEIGH STATIONS; AND AMENDING SECTIONS 61-12-201, 61-12-206, AND 61-12-208, MCA."

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

Section 1. Section 61-12-201, MCA, is amended to read:

"61-12-201. Appointment of employees and out-of-state personnel as peace officers. (1) The director of transportation may appoint employees of the department as peace officers to carry out this part. The employees appointed may include only those employees of the department who are employed in the administration of the motor carrier services functions of the department and employees of other jurisdictions. Out-of-state personnel may be appointed only for the purpose of enforcing gross vehicle weight laws at joint weigh station facilities. Each employee appointed must be issued a certificate of appointment and execute an oath of office, which must be entered into the records of the department.

(2) The department may not terminate existing motor carrier services officers because the state enters into joint weigh station agreements."

Section 2. Section 61-12-206, MCA, is amended to read:

"61-12-206. Offenses for which arrest authorized. (4) Employees appointed under 61-12-201 may make arrests for violations of the following statutory provisions only:

- (a)(1) part 1, chapter 10, of this title;
- (b)(2) part 3, chapter 4, of this title;
- (c)(3) sections 15-24-201 through 15-24-205;
- (d)(4) Title 15, chapter 70, parts 2 and 3;

1 HOUSE BILL NO. 111

2 INTRODUCED BY DEVANEY

3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE ARREST AUTHORITY OF DEPARTMENT OF
6 TRANSPORTATION MOTOR CARRIER SERVICES DIVISION EMPLOYEES WHO ARE APPOINTED AS PEACE
7 OFFICERS; AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION TO APPOINT
8 EMPLOYEES OF ANOTHER JURISDICTION TO ENFORCE MONTANA GROSS VEHICLE WEIGHT LAWS AT
9 JOINT WEIGH STATIONS; AND AMENDING SECTIONS 61-12-201, 61-12-206, AND 61-12-208, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
1213 **Section 1.** Section 61-12-201, MCA, is amended to read:

14 "**61-12-201. Appointment of employees and out-of-state personnel as peace officers.** ~~(1)~~ The
15 director of transportation may appoint employees of the department as peace officers to carry out this part.
16 The employees appointed may include only those employees of the department who are employed in the
17 administration of the motor carrier services functions of the department and employees of other
18 jurisdictions. Out-of-state personnel may be appointed only for the purpose of enforcing gross vehicle
19 weight laws at joint weigh station facilities. Each employee appointed must be issued a certificate of
20 appointment and execute an oath of office, which must be entered into the records of the department.

21 ~~(2) The department may not terminate existing motor carrier services officers because the state~~
22 ~~enters into joint weigh station agreements."~~

23
24 **Section 2.** Section 61-12-206, MCA, is amended to read:

25 "**61-12-206. Offenses for which arrest authorized.** ~~(1)~~ Employees appointed under 61-12-201 may
26 make arrests for violations of the following statutory provisions only:

27 ~~(a)~~(1) part 1, chapter 10, of this title;28 ~~(b)~~(2) part 3, chapter 4, of this title;29 ~~(c)~~(3) sections 15-24-201 through 15-24-205;30 ~~(d)~~(4) Title 15, chapter 70, parts 2 and 3;

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 15, 1995

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration HB 111 (third reading copy -- blue), respectfully report that HB 111 be amended as follows and as so amended be concurred in.

Signed: Sen. Tveit
Senator Larry Tveit, Chair

That such amendments read:

1. Title, line 8.

Following: "ANOTHER"

Strike: "JURISDICTION"

Insert: "STATE"

2. Page 1, line 14.

Following: "(1)"

Insert: "(1)"

3. Page 1, line 18.

Strike: "jurisdictions"

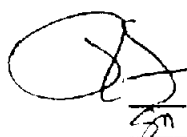
Insert: "states"

4. Page 1, line 23.

Insert: "(2) The department may enter into joint weigh station agreements with other states. If the department enters into a joint weigh station agreement with another state, the department may not reduce staff levels in the motor carrier services division of the department as a result of the agreement but may reassign staff. However, this subsection does not apply to a reduction in force for the department as a whole."

-END-

HB 111


Amd. Coord.
Sec. of Senate


Senator Stang
Senator Carrying Bill

SENATE

HOUSE BILL NO. 111

INTRODUCED BY DEVANEY

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE ARREST AUTHORITY OF DEPARTMENT OF TRANSPORTATION MOTOR CARRIER SERVICES DIVISION EMPLOYEES WHO ARE APPOINTED AS PEACE OFFICERS; AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION TO APPOINT EMPLOYEES OF ANOTHER ~~JURISDICTION~~ STATE TO ENFORCE MONTANA GROSS VEHICLE WEIGHT LAWS AT JOINT WEIGH STATIONS; AND AMENDING SECTIONS 61-12-201, 61-12-206, AND 61-12-208, MCA."

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

Section 1. Section 61-12-201, MCA, is amended to read:

"61-12-201. Appointment of employees and out-of-state personnel as peace officers. ~~(1)~~ (1) The director of transportation may appoint employees of the department as peace officers to carry out this part. The employees appointed may include only those employees of the department who are employed in the administration of the motor carrier services functions of the department and employees of other jurisdictions ~~and employees of other jurisdictions~~ STATES. Out-of-state personnel may be appointed only for the purpose of enforcing gross vehicle weight laws at joint weigh station facilities. Each employee appointed must be issued a certificate of appointment and execute an oath of office, which must be entered into the records of the department.

~~(2) The department may not terminate existing motor carrier services officers because the state enters into joint weigh station agreements.~~

(2) THE DEPARTMENT MAY ENTER INTO JOINT WEIGH STATION AGREEMENTS WITH OTHER STATES. IF THE DEPARTMENT ENTERS INTO A JOINT WEIGH STATION AGREEMENT WITH ANOTHER STATE, THE DEPARTMENT MAY NOT REDUCE STAFF LEVELS IN THE MOTOR CARRIER SERVICES DIVISION OF THE DEPARTMENT AS A RESULT OF THE AGREEMENT BUT MAY REASSIGN STAFF. HOWEVER, THIS SUBSECTION DOES NOT APPLY TO A REDUCTION IN FORCE FOR THE DEPARTMENT AS A WHOLE."

1 **Section 2.** Section 61-12-206, MCA, is amended to read:

2 "**61-12-206. Offenses for which arrest authorized.** ~~{4}~~ Employees appointed under 61-12-201 may
3 make arrests for violations of the following statutory provisions only:

4 ~~{a}~~(1) part 1, chapter 10, of this title;

5 ~~{b}~~(2) part 3, chapter 4, of this title;

6 ~~{c}~~(3) sections 15-24-201 through 15-24-205;

7 ~~{d}~~(4) Title 15, chapter 70, parts 2 and 3;

8 ~~{e}~~(5) sections 15-71-101 through 15-71-105;

9 (6) section 44-1-1005 and safety rules adopted under that section;

10 ~~{f}~~(7) section 61-3-502(1);

11 ~~{g}~~(8) sections 61-10-201, 61-10-203, 61-10-206, 61-10-209, and 61-10-211 through 61-10-215;

12 ~~{h}~~(9) sections 61-10-222 through 61-10-224;

13 ~~{i}~~(10) sections 61-10-231 through 61-10-233; and

14 (11) Title 69, chapter 12.

15 ~~(2) These employees may not arrest for violations other than specified in this section."~~

16

17 **Section 3.** Section 61-12-208, MCA, is amended to read:

18 "**61-12-208. Duty upon making an arrest -- power to fix and accept bail.** ~~Such employees~~
19 Employees appointed under 61-12-201, upon making an arrest, shall deliver to the offender a form of notice
20 to appear, describing the nature of the offense, with instructions on the notice for the offender to report
21 to the nearest justice of the peace. The employee may accept a deposit for appearance justifiable for the
22 offense charged. The person who is arrested may be detained for a reasonable time for the purpose of
23 issuing the notice or of awaiting the arrival of another peace officer who has been called to the scene, or
24 the person may be transported, as provided in 46-7-101. If the employee accepts bail, ~~he~~ the employee
25 shall give a signed receipt to the offender, setting forth the amount received. The employee shall then
26 deliver the bail money to the justice of the peace before whom the offender is to appear, and the justice
27 of the peace shall give a receipt to the employee for the amount of bail money delivered. After the filing
28 of the complaint and appearance of the defendant, the justice of the peace shall assume jurisdiction and
29 may set and accept further appearance bail bond."

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-END-