



AN ACT PROVIDING FOR THE ENFORCEMENT OF THE USE OF A MUFFLER FOR AN ENGINE COMPRESSION BRAKE DEVICE; PROVIDING FOR A NOTICE OF DEFICIENCY; PROVIDING A PENALTY; AND AMENDING SECTIONS 61-9-321, 61-9-501, AND 61-9-503, MCA.

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

Section 1. Section 61-9-321, MCA, is amended to read:

"61-9-321. Engine compression brake device -- use. (1) A commercial motor vehicle equipped with an engine compression brake device must be equipped with a muffler in good working condition to prevent excessive noise.

(2) An operator of a commercial motor vehicle that has an engine compression brake device with a factory-installed muffler or an equivalent after-market muffler may not be prohibited from using the engine compression brake device.

(3) The department of transportation employees who are designated as peace officers pursuant to 61-10-154 shall work with law enforcement in the enforcement of standards adopted pursuant to this section.

(a) Notice of a deficiency must be given pursuant to 61-9-501.

(b) A violation of the rules adopted to implement to this section is punishable as provided in 61-9-521."

Section 2. Section 61-9-501, MCA, is amended to read:

"61-9-501. Inspections by officers of the department. (1) The department or its agents may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law or that its equipment is not in proper adjustment or repair require the driver of ~~such the~~ vehicle to stop and submit ~~such the~~ vehicle to an inspection and ~~such test with reference thereto~~ as may be appropriate.

(2) In the event ~~such the~~ vehicle and its equipment are found to be in safe condition and in full compliance with the law, the officer making ~~such the~~ inspection may issue to the driver an official certificate of inspection and approval of ~~such the~~ vehicle specifying those parts or equipment ~~so~~ that have been inspected and

approved.

(3) In the event ~~such the~~ vehicle is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer shall give a written notice to the driver and shall send a copy to the department. ~~Said The~~ notice ~~shall~~ must specify the deficiencies and require that ~~such the~~ vehicle be placed in safe condition and its equipment in proper repair and adjustment within 5 days, except as provided in subsection (4).

(4) For the purpose of 61-9-321 only, the notice must require the engine compression brake device muffler be in proper repair and adjustment within 14 days."

Section 3. Section 61-9-503, MCA, is amended to read:

"61-9-503. Owners and drivers to comply with inspection laws. (1) No person driving a vehicle may refuse to submit the vehicle to an inspection and test when required to do so by the department or an authorized officer or employee of the department.

(2) Every owner or driver, upon receiving a notice as provided in 61-9-501, shall comply ~~therewith~~ and ~~shall within 5 days~~ have the deficiencies corrected and forward notification of the correction to the department. In lieu of compliance with this subsection, the vehicle may not be operated, except as provided in subsection (3).

(3) No person may operate any vehicle after receiving a notice ~~with reference thereto as above provided~~ except as may be necessary to return the vehicle to the residence or place of business of the owner or driver, if within a distance of 20 miles, or to a garage until the vehicle and its equipment have been placed in proper repair and adjustment and otherwise made to conform to the requirements of this chapter."

- END -

I hereby certify that the within bill,
SB 0409, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2009.

Speaker of the House

Signed this _____ day
of _____, 2009.

SENATE BILL NO. 409

INTRODUCED BY J. BRUEGGEMAN

AN ACT PROVIDING FOR THE ENFORCEMENT OF THE USE OF A MUFFLER FOR AN ENGINE
COMPRESSION BRAKE DEVICE; PROVIDING FOR A NOTICE OF DEFICIENCY; PROVIDING A PENALTY;
AND AMENDING SECTIONS 61-9-321, 61-9-501, AND 61-9-503, MCA.