

SENATE BILL NO. 290

INTRODUCED BY J. KEANE

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT THE MOTOR CARRIER SAFETY STANDARDS APPLICABLE TO VEHICLES OWNED BY PRIVATE MOTOR CARRIERS APPLY EQUALLY TO VEHICLES OWNED BY PUBLIC ENTITIES; PROVIDING PENALTIES FOR VIOLATIONS BY PUBLIC ENTITIES OF THE MOTOR CARRIER SAFETY STANDARDS; EXTENDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 61-9-512 AND 61-10-154, MCA."

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

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Section 1. Section 61-9-512, MCA, is amended to read:

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

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(2) A person convicted of a violation of any standard adopted pursuant to 61-10-154 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.

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(3) The penalties provided in subsection (2) apply to any motor carrier that is a corporation subject to the standards adopted pursuant to 61-10-154 and to the state or a political subdivision of the state. The penalties may be imposed against:

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- (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 of the broker; or
- (d) the chief administrative officer of a department of state government or of a political subdivision of the state that owns, leases, or rents the vehicle found in violation.

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Section 2. Section 61-10-154, MCA, is amended to read:

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"61-10-154. Department of transportation to adopt motor carrier safety standards -- enforcement -- designation of peace officers -- duties -- violations. (1) As used in this section, the terms "for-hire motor carrier", "private motor carrier", "gross vehicle weight rating", and "gross combination weight rating" have the

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1 same meaning as provided in 49 CFR 390.5.

2 (2) The department of transportation shall adopt, by rule, standards for safety of operations of:

3 (a) any for-hire motor carrier or any private motor carrier;

4 (b) any motor vehicle or vehicle combination used in interstate commerce that has a gross vehicle weight
5 rating, gross combination weight rating, gross vehicle weight, or gross combination weight, whichever is greater,
6 of 10,001 pounds or more;

7 (c) any motor vehicle or vehicle combination used in intrastate commerce that has a gross vehicle weight
8 rating, gross combination weight rating, gross vehicle weight, or gross combination weight, whichever is greater,
9 of 26,001 pounds or more and that is not a farm vehicle operating solely in Montana;

10 (d) any motor vehicle that is designed or used to transport at least 16 passengers, including the driver,
11 and that is not used to transport passengers for compensation;

12 (e) any motor vehicle that is designed or used to transport at least nine passengers, including the driver,
13 for compensation; or

14 (f) any motor vehicle that is used to transport hazardous materials of a type or quantity that requires the
15 vehicle to be marked or placarded in accordance with federal hazardous materials regulations in 49 CFR, part
16 172.

17 (3) Standards of safety adopted under this section must substantially comply, within allowed tolerance
18 guidelines, to the federal motor carrier safety regulations and the federal hazardous material regulations as
19 applied to motor carriers and vehicles transporting passengers or property in commerce.

20 (4) The department of transportation shall work with the highway patrol in the enforcement of safety
21 standards adopted pursuant to this section. The highway patrol and the department of transportation shall
22 cooperate to ensure minimum duplication and maximum coordination of enforcement efforts.

23 (5) In order to enforce compliance with safety standards adopted pursuant to this section, the department
24 of transportation shall designate employees as peace officers. The designated employees must be employed in
25 the administration of the motor carrier services functions of the department of transportation. Each employee
26 designated as a peace officer may:

27 (a) issue citations and make arrests in connection with violations of safety standards adopted under this
28 section;

29 (b) issue summons;

30 (c) accept bail;

- 1 (d) serve warrants for arrest;
- 2 (e) make reasonable inspections of cargo carried by commercial motor vehicles;
- 3 (f) enforce the provisions of Title 49 of the United States Code and regulations that have been adopted
- 4 under Title 49 and make reasonable safety inspections of commercial motor vehicles used by motor carriers; and
- 5 (g) require production of documents relating to the cargo, driver, routing, or ownership of commercial
- 6 motor vehicles.

7 (6) In addition to other enforcement duties assigned under 61-10-141 and this section, an employee of

8 the department of transportation who is appointed as a peace officer pursuant to 61-12-201 or this section has:

9 (a) the same authority to enforce provisions of the motor carriers law as that granted to the public service

10 commission under 69-12-203;

11 (b) the duty to secure or make copies, or both, of all bills of lading or other evidence of delivery for

12 shipment of agricultural seeds, as defined in 80-5-120, that have been sold or are intended for sale in Montana

13 and to forward the copies to the department of agriculture within 24 hours of the date that the bill of lading was

14 obtained; and

15 (c) the authority, if probable cause exists, to stop and inspect a supply tank connected to the engine of

16 any diesel-powered motor vehicle operating on the public highways of this state in order to determine compliance

17 with Title 15, chapter 70, part 3.

18 (7) The provisions of this section and rules adopted pursuant to this section apply to vehicles described

19 in subsection (2) that are owned, leased, or rented by the state or a subdivision of the state in the same manner

20 as the provisions apply to comparable vehicles owned, leased, or rented by a private person.

21 ~~(7)~~(8) A violation of the standards adopted pursuant to this section is punishable as provided in 61-9-512,

22 and the court, upon conviction, as defined in 61-5-213, shall forward a record of conviction to the department

23 within 5 days in accordance with 61-11-101.

24 ~~(8)~~(9) The department of transportation shall report to the revenue and transportation interim committee

25 at least once each year on its enforcement of the provisions of Title 15, chapter 70, part 3, pursuant to the

26 authority provided in subsection (6)(c) and on any impacts that enforcement has had on the state special revenue

27 fund."

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