

HOUSE BILL NO. 321

INTRODUCED BY F. ANDERSON

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING LOCAL GOVERNMENTS TO LIMIT THE USE OF COMPRESSION BRAKE DEVICES; AND AMENDING SECTION 61-9-321, 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.~~ A local government may limit the use of compression brake devices.

(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.

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

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

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