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1		BILL NO	
2 INTRODUCED BY			
3		ry Sponsor)	
4	A BILL FOR AN ACT ENTITLED: "AN A	CT REVISING ENFORCEMENT OF MOTOR CA	ARRIER SAFETY
5	STANDARDS; REQUIRING PROBABLI	E CAUSE OR A WARRANT TO STOP AND INSI	PECT COMMERCIAL
6	MOTOR VEHICLES; AND AMENDING	SECTION 61-10-154, MCA."	
7			
8	BE IT ENACTED BY THE LEGISLATUF	RE OF THE STATE OF MONTANA:	
9			
10	Section 1. Section 61-10-154, N	MCA, is amended to read:	
11	"61-10-154. Department of tr	ansportation to adopt motor carrier safety sta	andards
12	enforcement designation of peace	officers duties violations. (1) As used in thi	is section, the terms
13	"for-hire motor carrier", "private motor ca	arrier", "gross vehicle weight rating", and "gross c	combination weight
14	rating" have the same meaning as provi	ded in 49 CFR 390.5.	
15	(2) The department of transpo	rtation shall adopt, by rule, standards for safety c	of operations of:
16	(a) any for-hire motor carrier o	r any private motor carrier;	
17	(b) any motor vehicle or vehicl	le combination used in interstate commerce that I	has a gross vehicle
18	weight rating, gross combination weight	rating, gross vehicle weight, or gross combinatio	on weight, whichever is
19	greater, of 10,001 pounds or more;		
20	(c) any motor vehicle or vehicl	e combination used in intrastate commerce that h	has a gross vehicle
21	weight rating, gross combination weight	rating, gross vehicle weight, or gross combinatio	on weight, whichever is
22	greater, of 26,001 pounds or more and t	that is not a farm vehicle operating solely in Mont	ana;
23	(d) any motor vehicle that is de	esigned or used to transport at least 16 passenge	ers, including the
24	driver, and that is not used to transport p	passengers for compensation;	
25	(e) any motor vehicle that is de	esigned or used to transport at least nine passen	gers, including the
26	driver, for compensation; or		
27	(f) any motor vehicle that is us	ed to transport hazardous materials of a type or o	quantity that requires
28	the vehicle to be marked or placarded in	accordance with federal hazardous materials re	gulations in 49 CFR,
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1	part 172.		
2	(3) Standards of safety adopted under this section must substantially comply, within allowed tolerance		
3	guidelines, to the federal motor carrier safety regulations and the federal hazardous material regulations as		
4	applied to motor carriers and vehicles transporting passengers or property in commerce.		
5	(4) The department of transportation shall work with the highway patrol in the enforcement of safety		
6	standards adopted pursuant to this section. The highway patrol and the department of transportation shall		
7	cooperate to ensure minimum duplication and maximum coordination of enforcement efforts.		
8	(5) In order to enforce compliance with safety standards adopted pursuant to this section, the		
9	department of transportation shall designate employees as peace officers. The designated employees must be		
10	employed in the administration of the motor carrier services functions of the department of transportation. Each		
11	employee designated as a peace officer may:		
12	(a) issue citations and make arrests in connection with violations of safety standards adopted under		
13	this section;		
14	(b) issue summonses;		
15	(c) accept bail;		
16	(d) serve warrants for arrest;		
17	(e) make reasonable inspections of cargo carried by commercial motor vehicles, only if there is		
18	probable cause or a warrant to stop the vehicles;		
19	(f) enforce the provisions of Title 49 of the United States Code and regulations that have been		
20	adopted under Title 49 and make reasonable safety inspections of commercial motor vehicles used by motor		
21	carriers, only if there is probable cause or a warrant to stop the vehicles; and		
22	(g) require production of documents relating to the cargo, driver, routing, or ownership of commercial		
23	motor vehicles.		
24	(6) In addition to other enforcement duties assigned under 61-10-141 and this section, an employee		
25	of the department of transportation who is appointed as a peace officer pursuant to 61-12-201 or this section		
26	has:		
27	(a) the same authority to enforce provisions of the motor carriers law as that granted to the public		
28	service commission under 69-12-203;		



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1	(b)	the duty to secure or make copies, or both, of all bills of lading or other evidence of delivery for	
2	shipment of a	agricultural seeds, as defined in 80-5-120, that have been sold or are intended for sale in Montana	
3	and to forward the copies to the department of agriculture within 24 hours of the date that the bill of lading was		
4	obtained; and		
5	(c)	the authority, if probable cause exists, to stop and inspect a supply tank connected to the engine	
6	of any diesel	-powered motor vehicle operating on the public highways of this state in order to determine	
7	compliance with Title 15, chapter 70, part 4.		
8	(7)	A violation of the standards adopted pursuant to this section is punishable as provided in 61-9-	
9	512, and the	court, upon conviction, as defined in 61-5-213, shall forward a record of conviction to the	
10	department within 5 days in accordance with 61-11-101.		
11	(8)	The department of transportation shall report to the transportation interim committee biennially, in	
12	accordance v	with 5-11-210, on its enforcement of the provisions of Title 15, chapter 70, part 4, pursuant to the	
13	authority provided in subsection (6)(c) and on any impacts that enforcement has had on the state special		
14	revenue fund."		

15

- END -

