

SENATE BILL NO. 3

INTRODUCED BY J. SMALL

BY REQUEST OF THE STATE-TRIBAL RELATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR ADDITIONAL MOTOR CARRIER ENFORCEMENT ON HIGHWAYS WITHIN RESERVATION BOUNDARIES ON A RESERVATION WHOSE TRIBAL GOVERNMENT HAS ENTERED INTO AN AGREEMENT WITH THE DEPARTMENT OF TRANSPORTATION; AND AMENDING SECTION 61-10-154, MCA."

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

Section 1. Section 61-10-154, MCA, is amended to read:

"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 same meaning as provided in 49 CFR 390.5.

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

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

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

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

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

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

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

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

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

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

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

16 (b) issue summonses;

17 (c) accept bail;

18 (d) serve warrants for arrest;

19 (e) make reasonable inspections of cargo carried by commercial motor vehicles;

20 (f) enforce the provisions of Title 49 of the United States Code and regulations that have been
21 adopted under Title 49 and make reasonable safety inspections of commercial motor vehicles used by motor
22 carriers; and

23 (g) require production of documents relating to the cargo, driver, routing, or ownership of commercial
24 motor vehicles.

25 (6) In addition to other enforcement duties assigned under 61-10-141 and this section, an employee
26 of the department of transportation who is appointed as a peace officer pursuant to 61-12-201 or this section
27 has:

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

1 service commission under 69-12-203;

2 (b) has the duty to secure or make copies, or both, of all bills of lading or other evidence of delivery
3 for shipment of agricultural seeds, as defined in 80-5-120, that have been sold or are intended for sale in
4 Montana and to forward the copies to the department of agriculture within 24 hours of the date that the bill of
5 lading was obtained; ~~and~~

6 (c) has the authority, if probable cause exists, to stop and inspect a supply tank connected to the
7 engine of any diesel-powered motor vehicle operating on the public highways of this state in order to determine
8 compliance with Title 15, chapter 70, part 4; and

9 (d) may, on any highway under the jurisdiction of the department of transportation within the exterior
10 boundaries of a reservation whose tribal government has entered into an agreement with the department of
11 transportation pursuant to Title 18, chapter 11, part 1, exercise the authority under this part to issue a citation
12 pursuant to 61-9-520 for violation of 61-9-406(6).

13 (7) A violation of the standards adopted pursuant to this section is punishable as provided in 61-9-
14 512, and the court, upon conviction, as defined in 61-5-213, shall forward a record of conviction to the
15 department of transportation within 5 days in accordance with 61-11-101.

16 (8) The department of transportation shall report to the transportation interim committee biennially, in
17 accordance with 5-11-210, on its enforcement of the provisions of Title 15, chapter 70, part 4, pursuant to the
18 authority provided in subsection (6)(c) and on any impacts that enforcement has had on the state special
19 revenue fund."

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