

1 \*\*\*\* BILL NO. \*\*\*\*  
2 INTRODUCED BY \*\*\*\*  
3 BY REQUEST OF THE \*\*\*\*  
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ADDITIONAL MOTOR CARRIER ENFORCMENT ON  
6 HIGHWAYS WITH RESERVATION BOUNDARIES IN A RESERVATION WHOSE TRIBAL GOVERNMENT  
7 HAS ENTERED INTO AN AGREEMENT WITH THE DEPARTMENT OF TRANSPORTATION; AMENDING  
8 SECTION 61-10-154, MCA."  
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
11

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

13 **"61-10-154. Department of transportation to adopt motor carrier safety standards --**  
14 **enforcement -- designation of peace officers -- duties -- violations.** (1) As used in this section, the terms  
15 "for-hire motor carrier", "private motor carrier", "gross vehicle weight rating", and "gross combination weight  
16 rating" have the same meaning as provided in 49 CFR 390.5.

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

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

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

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

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

27 (e) any motor vehicle that is designed or used to transport at least nine passengers, including the  
28 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

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As of: 2020/06/04 09:14:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

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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 state and federal highways within the exterior boundaries of a reservation, exercise any  
10 additional enforcement authorities included in an agreement between the tribal government of that reservation  
11 and the department established pursuant to Title 18, chapter 11, part 1.

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

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

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