

HOUSE BILL NO. 534

INTRODUCED BY K. WAGONER

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A BOARD OF COUNTY COMMISSIONERS TO REGULATE THE USE OF COMPRESSION BRAKES; PROVIDING A PENALTY FOR VIOLATION OF COUNTY REGULATIONS ON COMPRESSION BRAKES; AND AMENDING SECTIONS 7-14-2113, 61-9-321, AND 61-9-521, MCA."

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

Section 1. Section 7-14-2113, MCA, is amended to read:

"7-14-2113. County authority to establish speed limits and regulate use of compression brakes.

A board of county commissioners may, by ordinance, establish:

(1) a special speed limit in accordance with 61-8-310 on any county road;

(2) regulations on the use of compression brakes on any highway, as defined in 61-1-101, within the county. A violation of regulations adopted to implement this subsection is punishable as provided in 61-9-521."

Section 2. 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~~ Except as provided for in 7-14-2113, 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.

(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."

Section 3. Section 61-9-521, MCA, is amended to read:



