

1 HOUSE BILL NO. 56

2 INTRODUCED BY D. LOGE

3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING PENALTIES FOR FAILURE TO USE TIRE CHAINS
6 OR APPROVED TRACTION DEVICES WHEN REQUIRED; REVISING THE AUTHORITY OF CERTAIN
7 DEPARTMENT OF TRANSPORTATION EMPLOYEES REGARDING ISSUING A CITATION; AND
8 AMENDING SECTIONS 61-9-520 AND 61-10-154, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 61-9-520, MCA, is amended to read:

13 **"61-9-520. Violation of tire chain or traction device use -- penalty.** (1) A person violating the
14 provisions of 61-9-406(6) and (7) is guilty of the nonmoving offense of failure to use chains or approved traction
15 devices when required and upon conviction shall be punished by a fine of ~~\$25, and no jail sentence may be~~
16 ~~imposed. Bond for this offense shall be \$25.~~

17 (a) \$250; or

18 (b) \$750 when the result of the violation of this section is an incident that causes the closure of all
19 lanes in one or both directions of a highway.

20 (2) A violation of 61-9-406(6) and (7) is not a misdemeanor subject to 45-2-101, 61-9-511, 61-9-512,
21 or 61-9-519."

22
23 **Section 2.** Section 61-10-154, MCA, is amended to read:

24 **"61-10-154. Department of transportation to adopt motor carrier safety standards --**
25 **enforcement -- designation of peace officers -- duties -- violations.** (1) As used in this section, the terms
26 "for-hire motor carrier", "private motor carrier", "gross vehicle weight rating", and "gross combination weight
27 rating" have the same meaning as provided in 49 CFR 390.5.

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

- 1 (a) any for-hire motor carrier or any private motor carrier;
- 2 (b) any motor vehicle or vehicle combination used in interstate commerce that has a gross vehicle
3 weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight, whichever is
4 greater, of 10,001 pounds or more;
- 5 (c) any motor vehicle or vehicle combination used in intrastate commerce that has a gross vehicle
6 weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight, whichever is
7 greater, of 26,001 pounds or more and that is not a farm vehicle operating solely in Montana;
- 8 (d) any motor vehicle that is designed or used to transport at least 16 passengers, including the
9 driver, and that is not used to transport passengers for compensation;
- 10 (e) any motor vehicle that is designed or used to transport at least nine passengers, including the
11 driver, for compensation; or
- 12 (f) any motor vehicle that is used to transport hazardous materials of a type or quantity that requires
13 the vehicle to be marked or placarded in accordance with federal hazardous materials regulations in 49 CFR,
14 part 172.
- 15 (3) Standards of safety adopted under this section must substantially comply, within allowed tolerance
16 guidelines, to the federal motor carrier safety regulations and the federal hazardous material regulations as
17 applied to motor carriers and vehicles transporting passengers or property in commerce.
- 18 (4) The department of transportation shall work with the highway patrol in the enforcement of safety
19 standards adopted pursuant to this section. The highway patrol and the department of transportation shall
20 cooperate to ensure minimum duplication and maximum coordination of enforcement efforts.
- 21 (5) In order to enforce compliance with safety standards adopted pursuant to this section, the
22 department of transportation shall designate employees as peace officers. The designated employees must be
23 employed in the administration of the motor carrier services functions of the department of transportation. Each
24 employee designated as a peace officer may:
- 25 (a) issue citations and make arrests in connection with violations of safety standards adopted under
26 this section;
- 27 (b) issue summonses;
- 28 (c) accept bail;

- 1 (d) serve warrants for arrest;
- 2 (e) make reasonable inspections of cargo carried by commercial motor vehicles;
- 3 (f) enforce the provisions of Title 49 of the United States Code and regulations that have been
- 4 adopted under Title 49 and make reasonable safety inspections of commercial motor vehicles used by motor
- 5 carriers; and
- 6 (g) require production of documents relating to the cargo, driver, routing, or ownership of commercial
- 7 motor vehicles.

8 (6) In addition to other enforcement duties assigned under 61-10-141 and this section, an employee

9 of the department of transportation who is appointed as a peace officer pursuant to 61-12-201 or this section

10 has:

- 11 (a) the same authority to enforce provisions of the motor carriers law as that granted to the public
- 12 service commission under 69-12-203;
- 13 (b) the duty to secure or make copies, or both, of all bills of lading or other evidence of delivery for
- 14 shipment of agricultural seeds, as defined in 80-5-120, that have been sold or are intended for sale in Montana
- 15 and to forward the copies to the department of agriculture within 24 hours of the date that the bill of lading was
- 16 obtained; ~~and~~
- 17 (c) the authority, if probable cause exists, to stop and inspect a supply tank connected to the engine
- 18 of any diesel-powered motor vehicle operating on the public highways of this state in order to determine
- 19 compliance with Title 15, chapter 70, part 4; and

20 ~~(d) the authority, if probable cause exists, to stop and detain a person and issue a citation pursuant to~~

21 ~~61-9-520 for violation of 61-9-406(6) for vehicle configurations subject to 61-10-141 and this section, THE~~

22 AUTHORITY TO ISSUE A CITATION:

23 (I) PURSUANT TO 61-9-520(1)(A) FOR VIOLATION OF 61-9-406(6) WHEN THE VEHICLE CONFIGURATION

24 CAUSES A LANE BLOCKAGE; AND

25 (II) PURSUANT TO 61-9-520(1)(B) FOR VIOLATION OF 61-9-406(6) WHEN THE VEHICLE CONFIGURATION

26 CAUSES AN INCIDENT THAT RESULTS IN THE CLOSURE OF ALL LANES IN ONE OR BOTH DIRECTIONS OF A HIGHWAY.

27 (7) A violation of the standards adopted pursuant to this section is punishable as provided in 61-9-

28 512, and the court, upon conviction, as defined in 61-5-213, shall forward a record of conviction to the

1 department within 5 days in accordance with 61-11-101.

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

6 - END -