

SENATE BILL NO. 290

INTRODUCED BY J. KEANE

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT THE MOTOR CARRIER SAFETY STANDARDS APPLICABLE TO VEHICLES OWNED BY PRIVATE MOTOR CARRIERS APPLY EQUALLY TO VEHICLES OWNED BY PUBLIC ENTITIES; PROVIDING PENALTIES FOR VIOLATIONS BY PUBLIC ENTITIES OF THE MOTOR CARRIER SAFETY STANDARDS; PROVIDING EXCEPTIONS; EXTENDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 61-9-512 AND 61-10-154, MCA."

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

**Section 1.** Section 61-9-512, MCA, is amended to read:

**"61-9-512. Violation of rules -- penalty.** (1) Any violation of any rules adopted by the department is a misdemeanor.

(2) A person convicted of a violation of any standard adopted pursuant to 61-10-154 shall be fined not less than \$25 or more than \$500 for the first offense and not less than \$25 or more than \$1,000 for each subsequent offense.

(3) The penalties provided in subsection (2) apply to any motor carrier that is a corporation subject to the standards adopted pursuant to 61-10-154 and to the state or, EXCEPT AS PROVIDED IN SUBSECTION (4), a political subdivision of the state. The penalties may be imposed against:

- (a) a director or officer of the corporation;
- (b) any receiver, trustee, lessee, agent, or person acting for or employed by the corporation; ~~or~~
- (c) any broker of property or officer, agent, or employee of the broker; or
- (d) the chief administrative officer of a department of state government or of a political subdivision of the state that owns, leases, or rents the vehicle found in violation.

(4) (A) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO AUTHORIZED EMERGENCY VEHICLES, AS DEFINED IN 61-8-102, THAT ARE OWNED, LEASED, OR RENTED BY A POLITICAL SUBDIVISION OF THE STATE.

(B) THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE ARE EXEMPT FROM STANDARDS ADOPTED PURSUANT TO 61-10-154 THAT REGULATE MOTOR CARRIER DRIVER HOURS OF SERVICE AND MAINTENANCE OF LOG BOOKS."

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

2           **"61-10-154. Department of transportation to adopt motor carrier safety standards -- enforcement**  
3 **-- designation of peace officers -- duties -- violations.** (1) As used in this section, the terms "for-hire motor  
4 carrier", "private motor carrier", "gross vehicle weight rating", and "gross combination weight rating" have the  
5 same meaning as provided in 49 CFR 390.5.

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

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

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

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

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

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

18           (f) any motor vehicle that is used to transport hazardous materials of a type or quantity that requires the  
19 vehicle to be marked or placarded in accordance with federal hazardous materials regulations in 49 CFR, part  
20 172.

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

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

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

1 (a) issue citations and make arrests in connection with violations of safety standards adopted under this  
 2 section;  
 3 (b) issue summons;  
 4 (c) accept bail;  
 5 (d) serve warrants for arrest;  
 6 (e) make reasonable inspections of cargo carried by commercial motor vehicles;  
 7 (f) enforce the provisions of Title 49 of the United States Code and regulations that have been adopted  
 8 under Title 49 and make reasonable safety inspections of commercial motor vehicles used by motor carriers; and  
 9 (g) require production of documents relating to the cargo, driver, routing, or ownership of commercial  
 10 motor vehicles.

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

13 (a) the same authority to enforce provisions of the motor carriers law as that granted to the public service  
 14 commission under 69-12-203;

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

19 (c) the authority, if probable cause exists, to stop and inspect a supply tank connected to the engine of  
 20 any diesel-powered motor vehicle operating on the public highways of this state in order to determine compliance  
 21 with Title 15, chapter 70, part 3.

22 (7) ~~The~~ (A) EXCEPT AS PROVIDED IN SUBSECTION (7)(B), THE provisions of this section and rules adopted  
 23 pursuant to this section apply to vehicles described in subsection (2) that are owned, leased, or rented by the  
 24 state or a subdivision of the state in the same manner as the provisions apply to comparable vehicles owned,  
 25 leased, or rented by a private person.

26 (B) (I) THE PROVISIONS OF THIS SECTION AND RULES ADOPTED PURSUANT TO THIS SECTION DO NOT APPLY TO  
 27 AUTHORIZED EMERGENCY VEHICLES, AS DEFINED IN 61-8-102, THAT ARE OWNED, LEASED, OR RENTED BY A POLITICAL  
 28 SUBDIVISION OF THE STATE.

29 (II) THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE ARE EXEMPT FROM THE PROVISIONS OF THIS SECTION  
 30 AND RULES ADOPTED PURSUANT TO THIS SECTION THAT REGULATE MOTOR CARRIER DRIVER HOURS OF SERVICE AND

