**** BILL NO. ****

Working draft for review at TIC meeting Sept 11, 2026

INTRODUCED BY ****

BY REQUEST OF THE ****

A BILL FOR AN ACT ENTITLED: “AN ACT EXPANDING AUTHORITY OF MOTOR CARRIER SERVICES OFFICERS; AMENDING SECTIONS 61-10-154 AND 61-12-206, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.”

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

(f) any motor vehicle that is used to transport hazardous materials of a type or quantity that

requires the vehicle to be marked or placarded in accordance with federal hazardous materials regulations in 49 CFR, part 172.

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

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

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

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

(b) issue summonses;

(c) accept bail;

(d) serve warrants for arrest;

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

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

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

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

(a) has the same authority to enforce provisions of Title 61 as that granted to the Montana highway patrol under 44-1-1003, but only if the vehicle involved is subject to 61-10-141;

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

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

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

~~(d)~~(e) has for vehicle configurations subject to 61-10-141 and this section, the authority to issue a citation:

(i) pursuant to 61-9-520(1)(a) for violation of 61-9-406(6) when the vehicle configuration causes a lane blockage; and

(ii) pursuant to 61-9-520(1)(b) for violation of 61-9-406(6) when the vehicle configuration causes an incident that results in the closure of all lanes in one or both directions of a highway; and

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

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

Section 2. Section 61-12-206, MCA, is amended to read:

"**61-12-206. Offenses for which arrest authorized.** Employees designated or appointed as peace officers under 61-10-154 or 61-12-201 may make arrests for violations of the following statutory provisions:

(1) chapters 3, ~~and~~ 5, 6, 8, 9, and 13 of this title, but only if the vehicle involved is subject to 61-10-141;

(2) chapter 10 of this title;

(3) part 3, chapter 4, of this title;

(4) part 2, chapter 11, of this title, but only if the vehicle involved is subject to 61-10-141;

~~(4)~~(5) 15-24-201 through 15-24-205;

~~(5)~~(6) Title 15, chapter 70, part 4;

~~(6)~~(7) 61-10-154 and safety rules adopted under that section; and

~~(7)~~(8) Title 69, chapter 12."

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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