

Working draft for discussion purposes
at TIC meeting May 11-12, 2026

1 **** BILL NO. ****

2 INTRODUCED BY ****

3 BY REQUEST OF THE ****

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING MOTOR CARRIER SERVICES WITH AUTHORITY
6 TO ENTER INTO CROSS-DEPUTIZATION AGREEMENTS WITH LOCAL GOVERNMENTS FOR HIGHWAYS
7 THAT HAVE HIGH LEVELS OF INTERACTIONS BETWEEN COMMERCIAL AND NON-COMMERCIAL
8 MOTOR VEHICLES; AND AMENDING SECTIONS 7-32-303, 61-10-154, AND 61-12-206, MCA."

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

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12 **Section 1.** Section 7-32-303, MCA, is amended to read:

13 **"7-32-303. Peace officer employment, education, and certification standards -- suspension or**
14 **revocation -- penalty.** (1) For the purposes of this section, unless the context clearly indicates otherwise, the
15 following definitions apply:

16 (a) "Council" means the Montana public safety officer standards and training council established in
17 2-15-2029.

18 (b) "Peace officer" means a deputy sheriff, undersheriff, police officer, highway patrol officer, fish
19 and game warden, park ranger, motor carrier services officer, campus security officer, or airport police officer.

20 (2) A sheriff of a county, the mayor of a city, a board, a commission, or any other person
21 authorized by law to appoint peace officers in this state may not appoint a person as a peace officer who does
22 not meet the qualifications provided in this subsection (2) plus any additional qualifying standards for
23 employment promulgated by the council. A peace officer must:

24 (a) be a citizen of the United States;

25 (b) be at least 18 years of age;

26 (c) be fingerprinted and a search made of the local, state, and national fingerprint files to disclose
27 any criminal record;

28 (d) not have been convicted of a crime for which the person could have been imprisoned in a

1 federal or state penitentiary;

2 (e) be of good moral character, as determined by a thorough background investigation;

3 (f) be a high school graduate or have been issued a high school equivalency diploma by the
4 superintendent of public instruction or by an appropriate issuing agency of another state or of the federal
5 government;

6 (g) be free of any mental condition that might adversely affect performance of the duties of a
7 peace officer, as determined after:

8 (i) a mental health evaluation performed by a licensed physician or a mental health professional
9 who is licensed by the state under Title 37, who is acting within the scope of the person's licensure when
10 performing a mental health evaluation, who is not the applicant's personal physician or licensed mental health
11 professional, and who is selected by the employing authority; or

12 (ii) satisfactory completion of a standardized mental health evaluation instrument determined by
13 the employing authority to be sufficient to examine for any mental conditions within the meaning of this
14 subsection (2)(g), if the instrument is scored by a licensed physician or a mental health professional acting
15 within the scope of the person's licensure by a state;

16 (h) be free of any physical condition that might adversely affect performance of the duties of a
17 peace officer, as determined after satisfactory completion of a physical examination performed by a health care
18 provider who is licensed by the state under Title 37 and acting within the scope of the person's licensure when
19 performing the physical examination, who is not the applicant's personal health care provider, and who is
20 selected by the employing authority;

21 (i) have successfully completed an oral examination conducted by the appointing authority or its
22 designated representative to demonstrate the possession of communication skills, temperament, motivation,
23 and other characteristics necessary to the accomplishment of the duties and functions of a peace officer;

24 (j) possess or be eligible for a valid Montana driver's license; and

25 (k) be certified or be eligible for certification as a peace officer by the council or become eligible for
26 certification upon completion of the requirements contained in subsections (6) through (10).

27 (3) At the time of appointment, a peace officer shall take the formal oath of office prescribed in
28 Article III, section 3, of the Montana constitution. No other oath may be required.

(4) Within 10 days of the appointment, termination, resignation, or death of a peace officer, written notice of the event must be given to the council by the employing authority.

(5) It is the duty of an appointing authority in Montana to ensure that each peace officer appointed under its authority has the basic training, including any training required in subsections (6) through (8), in addition to meeting all other requirements of peace officer certification promulgated by the council. Any peace officer appointed after September 30, 1983, who fails to meet the minimum requirements as set forth in subsection (2) or who fails to complete the basic training required by subsections (6) through (8) forfeits the position, authority, and arrest powers accorded a peace officer in this state.

(6) (a) Except as provided in subsections (7) and (8), a peace officer shall successfully complete the peace officer basic course as approved by the council at:

(i) the Montana law enforcement academy; or
(ii) a law enforcement academy administered by an accredited Montana college or university whose curriculum and methods of training for officers and other individuals attending the academy are approved by both a Montana state or local law enforcement agency and the council. The curriculum and the methods of training under this subsection (6)(a)(ii) must be commensurate with the peace officer basic course held at the Montana law enforcement academy.

(b) A peace officer shall complete the peace officer basic course pursuant to subsection (6)(a) within 1 year of:

(i) the peace officer's initial appointment as a peace officer; or
(ii) the peace officer's most recent appointment as a peace officer if the peace officer has had a break in service as a peace officer of more than 5 years.

(7) (a) If a peace officer previously satisfied the requirement in subsection (6), is certified or is eligible for certification as a peace officer in Montana or may become eligible for certification upon completion of the probationary period in subsection (10), and has had a break in service as a peace officer of less than 3 years, the peace officer is not required to satisfy the requirement in subsection (6) or to attend an equivalency course prior to returning to work in Montana as a peace officer.

(b) If a peace officer previously satisfied the requirement in subsection (6), is certified or is eligible for certification as a peace officer in Montana or may become eligible for certification upon completion of the

probationary period in subsection (10), and has been continuously employed as a peace officer outside of Montana for no more than 3 years, the peace officer is not required to satisfy the requirement in subsection (6) or to attend an equivalency course prior to returning to work in Montana as a peace officer.

(c) If a peace officer previously completed the peace officer basic course as provided in subsection (6) successfully, is certified or is eligible for certification as a peace officer in Montana or may become eligible for certification upon completion of the probationary period in subsection (10), and has been continuously employed as a peace officer outside of Montana for more than 3 years or who has had a break in service as a peace officer for more than 3 years but less than 5 years, the peace officer shall successfully complete the peace officer basic equivalency course, as approved by the council, within 1 year of the peace officer's most recent appointment as a peace officer in Montana. If the peace officer fails the basic equivalency course, the officer shall satisfy the requirement in subsection (6) at the next available opportunity.

(d) If a person satisfied the requirement in subsection (6) prior to the person's appointment or employment and is hired or appointed as a peace officer more than 3 years but less than 5 years after the date that the person satisfied the requirement in subsection (6), the person shall successfully complete the peace officer basic equivalency course, as approved by the council, within 1 year of the person's most recent appointment or employment as a peace officer. If the person is not appointed or employed as a peace officer within 5 years after the date of the person's successful completion of the requirement in subsection (6), the person shall satisfy the requirement in subsection (6) within 1 year of the person's most recent appointment or employment as a peace officer in Montana.

(8) (a) Except as provided in subsection (8)(c), if a peace officer has successfully completed a peace officer basic course that is taught or approved by a federal, state, local, or United States military law enforcement agency, that satisfies the peace officer basic training requirement for that agency, and that the council has reviewed and approved as commensurate with a current peace officer basic course offered pursuant to subsection (6), the peace officer shall successfully complete the peace officer basic equivalency course, as approved by the council, within 1 year of the officer's initial appointment in Montana. If the officer fails the basic equivalency course, the officer must satisfy the requirement in subsection (6) at the next available opportunity.

(b) Except as provided in subsection (8)(c), if a peace officer has successfully completed a peace

officer basic course that is taught or approved by a federal, state, local, or United States military law enforcement agency and that satisfies the peace officer basic training requirement for that agency and if that peace officer's combined training and experience have been reviewed and approved by the council as commensurate with a current peace officer basic course offered pursuant to subsection (6), the peace officer shall successfully complete the peace officer basic equivalency course, as approved by the council, within 1 year of the officer's initial appointment in Montana. If the officer fails the basic equivalency course, the officer must satisfy the requirement in subsection (6) at the next available opportunity.

(c) If the peace officer has had a break in service as a peace officer for more than 5 years, the officer shall complete the requirement of subsection (6) within 1 year of the officer's initial appointment as a peace officer in Montana.

(9) The council may extend the 1-year time requirements of subsections (6) through (8) upon the written application of the appointing authority of the officer. The application must explain the circumstances that make the extension necessary. Factors that the council may consider in granting or denying the extension include but are not limited to illness of the peace officer or a member of the peace officer's immediate family, absence of reasonable access to the basic equivalency course, and an unreasonable shortage of personnel within the department. The council may not grant an extension to exceed 180 days.

(10) A peace officer who has successfully met the training, employment, and educational standards of this section, has successfully met the training and employment standards set by the council, and has completed a 1-year probationary term of employment must be issued a peace officer basic certificate by the council certifying that the peace officer has met all of the basic qualifying peace officer standards of this state.

(11) It is unlawful for a person whose basic certification as a peace officer has been revoked or denied by the Montana public safety officer standards and training council for misconduct to act as a peace officer. It is unlawful for a person whose peace officer basic certification has been suspended by the council to act or be appointed or employed as a peace officer in Montana during the period in which the certification is suspended. A person convicted of violating this subsection is guilty of a misdemeanor, punishable by a term of imprisonment not to exceed 6 months in the county jail or by a fine not to exceed \$500, or both.

(12) The council may adopt rules to implement the provisions of this section as provided in 2-15-2029. The rules must be adopted pursuant to the Montana Administrative Procedure Act."

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Section 2. 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) (a) 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.

(b) The department of transportation may enter into cross-deputization agreements for

enforcement of Title 61, chapters 8 and 9 with local governments whose exterior boundaries contain any portion of a highway designated by department rulemaking as having high levels of interaction between commercial and non-commercial vehicles.

(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 the motor carriers law as that granted to the public service commission under 69-12-203;

(b) 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) 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) 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) 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)

(f) may, on any highway under the jurisdiction of the department of transportation within the exterior boundaries of a local government that has entered into a cross-deputization agreement with the department, enforce Title 61, chapters 8 and 9.

(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 3. 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 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) 15-24-201 through 15-24-205;

(5) Title 15, chapter 70, part 4

(6) pursuant to cross-deputization agreements with local governments for the enforcement of Title

1 61, chapters 8 and 9;

2 (6)(7) 61-10-154 and safety rules adopted under that section; and

3 (7)(8) Title 69, chapter 12."

4 - END -

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