



ADMINISTRATIVE RULES OF MONTANA



18.8.1506 COMMERCIAL VEHICLE SAFETY PROGRAM OPERATIONS

- (1) The department shall implement a commercial vehicle safety program to assume responsibility for improving motor carrier safety and enforcing safety standards under federal regulations adopted by reference in ARM 18.8.1502 and state standards found in Montana statutes and administrative rules.
- (2) The commercial vehicle safety program shall conduct safety inspections and investigations of hazardous material shippers, for-hire motor carriers, private motor carriers, or any motor vehicle or vehicle combination as defined in 61-10-154, MCA, when the vehicle is used in interstate or intrastate commerce in Montana.
- (3) The department shall designate motor carrier services officers as peace officers under 61-10-154, MCA, with authority to conduct the following safety program activities:
 - (a) Enforce the provisions of Title 49, USC, and the federal regulations that have been adopted under Title 49 in the Code of Federal Regulations;
 - (b) Enforce the provisions of the Commercial Vehicle Safety Alliance (CVSA), North American Out-of-Service Criteria, as incorporated by reference in ARM 18.8.1505;
 - (c) Conduct roadside inspections of commercial motor vehicles for compliance with federal and state safety requirements;
 - (d) Conduct investigations of commercial motor carriers or hazardous materials shippers for compliance with federal and state safety requirements or hazardous materials requirements, including right of entry for investigations at the commercial motor carriers' place of business;
 - (e) Require production of documents relating to the commercial motor carrier and commercial motor vehicle safety regulations adopted under administrative rules;
 - (f) Issue citations and make arrests in connection with violations of safety standards adopted under these administrative rules; and
 - (g) All other reasonable activities allowed by federal statutes or regulations, or by state statutes, or administrative rules related to safety inspections and investigations.
- (4) The department shall designate civilian safety inspectors, with authority to conduct the following safety program activities:
 - (a) Enforce the provisions of Title 49, USC, and the federal regulations that have been adopted under Title 49 in the Code of Federal Regulations;

- (b) Enforce the provisions of the Commercial Vehicle Safety Alliance (CVSA), North American Out-of-Service Criteria, as incorporated by reference in ARM 18.8.1505;
 - (c) Conduct roadside inspections of commercial motor vehicles for compliance with federal and state safety requirements;
 - (d) Conduct investigations of commercial motor carriers or hazardous materials shippers for compliance with federal and state safety requirements or hazardous materials requirements, including right of entry investigations at the commercial motor carriers' place of business;
 - (e) Require production of documents relating to the commercial motor carrier and commercial motor vehicle safety regulations adopted under administrative rules;
 - (f) Refer violations and violators to designated motor carrier services officers or Montana Highway Patrol (MHP) officers for issuance of citations and performance of arrests in connection with violations of safety standards adopted under these administrative rules; and
 - (g) All other reasonable activities allowed by federal statutes or regulations, or by state statutes, or administrative rules related to safety inspections and investigations.
- (5) The department shall coordinate with MHP for MHP officer enforcement of the federal and state safety regulations adopted in Montana. MHP officers shall have authority to conduct all of the following safety program activities:
- (a) Enforce the provisions of Title 49, USC, and the federal regulations that have been adopted under Title 49 in the Code of Federal Regulations;
 - (b) Enforce the provisions of the Commercial Vehicle Safety Alliance (CVSA), North American Out-of-Service Criteria, as incorporated by reference in ARM 18.8.1505;
 - (c) Conduct roadside inspections of commercial motor vehicles for compliance with federal and state safety requirements;
 - (d) Conduct investigations of commercial motor carriers or hazardous materials shippers for compliance with federal and state safety requirements, or hazardous materials requirements, including right of entry for investigations at the commercial motor carriers' place of business;
 - (e) Require production of documents relating to the commercial motor carrier and commercial motor vehicle safety regulations adopted under administrative rules;
 - (f) Issue citations and make arrests in connection with violations of safety standards adopted under these administrative rules; and
 - (g) All other reasonable activities allowed by federal statutes or regulations, or by state statutes, or administrative rules related to safety inspections and investigations.

Authorizing statute(s): 61-10-155, MCA

Implementing statute(s): 44-1-1005, 61-10-154, MCA

History: NEW, 2014 MAR p. 502, Eff. 3/14/14.