

## SENATE BILL NO. 312

INTRODUCED BY B. STORY

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING HAY GRINDERS FROM THE DEFINITION OF "COMMERCIAL MOTOR VEHICLE"; AMENDING SECTION 61-1-134, MCA; AND PROVIDING A CONTINGENT VOIDNESS PROVISION."

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

**Section 1.** Section 61-1-134, MCA, is amended to read:

**"61-1-134. Commercial motor vehicle defined -- exceptions.** (1) Except as provided in subsection (2), "commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

(a) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(b) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is greater;

(c) is designed to transport at least 16 passengers, including the driver;

(d) is a school bus as defined in 20-10-101; or

(e) is of any size and is used to transport any quantity or form of hazardous material required to be placarded pursuant to Title 49, Code of Federal Regulations.

(2) The following vehicles are not commercial motor vehicles:

(a) a vehicle exempt from taxation, used for firefighting, and bearing Montana tax-exempt plates;

(b) a police emergency response vehicle; ~~or~~

(c) a hay grinder; or

(d) a vehicle:

(i) controlled and operated by a farmer or person employed by a farmer;

(ii) used to transport farm products, farm machinery, or farm supplies within Montana or within 150 miles of the farm headquarters; and

(iii) not used to transport goods for compensation or hire.

(3) For purposes of this section:

(a) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or crops or the raising of livestock owned by or under the direct control of that person;

(b) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle; and

(c) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle."

**NEW SECTION. Section 2. Contingent voidness.** If the department of transportation receives notice that exempting hay grinders from the definition of commercial motor vehicle will threaten federal highway funding, then [this act] is void. The department shall notify the code commissioner that notice has been received and the date upon which the department received the notice.

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