

EXHIBIT 4  
DATE 3.9.05  
SB. 102

*If you lose it . . .*



*. . . Someone will find it!*

**Vote YES!**

**SB102**

**Secure Loads mean Safe Roads!!!**

## 2005 Montana Legislature

About Bill -- Links

SENATE BILL NO. 102

INTRODUCED BY CROMLEY, R. BROWN, BECKER

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING TO ALL TYPES OF LOADS AND ALL TYPES OF VEHICLES, OTHER THAN GOVERNMENT OR COMMERCIAL VEHICLES AND THOSE TRANSPORTING UNPROCESSED AGRICULTURAL PRODUCTS, THE REQUIREMENT THAT A LOAD BE SECURED TO PREVENT LITTERING OR CREATING A DANGEROUS OBSTRUCTION ON A HIGHWAY; AND AMENDING SECTION 61-8-370, MCA."

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

**Section 1.** Section 61-8-370, MCA, is amended to read:

**"61-8-370. Securing of load – requirement.** A person operating a loaded vehicle on a public highway ~~for the purpose of transporting solid waste as defined in 75-10-203,~~ except a GOVERNMENT OR commercial motor vehicle or a vehicle transporting unprocessed agricultural products, shall attach, cover, or otherwise secure the load sufficiently to prevent littering or creating an obstruction dangerous to the public traveling on the highway."

- END -

### Latest Version of SB 102 (SB0102.02)

Processed for the Web on January 12, 2005 (4:04pm)

New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted.

See the status of this bill for the bill's primary sponsor.

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Prepared by Montana Legislative Services

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- END -



## Montana Code Annotated 2003

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**60-1-101. Legislative findings.** The legislature recognizes that safe and efficient highway transportation is of important interest to all of the people of the state and declares that:

(1) inadequate highways, roads, and streets obstruct the free flow of traffic, increase costs of motor vehicle operation, endanger the health and safety of the citizens of the state, depreciate property values, and impede generally the economic progress of the state;

(2) the problems of establishing and maintaining adequate highways, roads, and streets, eliminating congestion, reducing accident frequency, providing parking facilities, and taking all necessary steps to insure safe and convenient transportation are urgent;

(3) adequate and integrated systems of highways, roads, and streets are essential to the general welfare of the state;

(4) providing adequate highway facilities is a proper public use and purpose, and this title is necessary for the preservation of the public peace, health, and safety, for the promotion of the general welfare, and as a contribution to the national defense.

**History:** En. Sec. 1, Ch. 197, L. 1965; R.C.M. 1947, 32-2201; amd. Sec. 1, Ch. 23, L. 1979.

*Provided by Montana Legislative Services*



# Montana roads would be safer with a secure load law

By LUKE ANDERSON

**H**ave you ever seen anything on the highway that isn't supposed to be there? A mattress, boards, bikes, furniture?

I learned that "If you lose it, someone will find it." Three years ago, someone lost a mattress on the highway, and we found it. Actually, we hit it! It locked up our steering forcing us into a semi we were passing. When the mattress broke free, we hit a concrete barrier and spun like a football. I was ejected from the car even though I had my seat belt on.

## Mattress hazard

The person who lost the mattress probably didn't mean for me to get hurt. But last year 25,000 accidents like mine happened because people didn't secure their loads and they lost things on the highway.

Montana is one of the few states that doesn't have a law requiring secure loads. Montana's law only requires people hauling stuff to the dump to secure their loads. People hauling stuff to college don't. I want to change it so loads going to the dump and college need to be secure.

I presented this law change at the 2003 Legislature. It passed the Senate and died in the House.

There were two major concerns in 2003 about this. The first was from commercial haulers. The law change I want does not affect commercial haulers. They are already covered by state and federal regulations. The most common road debris does not come from commercial haulers.

The second concern was that the law change would give the Highway Patrol too much power.

The Montana Constitution says that the purpose of government is to provide physical safety to its citizens. The Highway Patrol was created to provide physical safety for the governor of Montana and the citizens. Montana law Section 60-1-101 states that the "Legislature recognizes that safe highway transportation is important to all people of the state and that taking all necessary steps to insure safe transportation is urgent." This law change would not give the Highway Patrol too much power, it would just allow them to do the job they are supposed to do.

## Legislative effort

During the Legislature in 2003, a woman was hurt when a 4-wheeler rolled out of a truck in front of her on the highway. The highway patrolman was advised to ticket the man who lost the 4-wheeler for failure to secure his load. The man wasn't required by law to secure his load, though, because it wasn't trash. The patrolman wrote the ticket wrong. It caused problems for everyone. This law change will help everyone because the law will be clear and fair.

Tell your legislators to pass LC0927. It is easy to contact them in Helena on any issue at (406) 444-4800 or <http://leg.state.mt.us/css/default.asp>.

When people lose things from their loads, it causes accidents and people get hurt. The current law doesn't require most people to secure their loads unless they hauling things to the dump. Montana's law needs to be changed because "If you lose it, someone will find it."

*Luke Anderson, 13, attends home school in Billings.*



# States that have laws requiring all loads be secure as of January 2005



