Montana Code Annotated 2003

SENATE HIGHWAYS AND TRANSPORTATION
EXHIBIT NO. 4
DATE: 1/6/05
BILL NO. SB

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) an authorized emergency service vehicle:

(i) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and

(ii) entitled to the exemptions granted under 61-8-107; or

(b) a vehicle:

(i) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;

(ii) used to transport farm products, farm machinery, or farm supplies within Montana within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles of the farm, including any area within that perimeter that is in the adjoining state; 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.

History: En. Sec. 1, Ch. 443, L. 1987; amd. Sec. 11, Ch. 378, L. 1989; amd. Sec. 1, Ch. 521, L. 1989; amd. Sec. 1, Ch. 127, L. 1991; amd. Sec. 4, Ch. 195, L. 1993; amd. Sec. 6, Ch. 575, L. 1993; amd. Sec. 1, Ch. 53, L. 1995; amd. Sec. 2, Ch. 105, L. 1997; amd. Sec. 2, Ch. 207, L. 2001; amd. Sec. 4, Ch. 428, L. 2003.

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