

HOUSE BILL NO. 233

INTRODUCED BY J. FRENCH

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A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A WINTERTIME 10% OVERWEIGHT PERMIT FOR CERTAIN MOTOR VEHICLES HAULING GRAIN, HAY, LIVESTOCK, OR PRODUCTS NEEDED FOR THE OPERATION OF A FARM OR RANCH; PROVIDING A FEE TO OBTAIN THE PERMIT; GRANTING RULEMAKING AUTHORITY TO THE DEPARTMENT OF TRANSPORTATION; AMENDING SECTIONS 61-10-109, 61-10-126, AND 61-10-142, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Wintertime 10% overweight permit -- fee -- rulemaking.** (1) Upon application, the department of transportation or its agent under 61-10-121(3) may issue permits authorizing the applicant to operate a vehicle, combination of vehicles, load, or object exceeding by up to 10% the maximum weight limits specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110.

(2) The vehicle, combination of vehicles, load, or object must be used for the general movement of grain, hay, livestock, or products needed to support the operation of a farm or ranch during the period between December 1 and March 7.

(3) The fee for the permit is \$50 for each towing vehicle and is valid for 30 days or until March 7, whichever is earlier.

(4) The department of transportation may adopt and enforce rules to implement this section, including but not limited to:

- (a) how the permits are issued; and
- (b) when permits must be withheld or canceled before March 7.

(5) For the purposes of this section, "towing vehicle" means a truck, truck tractor, or semitrailer providing the motive power to pull itself and other attached vehicles.

Section 2. Section 61-10-109, MCA, is amended to read:

"61-10-109. Operation without special permits prohibited. The operation of vehicles or combinations of vehicles having dimensions or weights in excess of the maximum limits specified in 61-10-101 through



1 61-10-104 and 61-10-106 through 61-10-108 is permitted only if authorized by special permit issued under
2 [section 1] or 61-10-121 through 61-10-125 by the department of transportation or its agents or the highway
3 patrol."

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5 **Section 3.** Section 61-10-126, MCA, is amended to read:

6 **"61-10-126. Deposit of fees.** All fees collected under 61-10-101 through 61-10-104, ~~and~~ 61-10-106
7 through 61-10-125, and [section 1] must be forwarded to the department of revenue for deposit in the highway
8 nonrestricted account in the state special revenue fund."

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10 **Section 4.** Section 61-10-142, MCA, is amended to read:

11 **"61-10-142. Display of permit.** A special permit issued under 61-10-121 or [section 1] ~~shall~~ must be
12 carried in the vehicle or combination of vehicles to which it refers and ~~shall~~ must be open to inspection by any
13 peace officer, officer of the highway patrol, or employee of the department of transportation."

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15 NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an
16 integral part of Title 61, chapter 10, part 1, and the provisions of Title 61, chapter 10, part 1, apply to [section 1].

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18 NEW SECTION. **Section 6. Effective date.** [This act] is effective January 1, 2010.

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