

HOUSE BILL NO. 599

INTRODUCED BY T. MCGILLVRAY

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING LEAVING HIGHWAY CONSTRUCTION VEHICLES AND EQUIPMENT OR PRIVATE VEHICLES IN A CLEAR RECOVERY AREA; DEFINING "CLEAR RECOVERY AREA"; AND PROVIDING A PENALTY."

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

NEW SECTION. Section 1. Storing of construction equipment and vehicles in clear recovery area prohibited -- penalties. (1) (a) A contractor or a subcontractor who is engaged in the construction or reconstruction of a state highway, as defined in 60-1-103, may not, during construction or reconstruction:

(i) place, store, or locate equipment or vehicles within a clear recovery area unless the equipment or vehicles are in actual use during the work period or in use for traffic control or safety; or

(ii) park, store, or locate equipment or vehicles within a clear recovery area on holidays, weekends, or overnight.

(b) A construction worker may not park the construction worker's private vehicle within a clear recovery area at any time.

(c) All traffic control and safety devices must be removed at the conclusion of the project or at a point in the project when they are no longer necessary.

(d) For the purposes of this section, a "clear recovery area" means, during construction or reconstruction, an area that is 30 feet from the outer edge of the outside travel lane on paved sections or 42 feet from the centerline of the road on unpaved sections.

(2) Each violation of the provisions of subsection (1) is punishable by a fine of \$5,000 for each incident each day.

(3) A contracting company that is determined by a court order to be negligent in violation of subsection (1) in a manner that results in loss of life may not participate in future highway construction projects in the state of Montana for 5 years from the date of the incident in which the loss of life occurred.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an



1 integral part of Title 60, chapter 6, part 1, and the provisions of Title 60, chapter 6, part 1, apply to [section 1].

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