

1 HOUSE BILL NO. 251

2 INTRODUCED BY B. HOVEN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A REAR FLAG VEHICLE ESCORT IS NOT
5 REQUIRED FOR CERTAIN VEHICLES OVER 12 1/2 FEET IN WIDTH EXCEPT IF THE VEHICLE PASSES
6 THROUGH A HAZARDOUS AREA; AND AMENDING SECTION 61-10-102, MCA."

7

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

9

10 **Section 1.** Section 61-10-102, MCA, is amended to read:

11 **"61-10-102. Width -- ~~definition~~ DEFINITIONS.** (1) Except as provided in subsections (2) and (3), a vehicle,
12 including a bus, unloaded or with load, may not have a total outside width in excess of 102 inches. This width for
13 buses is allowed only on paved highways 20 feet or more in width.

14 (2) (a) Subsection (1) does not apply to an implement of husbandry or a vehicle used for hauling hay that
15 is moved or propelled upon the highway during daylight hours for a distance of not more than 100 miles if the
16 movement is incidental to the farming operations of the owner of the implement of husbandry or the vehicle used
17 for hauling hay. If the implement or vehicle is more than 12 1/2 feet wide, it must be preceded by flag vehicle
18 escorts to warn other highway users. This restriction does not apply to dual-wheel tractors under 15 feet overall
19 width that are used in farming operations or to movement on a county road within 100 miles of the farming
20 operation of the owner of an implement of husbandry or a vehicle used for hauling hay. Lights that meet the
21 requirements of 61-9-219(4) must be displayed on the rear of the implement of husbandry or vehicle used for
22 hauling hay. However, if the highway passes through a hazardous area, the implements or vehicles must be
23 preceded and followed by flag vehicle escorts unless the movement of the implements or vehicles is restricted
24 to a county road within 100 miles of the farming operation of the owner.

25 (b) An implement of husbandry or a vehicle used for hauling hay that exceeds 16 1/2 feet in width and
26 that is traveling on an interstate or a four-lane highway must be followed by a flag vehicle escort.

27 (c) A commercial vehicle that is hauling hay but does not qualify under subsection (2)(a) may be granted
28 a permit subject to the provisions of 61-10-121 through 61-10-127 and the following requirements:

29 (i) travel during daylight hours only for an oversize shipment of large round bales of hay, whether the
30 vehicle is loaded or with an empty hay rack, up to 144 inches; when empty, a square red or orange flag

1 measuring 12 inches on each side must be attached to each corner of the hay rack; and

2 (ii) travel day or night for any other shipment of baled hay, whether the vehicle is loaded or with an empty
3 hay rack, up to 114 inches.

4 (d) Subsection (1) does not apply to a commercial hay grinder moved or propelled upon the highway
5 during daylight hours for a distance of not more than 100 miles if the movement is incidental to operations of the
6 commercial hay grinder. A commercial hay grinder exceeding 102 inches in width must have a permit issued
7 under 61-10-124. If the commercial hay grinder is more than 12 1/2 feet wide, it must be preceded by flag vehicle
8 escorts to warn other highway users. Lights that meet the requirements of 61-9-219(4) must be displayed on the
9 rear of the commercial hay grinder. Movement of a commercial hay grinder that does not exceed 138 inches in
10 width may occur on any day of the week, including holidays, and is restricted to movement during daylight hours.
11 Movement of a commercial hay grinder may not exceed the posted speed limit, including the speed limit on an
12 interstate highway.

13 (3) (a) The width of a recreational vehicle, as defined in 61-1-101, and a camper, as defined in 61-1-101,
14 that is being operated for noncommercial purposes may exceed 102 inches if:

15 (i) the excess width is attributable to recreational vehicle or camper appurtenances that do not extend
16 beyond the exterior rearview mirrors of the recreational vehicle, the camper, a vehicle being towed by the
17 recreational vehicle, or the motor vehicle providing motive power; and

18 (ii) the rearview mirrors extend only the distance necessary to provide the appropriate field of view for
19 the vehicle before the recreational vehicle or camper appurtenances are attached.

20 (b) For the purposes of this section, "recreational vehicle or camper appurtenances" means an awning
21 and its support hardware or any appendage that is intended to be an integral part of the recreational vehicle or
22 camper and that is installed by the manufacturer or dealer.

23 (4) A safety device that the department determines by rule adopted pursuant to 61-9-504 to be necessary
24 for safe and efficient operation of motor vehicles is not included in the calculation of width provided in subsection
25 (1).

26 (5) Except as provided in subsections (2)(a) and (2)(b), a rear flag vehicle escort is not required for a
27 vehicle that exceeds 12 1/2 feet in width operating under this section or as authorized by special permit issued
28 under 61-10-121 through 61-10-125, THAT IS HAULING OR TOWING AN IMPLEMENT OF HUSBANDRY OR, CONSTRUCTION
29 EQUIPMENT, OR FORESTRY EQUIPMENT, AND THAT IS OPERATING UNDER THIS SECTION OR AS AUTHORIZED BY SPECIAL
30 PERMIT ISSUED UNDER 61-10-121 THROUGH 61-10-125 IF THE VEHICLE IS OPERATING AT A SPEED NOT LESS THAN 10

1 ~~MILES PER HOUR BELOW THE POSTED SPEED LIMIT HIGHWAY SPEED OR WITH THE FLOW OF TRAFFIC.~~

2 (5)(6) For the purposes of this section, "~~flag vehicle~~" THE FOLLOWING DEFINITIONS APPLY:

3 (A) "CONSTRUCTION EQUIPMENT" MEANS ANY VEHICLE, MACHINE, OR ATTACHMENT DESIGNED OR ADAPTED FOR

4 AND USED IN CONSTRUCTION, HEAVY CONSTRUCTION, HIGHWAY CONSTRUCTION, AND REMODELING WORK.

5 (B) "FLAG VEHICLE" means a vehicle equipped as required by law or by department of transportation rule
6 to warn or guide vehicular traffic. When not being operated as a flag vehicle, signs must be removed."

7 - END -