

HOUSE BILL NO. 216

INTRODUCED BY DOANE, ANKNEY, G. BENNETT, BERRY, GALT, HALVORSON, HARRIS, INGRAHAM,
 KNUDSEN, OSMUNDSON, RANDALL, REDFIELD, WARBURTON

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A LOCAL GOVERNMENT AUTHORIZED TO ISSUE
 CERTAIN PERMITS FOR OVERSIZED AND OVERWEIGHT VEHICLES TO RETAIN THE FEES IMPOSED FOR
 THE PERMITS FOR DEPOSIT INTO THE LOCAL GOVERNMENT'S ROAD FUND; AMENDING ~~SECTION~~
SECTIONS 61-10-109, 61-10-121, AND 61-10-126, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

SECTION 1. 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
 61-10-104 and 61-10-106 through 61-10-108 is permitted only if authorized by special permit issued under
 61-10-121 through 61-10-125 by the department of transportation or its agents ~~or~~ the highway patrol, or local
authorities in their respective jurisdictions."

SECTION 2. SECTION 61-10-121, MCA, IS AMENDED TO READ:

"61-10-121. Permits for excess size and weight -- agents. (1) (a) Upon application and with good
 cause shown, the department of transportation, or its agent under subsection (3), and local authorities in their
 respective jurisdictions may issue telephonically or in writing a special permit authorizing the applicant to operate
 or move a vehicle, combination of vehicles, load, object, or other thing of a size or weight exceeding the maximum
 specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 upon a highway under the
 jurisdiction of and for the maintenance of which the body granting the permit is responsible. However, only a local
authority may, within its jurisdiction, issue permits as provided in 61-10-126(2), and only the department may
 issue permits for movement of a vehicle or combination of vehicles carrying built-up or reducible loads in excess
 of 9 feet in width or exceeding the length, height, or weight specified in 61-10-101 through 61-10-104 and
 61-10-106 through 61-10-110. This permit must be issued in the public interest. A carrier receiving this permit
 must have public liability and property damage insurance for the protection of the traveling public as a whole. A

1 permit may not be issued for a period greater than the period for which the GVW license is valid, including grace
 2 periods, as provided in this title. Owners of vehicles licensed in other jurisdictions may, at the discretion of the
 3 department, purchase permits to expire with their registration. A license required by the state governs the
 4 issuance of a special permit.

5 (b) The department may issue to dealers in implements of husbandry and self-propelled machinery
 6 oversize permits. The permits may be transferred from unit to unit by the dealer, for the fee set forth in 61-10-124.
 7 These oversize permits may not restrict dealers in implements of husbandry and self-propelled machinery from
 8 traveling on a Saturday or Sunday and expire on December 31 of each year, with no grace period. For the
 9 purposes of this section, a dealer in implements of husbandry or self-propelled machinery must be a resident of
 10 the state. A post-office box number is not a permanent address under this section.

11 (2) The applicant for a special permit shall specifically describe the powered vehicle or towing vehicle
 12 and generally describe the type of vehicle, combination of vehicles, load, object, or other thing to be operated or
 13 moved and the particular state highways over which the vehicle, combination of vehicles, load, object, or other
 14 thing is to be moved and whether the permit is required for a single trip or for continuous operation.

15 (3) The department may enter into a contract with a private party to act as an agent of the department
 16 for the purpose of issuing, in writing, a special permit allowed under this section."

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

19 **"61-10-126. Deposit of fees.** (1) ~~All~~ Except as provided in subsection (2), all fees collected under
 20 61-10-101 through 61-10-104 and 61-10-106 through 61-10-125 must be forwarded to the department of revenue
 21 for deposit in the highway nonrestricted account in the state special revenue fund.

22 ~~———— (2) The fees imposed for a permit issued by a local authority pursuant to 61-10-121 or 61-10-125 must~~
 23 ~~be paid to the treasurer of the local authority that issues the permit for deposit in the road fund of the local~~
 24 ~~authority.~~

25 (2) (A) IF AN APPLICATION FOR A SPECIAL PERMIT APPLIES TO A VEHICLE FOR TRAVEL SOLELY WITHIN THE
 26 JURISDICTION OF THE LOCAL AUTHORITY AND THE TRAVEL DOES NOT INCLUDE PASSAGE OVER A BRIDGE UNDER THE
 27 JURISDICTION OF THE DEPARTMENT OR ON A STATE-MAINTAINED PRIMARY OR SECONDARY HIGHWAY FOR MORE THAN 1
 28 MILE, THEN THE LOCAL AUTHORITY SHALL, IN LIEU OF A PERMIT ISSUED BY THE DEPARTMENT, ISSUE THE PERMIT AND SHALL
 29 PAY THE PERMIT FEE TO THE TREASURER OF THE LOCAL AUTHORITY FOR DEPOSIT IN THE ROAD FUND OF THE LOCAL
 30 AUTHORITY.

1 (B) A LOCAL AUTHORITY MAY COLLECT FROM AN APPLICANT A PERMIT FEE OF \$25, UNDER THIS SUBSECTION (2),
2 FOR A VEHICLE TRAVELING LESS THAN 25 MILES AND \$50 FOR A VEHICLE TRAVELING 25 MILES OR MORE."

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4 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2013.

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