

## 1 HOUSE BILL NO. 98

2 INTRODUCED BY E. MCCLAFFERTY

3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REQUIREMENTS FOR MOTOR VEHICLE TIRE  
6 TRACTION DEVICES; REMOVING THE REQUIREMENT THAT TIRE TRACTION EQUIPMENT CONFORM TO  
7 RULES ESTABLISHED BY THE DEPARTMENT OF JUSTICE; AMENDING SECTIONS 61-9-406 AND 61-9-520,  
8 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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12 **Section 1.** Section 61-9-406, MCA, is amended to read:13 **"61-9-406. Restrictions as to tire equipment -- particular tires, chains, or traction equipment**

14 **devices -- definitions.** (1) A solid rubber tire on a vehicle must have rubber on its entire traction surface at least  
15 1 inch thick above the edge of the flange of the entire periphery.

16 (2) A person may not operate or move on a highway a motor vehicle, trailer, or semitrailer having a metal  
17 tire in contact with the roadway.

18 (3) A tire on a vehicle moved on a highway may not have on its periphery a block, stud, flange, cleat,  
19 spike, or other protuberance of a material other than rubber that projects beyond the tread of the traction surface  
20 of the tire, except that it is permissible to use farm machinery with tires having protuberances that will not injure  
21 the highway. It is also permissible to use tire chains of reasonable proportions or pneumatic tires, the traction  
22 surfaces of which have been embedded with material, such as wood, wire, plastic or metal, that may not protrude  
23 more than one-sixteenth of an inch beyond the tire tread or that are clearly marked by the manufacturer on the  
24 sidewall "all season m&s" (or "all season mud and snow"), upon a vehicle when required for safety because of  
25 snow, ice, or other conditions tending to cause a vehicle to skid. Except as provided in subsection (4), the use  
26 of pneumatic tires embedded as provided in this section is permitted only between October 1 and May 31 of each  
27 year, except that one of those tires may be used for a spare in case of tire failure. School buses equipped with  
28 such embedded pneumatic tires may operate from August 15 through the following June 15.

29 (4) Pneumatic tires that feature an embedded block, stud, flange, cleat, spike, or other protuberance that  
30 is retractable may be used at any time of the year. However, the protuberance may not be engaged or extended

1 other than between October 1 and May 31 of each year on roads that do not contain ice or snow.

2 (5) The department of transportation and local authorities, as defined in 61-8-102, in their respective  
3 jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of farm tractors  
4 or other farm machinery or of traction engines or tractors having movable tracks with transverse corrugations  
5 upon the periphery of the movable tracks, the operation of which upon the highway would otherwise be prohibited  
6 under this section.

7 (6) ~~If the~~ The department of transportation ~~determines~~ may determine at any time that dangerous or  
8 unsafe conditions on a highway require particular tires, tire chains, or traction ~~equipment~~ devices for vehicles in  
9 addition to or beyond the ordinary pneumatic rubber tires, ~~the department may establish the following~~  
10 ~~recommendations or requirements with respect to the use of the equipment for all vehicles using the highway:~~

11 ~~—— (a) chains or other approved traction devices recommended for driver wheels;~~

12 ~~—— (b) chains or other approved traction devices required for driver wheels; or~~

13 ~~—— (c) chains required for driver wheels.~~

14 ~~—— (7) Equipment required by subsection (6)(b) or (6)(c) must conform to rules established by the~~  
15 ~~department of justice.~~

16 ~~(8)(7)~~ The department of transportation shall place and maintain signs and other traffic control devices  
17 on a highway designated under subsection (6) that indicate the tire, tire chain, or traction ~~equipment~~  
18 ~~recommendation or device~~ requirement determined for vehicles. The signs or traffic control devices may not  
19 prohibit the use of pneumatic tires embedded as provided in subsection (3) between October 1 and May 31 of  
20 each year, but when the department of transportation determines that chains are required and that no other  
21 traction ~~equipment~~ devices will suffice, the requirement is applicable to tires on driver wheels of one axle, as  
22 defined in 61-10-104, of a vehicle, including embedded tires. The signs or traffic control devices may differentiate  
23 in ~~recommendations or requirements~~ for four-wheel-drive vehicles in gear.

24 ~~(9)(8)~~ As used in this section:

25 (a) "metal tire" means a tire the surface of which in contact with the highway is wholly or partly metal or  
26 other hard, nonresilient material; and

27 (b) "pneumatic tire" means a tire in which compressed air or nitrogen is designed to support the load."  
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29 **Section 2.** Section 61-9-520, MCA, is amended to read:

30 **"61-9-520. Violation of tire chain or traction device use -- penalty.** (1) A person violating the

1 provisions of ~~61-9-406(5) through~~ 61-9-406(6) and (7) is guilty of the nonmoving offense of failure to use chains  
2 or approved traction devices when required and upon conviction shall be punished by a fine of \$25, and no jail  
3 sentence may be imposed. Bond for this offense shall be \$25.

4 (2) A violation of ~~61-9-406(5) through~~ 61-9-406(6) and (7) is not a misdemeanor subject to 45-2-101,  
5 61-9-511, 61-9-512, or 61-9-519."

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7 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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