

HOUSE BILL NO. 30
INTRODUCED BY D. HURWITZ
BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO PERMIT THE INSTALLATION OF ELECTRONIC COMMUNICATION EQUIPMENT AND ELECTRONIC INFORMATIONAL KIOSKS ON A HIGHWAY RIGHT-OF-WAY, INCLUDING A CONTROLLED-ACCESS FACILITY; ALLOWING THE DEPARTMENT TO SET TERMS AND CONDITIONS FOR THE EQUIPMENT OR KIOSKS; ALLOWING A FEE AND PROVIDING FOR THE DEPOSIT OF THE FEE; AND AMENDING SECTION 60-5-110, MCA."

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

Section 1. Section 60-5-110, MCA, is amended to read:

"60-5-110. Commercial enterprise or structure prohibited -- exception. (1) Except as provided in 60-5-505 and subsection (2) of this section, no a commercial enterprise or structure shall may not be constructed or operated on the publicly owned or leased right-of-way of a controlled-access highway or controlled-access facility or on any publicly leased land used in connection therewith.

(2) The department may, under the terms and conditions that it considers appropriate, install or allow others to install electronic communication equipment or electronic informational kiosks on the right-of-way of any state highway, including a controlled-access facility. The department may charge a fee for the use of the equipment or kiosk. The fees must be deposited in the nonrestricted highway state special revenue account to be used for highway purposes."

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