

## HOUSE BILL NO. 407

INTRODUCED BY J. COHENOUR

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE OPERATION OF A MOTOR VEHICLE ON A  
5 HIGHWAY UNLESS EACH PNEUMATIC TIRE MEETS FEDERAL MOTOR VEHICLE SAFETY STANDARDS  
6 AND BEARS CERTAIN MARKINGS REQUIRED BY FEDERAL REGULATIONS; AND AMENDING SECTIONS  
7 61-9-406 AND 61-9-520, MCA."

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

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11 **Section 1.** Section 61-9-406, MCA, is amended to read:

12 **"61-9-406. Restrictions as to tire equipment -- particular tires, chains, or traction equipment. (1)**

13 A motor vehicle that is equipped with pneumatic tires may not be operated upon a highway unless each tire  
14 meets the federal motor vehicle safety standards for tires provided in 49 CFR, part 571, and bears the marking  
15 designated as the "DOT symbol" required under 49 CFR, part 574.

16 (2) A solid rubber tire on a vehicle must have rubber on its entire traction surface at least 1 inch thick  
17 above the edge of the flange of the entire periphery.

18 ~~(2)~~(3) A person may not operate or move on a highway a motor vehicle, trailer, or semitrailer having  
19 a metal tire in contact with the roadway.

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

1           ~~(4)~~(5) The department of transportation and local authorities in their respective jurisdictions may in their  
 2 discretion issue special permits authorizing the operation upon a highway of farm tractors or other farm  
 3 machinery or of traction engines or tractors having movable tracks with transverse corrugations upon the  
 4 periphery of the movable tracks, the operation of which upon the highway would otherwise be prohibited under  
 5 this section.

6           ~~(5)~~(6) If the department of transportation determines at any time that dangerous or unsafe conditions  
 7 on a highway require particular tires, tire chains, or traction equipment for vehicles in addition to or beyond the  
 8 ordinary pneumatic rubber tires, the department may establish the following recommendations or requirements  
 9 with respect to the use of the equipment for all vehicles using the highway:

10           (a) chains or other approved traction devices recommended for driver wheels;

11           (b) chains or other approved traction devices required for driver wheels; or

12           (c) chains required for driver wheels.

13           ~~(6)~~(7) Equipment required by subsection ~~(5)~~(b) ~~(6)~~(b) or ~~(5)~~(c) ~~(6)~~(c) must conform to rules established  
 14 by the department of justice.

15           ~~(7)~~(8) The department of transportation shall place and maintain signs and other traffic control devices  
 16 on a highway designated under subsection ~~(5)~~ (6) that indicate the tire, tire chain, or traction equipment  
 17 recommendation or requirement determined for vehicles. The signs or traffic control devices may not prohibit  
 18 the use of pneumatic tires embedded as provided in subsection ~~(3)~~ (4) between October 1 and May 31 of each  
 19 year, but when the department of transportation determines that chains are required and that no other traction  
 20 equipment will suffice, the requirement is applicable to tires on driver wheels of one axle of a vehicle, including  
 21 embedded tires. The signs or traffic control devices may differentiate in recommendations or requirements for  
 22 four-wheel-drive vehicles in gear."

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24           **Section 2.** Section 61-9-520, MCA, is amended to read:

25           **"61-9-520. Violation of tire chain or traction device use -- penalty.** (1) A person violating the  
 26 provisions of 61-9-406~~(5)~~(6) through ~~(7)~~ (8) is guilty of the nonmoving offense of failure to use chains or  
 27 approved traction devices when required and upon conviction shall be punished by a fine of \$25, and no jail  
 28 sentence may be imposed. Bond for this offense shall be \$25.

29           (2) A violation of 61-9-406~~(5)~~(6) through ~~(7)~~ (8) is not a misdemeanor subject to 45-2-101, 61-9-511,  
 30 61-9-512, or 61-9-519."

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