

HOUSE BILL NO. 157

INTRODUCED BY P. CONNELL

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING SPLIT WEIGHING OF COMMODITIES; REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO ADOPT RULES TO IMPLEMENT THE SPLIT WEIGHING OF COMMODITIES; AMENDING SECTIONS 30-12-306 AND 30-12-406, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Split weighing of commodities allowed -- disclosure -- rules.** (1) ~~(a)~~

The net weight of a commodity, including raw logs, grain, and quarried rock, transported by any combination of truck, truck tractor, trailer, or semitrailer, as those terms are defined in 61-1-101, may be determined by split weighing the combination IF:

(A) THE VENDOR AND THE PURCHASER AGREE IN WRITING TO THE SPLIT WEIGHING; AND

(B) EITHER THE VENDOR OR THE PURCHASER WHO IS A PARTY TO THE AGREEMENT IS RESPONSIBLE FOR PAYING THE COST OF THE SHIPMENT AND ANY FREIGHT CHARGES.

(2) The weigh ticket, weight slip, or other documentation certifying the net weight of the commodity and accompanying delivery of the commodity must clearly disclose that the net weight of the commodity as delivered was determined by split weighing.

(3) THE WRITTEN AGREEMENT BETWEEN THE VENDOR AND THE PURCHASER TO ALLOW FOR SPLIT WEIGHING MUST ACCOMPANY DELIVERY OF THE COMMODITY.

~~(3)~~(4) The department shall adopt rules consistent with this section to provide for the implementation and administration of split weighing. The rules must require, at a minimum that:

(a) the name of the person operating a scale to split weigh and the date and location of the scale be reported to the department and be stated on the weigh ticket, weight slip, or other documentation; and

(b) the person operating the scale must certify that:

(i) each axle of the vehicle or combination of vehicles rests on a straight surface that is level with the deck of the vehicle scale or, if not level, the amount by which the deck of the scale is not level does not exceed 1/3 inch per foot of distance between the deck of the vehicle scale and the axle;



- 1 (ii) the brakes of the vehicle or combination of vehicles are not used while the vehicle is being weighed;  
 2 and  
 3 (iii) the transmission of the vehicle or combination of vehicles is in neutral.  
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5 **Section 2.** Section 30-12-306, MCA, is amended to read:

6 **"30-12-306. Sale by net weight.** (1) ~~When~~ If a commodity is sold on the basis of weight, the net weight  
 7 of the commodity ~~shall~~ must be employed and all contracts concerning commodities ~~shall~~ must be ~~so~~ construed  
 8 on the basis of net weight.

9 (2) The net weight of a commodity being transported by any combination of truck, truck tractor, trailer,  
 10 or semitrailer, as those terms are defined in 61-1-101, may be determined by split weighing the combination  
 11 pursuant to [section 1]. All disclosure, reporting, or listing of the net weight of a commodity determined by split  
 12 weighing must state that the net weight was determined by split weighing."

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 14 **Section 3.** Section 30-12-406, MCA, is amended to read:

15 **"30-12-406. Bulk deliveries sold in terms of weight and delivered by vehicle.** (1) When a vehicle  
 16 delivers to an individual purchaser a commodity in bulk and the commodity is sold in terms of weight units, the  
 17 delivery must be accompanied by a duplicate delivery ticket with the following information clearly stated in ink or  
 18 by means of other indelible marking equipment and in clarity equal to type or printing:

- 19 (a) the name and address of the vendor;  
 20 (b) the name and address of the purchaser; ~~and~~  
 21 (c) the net weight of the delivery expressed in pounds; and  
 22 (d) if the net weight was determined by split weighing pursuant to [section 1] or 30-12-306.

23 (2) If the net weight is derived from determinations of gross and tare weights, the gross and tare weights  
 24 must also be stated in terms of pounds. One of ~~these~~ the delivery tickets must be retained by the vendor, and the  
 25 other must be delivered to the purchaser at the time of delivery of the commodity or must be surrendered on  
 26 demand to the department. If the department desires to retain it as evidence, ~~it~~ the department shall issue a  
 27 weight slip in place of the ticket for delivery to the purchaser. If the purchaser carries away the purchase, the  
 28 vendor is only required to give to the purchaser at the time of sale a delivery ticket stating the number of pounds  
 29 of commodity delivered to the purchaser."  
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1            NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an  
2 integral part of Title 30, chapter 12, part 1, and the provisions of Title 30, chapter 12, part 1, apply to [section 1].

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4            NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2013.

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