

SENATE BILL NO. 91

INTRODUCED BY D. SALOMON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A LOCAL AUTHORITY FROM PROHIBITING OR
5 RESTRICTING A VEHICLE LOADED WITH FERTILIZER IN CERTAIN CIRCUMSTANCES; AND AMENDING
6 SECTION 61-10-128, MCA."

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

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10 **Section 1.** Section 61-10-128, MCA, is amended to read:
11 **"61-10-128. When authorities may restrict right to use roadway.** (1) A local authority may not alter
12 the limitations provided in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 or substitute other
13 limitations or requirements, except as provided in this section.

14 (2) The department of transportation by order, or a local road authority by ordinance or resolution, may
15 prohibit the operation of or impose restrictions on the weight and speed of a vehicle traveling on a public highway
16 under its respective jurisdiction and for which it is responsible for maintenance whenever the highway will be
17 seriously damaged or destroyed by deterioration, rain, snow, or other climatic conditions, unless the use of
18 vehicles on the highway is prohibited or the permissible vehicle weights and speed are reduced. The department
19 of transportation or the authority that enacts the ordinance or resolution shall erect signs designating the
20 department's order or the authority's ordinance or resolution at each end of that portion of the highway affected,
21 and the order, ordinance, or resolution is not effective until the signs are erected. The department of
22 transportation or the authority by ordinance or resolution may prohibit the operation of trucks or other commercial
23 vehicles or impose limitations on their weight on designated highways, subject to the provisions of subsection
24 (3). These prohibitions and limitations must be designated by appropriate signs placed on the highways.

25 (3) Neither the department of transportation nor a local authority may prohibit the operation of or impose
26 a restriction on the weight of a vehicle loaded with perishable seed potatoes or a vehicle loaded with fertilizer that
27 is traveling on a public highway if:

- 28 (a) the vehicle is being operated within its legal licensed gross vehicle weight;
29 (b) the driver possesses a federal-state inspection certificate issued for the load or a bill of lading; and
30 (c) the vehicle takes the most direct route from the point of loading to the nearest nonrestricted road.

