

HOUSE BILL NO. 602

INTRODUCED BY D. DUNN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE INSTALLATION OF VENDING MACHINES ON STATE HIGHWAY RIGHTS-OF-WAY; AUTHORIZING THE DEPARTMENT TO CONTRACT WITH A VENDOR WHO IS NOT BLIND IF THE DEPARTMENT CANNOT FIND A CERTIFIED BLIND VENDOR TO CONTRACT WITH; 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 -- exceptions. (1) Except as provided in 60-5-505 and subsections (2) and (3) of this section, a commercial enterprise or structure may not be operated on the publicly owned or leased right-of-way of a controlled-access highway or controlled-access facility.

(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 highway nonrestricted account provided for in 15-70-125 to be used for highway purposes.

(3) (a) The department may, under terms and conditions that it considers appropriate, contract with a blind vendor certified pursuant to Title 18, chapter 5, part 4, for the installation of vending machines on the right-of-way of any state highway, including a controlled-access facility.

(b) A blind vendor installing a vending machine pursuant to this subsection (3) is subject to the applicable provisions of Title 18, chapter 5, part 4.

(c) The department shall offer certified blind vendors the right of first refusal of a contract for the installation of vending machines pursuant to this subsection (3). If the department is unable to find a certified blind vendor, the department may offer a contract to a vendor who is not a certified blind vendor for the installation of vending machines on the right-of-way of a state highway, including a controlled-access facility."

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