



AN ACT REVISING HIGHWAY SYSTEM LAWS TO CLARIFY HIGHWAY SYSTEM DEFINITIONS, TERMINOLOGY, AND THE PROCESS FOR ALLOCATING PRIMARY HIGHWAY SYSTEM FUNDS FOR CONSISTENCY WITH CURRENT STATE AND FEDERAL LAWS AND PROCESSES; AMENDING SECTIONS 15-70-102, 17-5-903, 23-2-821, 27-1-724, 60-1-102, 60-1-103, 60-1-201, 60-2-107, 60-2-111, 60-2-126, 60-2-129, 60-2-141, 60-2-201, 60-2-208, 60-2-217, 60-2-218, 60-3-205, 60-3-207, 60-4-110, 60-4-208, 60-4-401, 60-4-403, 60-5-101, 60-5-102, 60-5-103, 60-5-106, 61-8-303, 61-8-309, 61-8-310, 61-8-312, 61-8-321, 61-8-355, 61-9-101, 61-9-109, 61-10-124, 61-10-130, 61-10-144, AND 90-6-210, MCA; REPEALING SECTIONS 60-2-125 AND 61-10-143, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 15-70-102, MCA, is amended to read:

"15-70-102. Allocation of funds -- participation in railroad grade crossing protection. (1) The amount determined necessary may be allocated from the highway restricted account provided for in 15-70-126 for each fiscal year for expenditures and commitments made for participation by the department of transportation with railroads in construction of railroad grade crossing protection on any public highway or road, except those designated on the ~~interstate~~ national, primary, or urban highway systems, as defined in 60-1-103, within the state. The department of transportation shall select those grade crossings in the state that, in the opinion of the department, are most in need of additional crossing protection and shall finance the cost of the improvements solely from this allocation.

(2) Signal protection provided under this section is limited to electric or automatic flashing lights or gates, depending on the amount and nature of the hazards present at the crossing, and participation in construction of the signals must be on the same basis and under the same standards as are applicable and used in connection with protection of grade crossings on ~~federal-aid roads~~ commission-designated highway systems, as defined in 60-1-103, within the state. The highway restricted account may not be used for protection of grade crossings on the secondary system where the protection is considered necessary and when the cost is financed in part with

federal-aid highway funds.

(3) In addition to the funds allocated, counties and cities may authorize the use of funds available to counties and cities under the provisions of 15-70-101 for participation in the installation in grade crossing protection within the county or city."

Section 2. Section 17-5-903, MCA, is amended to read:

"17-5-903. Definitions. As used in this part, the following definitions apply:

(1) "Board" means the board of examiners created under 2-15-1007.

(2) "Bonds" means bonds, notes, or other evidences of indebtedness issued pursuant to this part as highway revenue bonds.

(3) "Cost", as applied to any highway project, means any cost of construction or acquisition of any part of the highway project, including but not limited to the cost of supervising, inspecting, and constructing the highway project, interest during construction and for up to 6 months thereafter, and all costs and expenses incidental thereto; the costs of locating, surveying, mapping, resurfacing, restoration, and rehabilitation; acquisition of rights-of-way; relocation assistance; elimination of hazards of railroad grade crossings; acquisition of replacement housing sites; and acquisition, rehabilitation, relocation, and construction of replacement housing; and improvements necessary to directly facilitate and control traffic flow, including grade separation of intersections, widening of lanes, channelization of traffic, and traffic control systems.

(4) "Department" means the department of transportation provided for in Title 2, chapter 15, part 25.

(5) "Highway projects" means the construction, reconstruction, maintenance, and repair of ~~federal-aid highways~~ commission-designated highway systems and state highways as ~~such~~ those terms are defined in 60-1-103.

(6) "Highway revenues" means the revenues specified in Article VIII, section 6, of the Montana constitution and 15-70-126 and 15-70-127 as revenues from gross vehicle weight fees and excise and license taxes (except general sales and use taxes, if any) on gasoline, fuel, and other energy sources used to propel vehicles on public highways and any other revenues, taxes, or receipts credited to the department in the state special revenue fund and the federal special revenue fund.

(7) "Outstanding bonds" means bonds issued and outstanding at any particular time but does not include bonds owned by the state, bonds that have been refunded, or bonds for the payment of which an irrevocable

deposit of cash and United States government securities has been made in an amount sufficient to pay principal, interest, and redemption premium, if any, when due."

Section 3. Section 23-2-821, MCA, is amended to read:

"23-2-821. Off-highway crossings of public roads -- use of certain forest development roads. (1)

Except as provided in subsection (2), an off-highway vehicle may make a direct crossing of a public road when the crossing is necessary to get to another authorized area of operation. The crossing must be made at an angle of approximately 90 degrees to the direction of traffic at a place where no obstruction prevents a quick and safe crossing. The off-highway vehicle must make a complete stop before entering upon any part of the traffic way, and the operator shall yield the right-of-way to all oncoming traffic.

(2) An off-highway vehicle may not be operated on or across ~~a~~ an interstate highway that is part of the federal-aid interstate system as defined in 60-1-103.

(3) An off-highway vehicle may be operated on or across a forest development road in this state, as defined in 61-8-110, if the road has been designated and approved for off-highway vehicle use by the United States forest service."

Section 4. Section 27-1-724, MCA, is amended to read:

"27-1-724. Limits on liability of livestock owner or property owner in accidents involving motor vehicles and livestock. (1) Except as provided in Title 60, chapter 7, part 2, for the highways referred to in 60-7-201, a person owning, controlling, or in possession of livestock or a person owning property has no duty to keep livestock from wandering on highways and is not subject to liability for damages to any property or for injury to a person caused by an accident involving a motor vehicle and livestock unless the owner of the livestock or property was grossly negligent or engaged in intentional misconduct.

(2) As used in this section, the following definitions apply:

(a) "Highway" has the meaning provided in 60-1-103~~(19)~~(17);

(b) "Livestock" has the meaning provided in 15-1-101; and

(c) "Person" means an individual, partnership, corporation, limited liability company, limited liability partnership, or association."

Section 5. Section 60-1-102, MCA, is amended to read:

"60-1-102. Legislative policy and intent. Consistent with the ~~foregoing~~ determinations and declarations provided in 60-1-101, the legislature intends:

(1) to place a high degree of trust in the hands of those officials whose duty it is, within the limits of available funds, to plan, develop, operate, maintain, and protect the highway facilities of this state for present as well as for future use;

(2) to make the department of transportation custodian of the ~~federal-aid~~ commission-designated highway systems and state highways and to impose similar responsibilities upon the boards of county commissioners with respect to county roads and upon municipal officials with respect to the streets under their jurisdiction;

(3) that the state ~~shall~~ have integrated systems of highways, roads, and streets and that the department of transportation, the counties, and municipalities assist and cooperate with each other to that end;

(4) to provide sufficiently broad authority to enable the highway officials at all levels of government to function adequately and efficiently in all areas of their respective responsibilities, subject to the limitations of the constitution and the legislative mandate ~~hereinafter~~ imposed."

Section 6. Section 60-1-103, MCA, is amended to read:

"60-1-103. General definitions. Subject to additional definitions contained in this title that are applicable to specific chapters or sections and unless the context otherwise requires, in this title, the following definitions apply:

(1) "Abandonment" means cessation of use of right-of-way or an easement or cessation of activity on the right-of-way or easement with no intention to reclaim or use again. Abandonment is sometimes called vacation.

(2) "Bridge" means any bridge constructed by the department, together with all appurtenances, additions, alterations, improvements, and replacements and the approaches to the bridge, lands used in connection with the bridge, and improvements incidental or integral to the bridge.

(3) "Commission" means the transportation commission provided for in 2-15-2502.

(4) "Commission-designated highway systems" means the following as defined in this section:

(a) national highway system;

(b) primary highway system;

(c) secondary highway system; and

(d) urban highway system.

~~(4)~~(5) "Condemnation" means taking by exercise of the right of eminent domain, as provided in Title 70, chapter 30, and chapter 4 of this title.

~~(5)~~(6) "Construction" means supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, mapping, and costs of right-of-way or other interests in land and elimination of hazards at railway grade crossings.

~~(6)~~(7) "Control of access" means the condition in which the right of owners or occupants of abutting land or other persons to access, light, air, or view in connection with a highway is fully or partially controlled by public authority.

~~(7)~~(8) "County road" means any public highway opened, established, constructed, maintained, abandoned, or discontinued by a county in accordance with Title 7, chapter 14.

~~(8)~~(9) "Department" means the department of transportation provided for in Title 2, chapter 15, part 25.

~~(9)~~(10) "Director" means the director of transportation, a position provided for in 2-15-2501.

~~(10)~~(11) "Easement" means a right acquired by public authority to use or control property for a designated purpose.

~~(11)~~(12) "Eminent domain" means the right of the state to take private property for public use.

~~(12)~~ "Federal-aid highway" means a public highway that is a portion of any of the federal-aid highway systems:

~~———— (13) "Federal-aid highway systems" means all of the systems named as part of the systems and their urban extensions.~~

(13) "Federal-aid highway funds" means those funds available for expenditure by the department pursuant to Title 23, U.S.C., or other federally available funds for highways.

~~(14) "Federal-aid interstate system" means that system of public highways selected by the commission in cooperation with adjoining states, subject to the approval of the secretary of commerce, as provided in Title 23, U.S.C.~~

~~———— (15) "Federal-aid primary system" means that system of connected public highways designated by the commission, subject to the approval of the secretary of commerce, as provided in Title 23, U.S.C.~~

~~(16)~~ "Federal-aid secondary system" means that system of public highways not in the federal-aid primary or interstate systems selected by the commission in cooperation with the boards of county commissioners, subject to the approval of the secretary of commerce, as provided in Title 23, U.S.C.

~~(17)~~(14) "Fee simple" means an absolute estate or ownership in property, including unlimited power of alienation.

(15) "Financial district" means a transportation commission district established in 2-15-2502.

~~(18)~~(16) "Highway" includes rights-of-way or other interests in land, embankments, retaining walls, culverts, sluices, drainage structures, bridges, railroad-highway crossings, tunnels, signs, guardrails, and protective structures.

~~(19)~~(17) "Highway", "road", and "street", whether the terms appear together or separately or are preceded by the adjective "public", are general terms denoting a public way for purposes of vehicular travel and include the entire area within the right-of-way.

~~(20)~~(18) "Highway authority" means the entity at any level of government authorized by law to construct and maintain highways.

(19) "Interstate highway" means a highway that is part of the Dwight D. Eisenhower system of interstate and defense highways described in Title 23, U.S.C., and is a subcomponent of the national highway system.

~~(24)~~(20) "Maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and traffic control devices that are necessary for the safe and efficient use of the highway.

(21) "National highway system" means that system of public highways designated by the commission and approved by the secretary of transportation, as provided in Title 23, U.S.C., including interstate highways.

(22) "Primary highway system" means those highways that have been functionally classified, in accordance with federal requirements, as either principal or minor arterials and designated by the commission as being on the primary highway system.

~~(22)~~(23) "Public highways" means all streets, roads, highways, bridges, and related structures:

- (a) built and maintained with appropriated funds of the United States or the state or any political subdivision of the state;
- (b) dedicated to public use;
- (c) acquired by eminent domain, as provided in Title 70, chapter 30, and chapter 4 of this title; or
- (d) acquired by adverse use by the public, with jurisdiction having been assumed by the state or any

political subdivision of the state.

~~(23)~~(24) "Right-of-way" is a general term denoting land, property, or any interest in land or property, usually in a strip, acquired for or devoted to highway purposes.

~~(24)~~(25) "Scenic-historic byway" means a public road or segment of a public road that has been designated as a scenic-historic byway by the commission, as provided in 60-2-601.

(26) "Secondary highway system" means those highways that are outside department-designated urban boundaries and that have been functionally classified, in accordance with federal requirements, as either minor arterials or major collectors and designated by the commission, in cooperation with the boards of county commissioners, as being on the secondary highway system.

~~(25)~~(27) "State highway highways" means ~~any public highway planned, laid out, altered, constructed, reconstructed, improved, repaired, maintained, or abandoned by the department. the highways throughout the state that are not located on a commission-designated highway system but that are on the state maintenance system.~~

(28) "Urban highway system" means the highways and streets that are in and near incorporated cities with populations of over 5,000 and within urban boundaries established by the department and that are functionally classified, in accordance with federal requirements, as either arterials or major collectors and designated by the commission, in cooperation with local government authorities, as being on the urban highway system."

Section 7. Section 60-1-201, MCA, is amended to read:

"60-1-201. Classification -- highways and roads. (1) Public highways of this state are classified as follows:

- (a) ~~federal-aid highways~~ commission-designated highway systems;
- (b) state highways;
- (c) county roads;
- (d) city streets.

(2) All highways that are not designated, selected, or established by the commission or constructed or maintained by the department may be designated as county roads or city streets upon the acceptance of the county or city.

(3) County roads are those that are opened, established, constructed, maintained, changed, abandoned, or discontinued by a county in accordance with Title 7, chapter 14, or that have been the subject of a request under 7-14-2622 and for which a legal route has been recognized by a district court as provided in 7-14-2622.

(4) City streets are those public highways under the jurisdiction of municipal officials."

Section 8. Section 60-2-107, MCA, is amended to read:

"60-2-107. Abandonment of highways -- exchange of roadways -- public notice required. (1) Except as provided in 60-4-213 through 60-4-218, the commission may abandon highways on the ~~federal-aid~~ commission-designated highway systems and state highways.

(2) Except as provided in 60-4-213 through 60-4-218, before abandoning or discontinuing maintenance on a highway, the commission shall hold a public hearing in the county or counties affected by the abandonment. The commission may elect to offer to transfer the liability for and the maintenance of a highway to another agency or agencies that may in turn elect to take responsibility for the highway. The commission shall notify the board of county commissioners in writing of its intent to abandon a highway and hold a public hearing. The commission shall publish for 3 consecutive weeks in local newspapers within the county the notice of abandonment and public hearing.

(3) Except as provided in 60-4-213 through 60-4-218, the commission may enter into an agreement with a unit of local government, on mutually beneficial terms, to exchange property interests or responsibilities, including maintenance, on any portion of a ~~federal-aid~~ commission-designated highway system or state highway and on any portion of a county road or city street.

(4) The commission may not abandon a highway, road, or right-of-way used to provide existing legal access to public land or waters, including access for public recreational use as defined in 23-2-301 and as permitted in 23-2-302, unless another highway, road, or right-of-way provides substantially the same access.

(5) The commission may not abandon a highway, road, or right-of-way used to access private land if the access benefits two or more landowners unless all the landowners agree to the abandonment."

Section 9. Section 60-2-111, MCA, is amended to read:

"60-2-111. (Temporary) Letting of contracts on state highways and ~~federal-aid~~ highways commission-designated highway systems. (1) Except as provided in subsection (2), all contracts for the

construction or reconstruction of the highways ~~and streets~~ located on commission-designated highway systems and state highways ~~as defined in 60-2-125~~, including portions in cities and towns, and all contracts entered into under 7-14-4108 must be let by the commission. Except as otherwise specifically provided, the commission may enter the types of contracts and upon terms that it may decide. All contracts must meet the requirements of Title 18, chapter 2, part 4. When there is no prevailing rate of wages set by collective bargaining, the commission shall determine the prevailing rate to be stated in the contract.

(2) The commission may delegate the authority, with all applicable statutory restrictions, to award any contract covered by this section to the department or to a unit of local government.

(3) The commission may award contracts for projects that the department has determined are part of the design-build contracting program authorized in 60-2-137.

(4) Subject to 60-2-119, the commission may award alternative project delivery contracts in accordance with Title 18, chapter 2, part 5, for projects that the department has determined are appropriate for those contracts. (Terminates December 31, 2024--sec. 6, Ch. 54, L. 2017.)

60-2-111. (Effective January 1, 2025) Letting of contracts on state highways and federal-aid highways commission-designated highway systems. (1) Except as provided in subsection (2), all contracts for the construction or reconstruction of the highways ~~and streets~~ located on commission-designated highway systems and state highways ~~as defined in 60-2-125~~, including portions in cities and towns, and all contracts entered into under 7-14-4108 must be let by the commission. Except as otherwise specifically provided, the commission may enter the types of contracts and upon terms that it may decide. All contracts must meet the requirements of Title 18, chapter 2, part 4. When there is no prevailing rate of wages set by collective bargaining, the commission shall determine the prevailing rate to be stated in the contract.

(2) The commission may delegate the authority, with all applicable statutory restrictions, to award any contract covered by this section to the department or to a unit of local government.

(3) The commission may award contracts for projects that the department has determined are part of the design-build contracting program authorized in 60-2-137."

Section 10. Section 60-2-126, MCA, is amended to read:

"60-2-126. Designation of public highways -- ~~allocation~~ apportionment of funds. (1) For the purpose of ~~allocating~~ apportioning state and federal-aid highway funds, the commission shall designate the public

highways and streets to be placed on the following systems:

- (a) the national highway system;
- (b) the primary highway system;
- (c) the secondary highway system; or
- (d) the urban highway system.

(2) The commission shall consult with the board of county commissioners of the county in which a highway is located prior to designating a public highway to be placed on the secondary highway system.

(3) The commission shall consult with the appropriate local government authorities prior to designating a highway or street to be placed on the urban highway system.

(4) The commission may designate public highways not placed on the systems listed in subsection (1) as state highways."

Section 11. Section 60-2-129, MCA, is amended to read:

"60-2-129. Allocation of funds. (1) The commission may allocate federal-aid highway funds for projects or programs in which all or a portion of the work is on highways that are not located on the highway systems defined in ~~60-2-125~~ 60-1-103. The allocations must be made without regard to the financial district in which the project or program is located.

(2) Within the programs under its jurisdiction, the commission shall allocate all federal transit administration funds, freight assistance funds, or any funds or grants available by legislative appropriation for the study, design, construction, repair, or improvement of rail or transit intermodal transportation systems.

(3) The commission may authorize the transfer of federal funds between qualified programs, including highway and transit programs.

(4) The commission may delegate the functions and responsibilities under this section to the department."

Section 12. Section 60-2-141, MCA, is amended to read:

"60-2-141. Use of Montana-made wooden materials in highway and road projects. Unless prohibited by federal law, all contracts let by the commission for the construction or reconstruction of the highways ~~and streets~~ located on commission-designated highway systems and state highways ~~as defined in 60-2-125,~~

including portions in cities and towns and all contracts entered into under 7-14-4108, must use Montana-made wooden guardrail posts, fenceposts, signposts, and decking when appropriate and when the cost of wooden materials is less than or equal to the cost of other materials."

Section 13. Section 60-2-201, MCA, is amended to read:

"60-2-201. General powers of department. (1) The department may plan, lay out, alter, construct, reconstruct, improve, repair, and maintain highways on the ~~federal-aid~~ commission-designated highway systems and state highways according to priorities established by and on projects selected and designated by the commission.

(2) The department may cooperate and contract with counties and municipalities to provide assistance in performing these functions on other highways and streets.

(3) The department may review and approve projects for the installation of public works on state highway rights-of-way and authorize a county or municipality to let contracts related to such improvements.

(4) The department shall adopt necessary rules for the construction, repair, maintenance, and marking of state highways and bridges."

Section 14. Section 60-2-208, MCA, is amended to read:

"60-2-208. Seeding along highways. (1) After a ~~federal-aid~~ segment of a commission-designated highway system or state highway is constructed, the department shall seed barrow pits, slopes, and shoulders to an adaptable perennial grass or combination of perennial grasses and legumes whenever establishment of perennial grass covers seem suitable. The seed must be certified.

(2) The department shall seek joint recommendations and specifications as to time and method of seeding, fertilizing practices, and grass species from the Montana extension service, the experiment station, and the natural resources conservation service.

(3) After a right-of-way in open range has been fenced pursuant to 60-7-103, the department may seed the land within the fence with a grass that may be cropped for hay and may lease the land or sell the right to take the hay to qualified persons."

Section 15. Section 60-2-217, MCA, is amended to read:

"60-2-217. Signs identifying mountain ranges -- scenic loop highways -- costs -- responsibility of department. (1) Subject to the provisions of federal law, the department shall design and erect at relevant locations signs, clearly visible to traffic, identifying:

(a) each prominent mountain range that is visible to an occupant of a vehicle traveling on a ~~primary or interstate~~ highway in Montana that is part of the national highway system or primary highway system; and

(b) the junctions with ~~primary or interstate~~ highways that are part of the national highway system or primary highway system in Montana of scenic highways designated under authority of the commission or the department. The signs must mark where the scenic loop leaves and returns to the national highway system or primary or interstate highway system.

(2) (a) The department may not pay the cost of the manufacture and erection of the signs provided for in subsection (1)(b) out of funds appropriated to the department.

(b) Scenic loop highway signs are intended to provide tourist information, and the department's responsibility for the construction, maintenance, or traffic operation of the highway so signed is not affected by the signs.

(c) Erection of scenic loop highway signs does not create a scenic highway."

Section 16. Section 60-2-218, MCA, is amended to read:

"60-2-218. Welcome and farewell signs -- design, erection, maintenance -- completion date -- exceptions. (1) The department shall:

~~(a)(1)~~ (1) design, erect, and maintain welcome and farewell signs within Montana at the nearest practical location to the border of the state where each ~~federal-aid interstate~~ national highway system or primary highway system, ~~except interstate 90 at the Montana-Idaho border in Mineral County, and each federal-aid primary highway enters or leaves Montana; and~~

~~(b)(2)~~ (2) select locations for the signs consistent with the requirements for public safety and maximum visibility and with all applicable provisions of federal law; ~~and~~

~~(c) subject to the exception in this subsection (1), complete the construction and erection of welcome and farewell signs:~~

~~—— (i) on the four interstate highways and on highway 212 in Carter County before July 1, 1991; and~~

~~—— (ii) on the remainder of the primary highways at the earliest possible date.~~

~~————(2) However, nothing in this section prevents the department from constructing and erecting signs on the remaining primary highways before July 1, 1991."~~

Section 17. Section 60-3-205, MCA, is amended to read:

"60-3-205. Apportionment of state funds to primary highway system. (1) Prior to the beginning of each biennium Each year, the commission, referring to highway sufficiency ratings based on recommendations developed by the department, shall ~~designate a level of sufficiency considered adequate and a lesser level of sufficiency considered critical, both to be used to compute the apportionment~~ apportion an amount of federal-aid highway funds for the primary highway system ~~during the succeeding biennium.~~

(2) The department shall ~~then compute the ratio:~~ develop the allocation recommendations through an asset management-based approach including an analysis of future performance and condition of the primary highway system as a function of anticipated funding levels and improvement strategies.

(a) ~~between the mileage rated below adequate sufficiency in each financial district and the total mileage rated below adequate sufficiency of the primary highway system in the state; and~~

~~————(b) between the mileage rated at or below critical sufficiency in each financial district and the total mileage rated at or below critical sufficiency of the primary highway system in the state:~~

~~(3) The department, subject to the limitation provided in subsection (4), shall then distribute three-fourths of the available federal-aid highway funds for the primary highway system among the financial districts according to the ratios computed in subsection (2)(a) and one-fourth of the available federal-aid highway funds for the primary highway system among the financial districts according to the ratios computed in subsection (2)(b):~~

~~(4)(3)~~ A financial district may not receive more than one-third of the total funds ~~available~~ apportioned for the primary highway system ~~in any biennium.~~ If a financial district would receive more than one-third of the total funds ~~available~~ apportioned under the ~~formula~~ analysis in subsection ~~(3)~~ (2), its ~~apportionment~~ allocation is limited to the one-third maximum and any excess funds that it would have received must be ~~redistributed~~ reallocated among the other districts according to the ~~formula~~ analysis.

~~(5)(4)~~ ~~(a)~~ To the extent necessary to permit the orderly programming and construction of projects, the commission may transfer and obligate ~~apportioned~~ allocated primary highway system funds for any project located on the ~~federal-aid interstate~~ highway or other national highway ~~systems~~ system routes within a financial district. ~~The commission may transfer and obligate any amount of apportioned primary system funds to any other~~

~~financial district if the financial district receiving primary system funds transfers an equal amount of federal-aid interstate or national highway system funds to the financial district from which the transfer originated. This transferred amount is in addition to the federal-aid interstate and national highway system funds that would have been obligated on these systems within the federal fiscal year of transfer.~~

~~(b) The intent of the provisions allowing transfers between financial districts is that a district may not receive less funding than the amount distributed by the formula of this subsection (5) and that a district may not transfer more than is received by virtue of this formula for a given federal fiscal year."~~

Section 18. Section 60-3-207, MCA, is amended to read:

"60-3-207. Secondary highway information. On or before November 30 of each year, the department shall inform each board of county commissioners of:

- (1) the total amount of secondary highway funds and the amount apportioned to each county financial district;
- (2) the location of proposed secondary highway projects, when the information is available;
- (3) any other matters regarding secondary highway construction which the department considers advisable and of interest to the counties."

Section 19. Section 60-4-110, MCA, is amended to read:

"60-4-110. Highway crossing railroad, canal, or ditch. (1) Whenever any ~~federal-aid commission-designated highway system~~ or state highway is laid out on public lands across any railroad, canal, or ditch, the owners or users thereof must, at their expense, ~~se~~ prepare the railroad, canal, or ditch so that the highway may cross it without damage or delay.

(2) When the right to cross is obtained through the judgment of any court, no damages ~~shall~~ may be awarded."

Section 20. Section 60-4-208, MCA, is amended to read:

"60-4-208. Abandonment or vacation of ~~federal-aid~~ commission-designated highway system or state highways. Every ~~federal-aid~~ commission-designated highway system or state highway once established must continue until abandoned or vacated by operation of law or by judgment of a court of competent jurisdiction

or by a proper order of the commission."

Section 21. Section 60-4-401, MCA, is amended to read:

"60-4-401. Occupancy and relocation -- definitions. For the purposes of this part, unless otherwise indicated, ~~terms are defined as follows~~ the following definitions apply:

(1) (a) "Cost of relocation" means the amount paid by the utility for material, labor, and equipment properly attributable to the relocation after deducting any increase in the value of the new facility and any salvage value derived from the old facility.

(b) "Cost of relocation" does not mean engineering costs for designing, locating, staking, inspecting, or any other incidental costs of engineering.

(2) "Facility" means a utility's tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances impacted by a project on a ~~federal-aid system~~ commission-designated highway system or state highway.

~~(3) "Federal-aid systems" includes the following, as defined in 60-2-125:~~

- ~~—— (a) national highway system;~~
- ~~—— (b) primary highway system;~~
- ~~—— (c) secondary highway system; and~~
- ~~—— (d) urban highway system.~~
- ~~—— (4) "State highway" means that term as defined in 60-2-125.~~

~~(5)~~(3) "Utility" includes publicly, privately, and cooperatively owned utilities, including water and sewer facilities."

Section 22. Section 60-4-403, MCA, is amended to read:

"60-4-403. Relocation -- costs. (1) Except as provided in subsections (2) and (3), 75% of all costs of relocation, dismantling, and removal must be paid by the department as a cost of ~~federal-aid~~ commission-designated highway systems construction.

(2) The department shall pay for the entire cost of relocating a publicly owned water or sewer facility with 500 or fewer service connectors under the following conditions:

(a) the facility has had 500 or fewer subscribers during the entire year before the letting of the project

contract; and

(b) the relocation is the result of state highway or ~~federal-aid~~ commission-designated highway system construction.

(3) The department shall pay for 85% of all costs of relocating a publicly owned water or sewer facility with more than 500 but fewer than 1,000 service connectors, subject to the following conditions:

(a) the facility had more than 500 but fewer than 1,000 subscribers during the entire year before the letting of the project contract; and

(b) the relocation is the result of state highway or ~~federal-aid~~ commission-designated highway system construction."

Section 23. Section 60-5-101, MCA, is amended to read:

"60-5-101. Policy. The legislature declares it to be the policy of this state to facilitate the flow of traffic and promote public safety by controlling access to:

(1) ~~highways included by the federal highway administration in the national system of interstate highways;~~

(2) throughways and intersections with throughways;

(3) ~~such other federal-aid commission-designated highway systems and state highways as shall be designated by the commission in accordance with the requirements set forth in this chapter."~~

Section 24. Section 60-5-102, MCA, is amended to read:

"60-5-102. Definitions. When used in this chapter, the following definitions apply:

(1) "Arterial highway" means a state highway designated by ~~agreement between the commission and the secretary of transportation~~ as part of the ~~federal-aid noninterstate component of the national highway system,~~ the primary highway system, and any highway so designated as a part of the ~~federal-aid secondary highway system which that~~ has been constructed and is being used primarily for through traffic on a continuous route.

(2) "Controlled-access facility" means and includes streets, alleys, public roads, private roads, and ways of passage intersecting a controlled-access highway and real property contiguous to the right-of-way of a controlled-access highway.

(3) "Controlled-access highway" means those portions of an interstate highway, throughway, or

throughway intersection ~~which~~ that the commission designates for through traffic or other ~~federal-aid~~ commission-designated highway system or state highway over, from, or to which owners or occupants of abutting land or other persons have no easement of access or only a limited easement of access, light, air, or view. It also means those portions of spurs to ~~the interstate highway system which~~ highways that the commission designates as unsafe or impeded by unrestricted access of traffic from intersecting streets or alleys or public or private roads or ways of passage.

(4) "Existing highway" means and includes highways, roads, and streets established, constructed, and in use on March 2, 1955. It does not include highways, roads, or streets; established, constructed, and in use after that date or highways, roads, or streets; or portions ~~thereof~~ of highways, roads, or streets relocated after that date.

(5) "Highway authorities" or "authority" means the entities in state, county, and municipal governments ~~which~~ that have authority to construct, repair, and maintain highways, roads, and streets.

~~(6) "Interstate highway" means a highway included as a part of the national system of interstate highways.~~

~~(7)~~(6) "Throughway" means a portion of an arterial highway constructed and used for carrying traffic partially or entirely around a town or city or a portion ~~thereof~~ of a town or city.

~~(8)~~(7) "Throughway intersection area" means an area within a radius of 300 feet from the point of intersection of the centerlines of a throughway and a public road, street, or highway."

Section 25. Section 60-5-103, MCA, is amended to read:

"60-5-103. Designation as controlled-access highway. (1) ~~No~~ A portion of any interstate highway, throughway or throughway intersection, or other ~~federal-aid~~ commission-designated highway system or state highway ~~shall~~ may not be designated as a controlled-access highway unless the commission ~~shall adopt~~ adopts a resolution so designating it. The resolution ~~shall~~ must be adopted by the majority vote of the members in attendance at any regular or special meeting. In it, the commission shall find and determine that it is necessary and desirable that:

(a) the owners or occupants of the abutting land or other persons ~~shall~~ have no easement of access or only a limited easement of access, light, air, or view;

(b) the rights of or easements to access, light, air, or view be acquired by the state so as to prevent ~~such~~

that portion of highway from becoming unsafe for or impeded by unrestricted access of traffic from intersecting streets, alleys, public or private roads, or ways of passage.

(2) The resolution ~~shall~~ must contain a statement of the reasons for its adoption and ~~shall~~ set forth the location, distance, and termini of the portion of the highway designated as a controlled-access highway."

Section 26. Section 60-5-106, MCA, is amended to read:

"60-5-106. Elimination of grade crossings. (1) Each highway authority may provide for elimination of intersections at grade of controlled-access highways or controlled-access facilities with existing ~~federal-aid commission-designated highway systems~~ and state highways, county roads, and city or town streets. Elimination ~~shall~~ must be accomplished at the boundary of the controlled-access right-of-way.

(2) After the establishment of any controlled-access highway or facility, ~~no~~ a private or public highway or street ~~which~~ that is not a part of the highway or facility ~~shall~~ may not intersect it at grade, except as may be provided in the resolution designating it a controlled-access highway or facility. ~~No~~ A street, road, highway, or other public or private way ~~shall~~ may not be opened into or connected with any controlled-access highway or facility without the prior consent and approval of the appropriate highway authority ~~which~~ that adopted the controlled-access resolution.

(3) The commission may, whenever it determines that the public safety is not ~~thereby~~ impaired, authorize the continued intersection at grade of lightly traveled farm entrances and minor public roads as ways of access to controlled-access highways in sparsely populated rural areas. The commission ~~shall have~~ has sole jurisdiction to determine the existence and location of any intersection with interstate highways, throughways, and other ~~federal-aid~~ commission-designated highway systems and state highways."

Section 27. Section 61-8-303, MCA, is amended to read:

"61-8-303. Speed restrictions. (1) Except as provided in 61-8-309, 61-8-310, and 61-8-312, the speed limit for vehicles traveling:

(a) on ~~a federal-aid~~ an interstate highway outside an urbanized area of 50,000 population or more is 80 miles an hour at all times and the speed limit for vehicles traveling on ~~federal-aid~~ interstate highways within an urbanized area of 50,000 population or more is 65 miles an hour at all times;

(b) on any other public highway of this state is 70 miles an hour during the daytime and 65 miles an hour

during the nighttime;

(c) in an urban district is 25 miles an hour.

(2) A vehicle subject to the speed limits imposed in subsection (1) may exceed the speed limits imposed in subsection (1) by 10 miles an hour in order to overtake and pass a vehicle and return safely to the right-hand lane under the following circumstances:

(a) while traveling on a two-lane road; and

(b) in a designated passing zone.

(3) Subject to the maximum speed limits set forth in subsection (1), a person shall operate a vehicle in a careful and prudent manner and at a reduced rate of speed no greater than is reasonable and prudent under the conditions existing at the point of operation, taking into account the amount and character of traffic, visibility, weather, and roadway conditions.

(4) Except when a special hazard exists that requires lower speed for compliance with subsection (3), the limits specified in this section are the maximum lawful speeds allowed.

(5) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.

(6) The speed limits set forth in this section may be altered by the transportation commission or a local authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314."

Section 28. Section 61-8-309, MCA, is amended to read:

"61-8-309. Establishment of special speed zones -- engineering and traffic investigation. (1) (a) If the commission determines upon the basis of an engineering and traffic investigation that a speed limit set by 61-8-303 or 61-8-312 is greater or less than is reasonable or safe under the conditions found to exist at an intersection, curve, or dangerous location or on a segment of a highway less than 50 miles in length under its jurisdiction, the commission may set a reasonable and safe special speed limit at that location. In the case of a school zone adjacent to a state highway, the commission is not required to base its speed limit determination solely upon the results of the engineering and traffic investigation.

(b) If a local authority requests the department of transportation or an engineer, as provided in subsection (1)(c)(i), to conduct an engineering and traffic investigation based on the belief that a speed limit on a highway under the jurisdiction of the department of transportation is greater than is reasonable or safe, the commission

may not increase the speed limit under consideration as a result of the investigation.

(c) (i) A local authority may request at its own expense that an engineering and traffic investigation be completed by a licensed professional engineer selected from a list compiled and approved by a committee as provided in subsection (1)(c)(ii).

(ii) A committee containing two department of transportation staff appointed by the director and two representatives of associations whose membership comprises cities, towns, and counties, as authorized by 7-5-2141 and 7-5-4141, shall review credentials submitted by licensed professional engineers and shall determine who appears on the list of individuals authorized to conduct engineering and traffic investigations for local governments. The list must be updated every 2 years.

(iii) Upon completion of an engineering and traffic investigation conducted for a local government, the department of transportation shall submit a report to the commission with findings and recommendations. The commission shall decide on an appropriate speed limit based on the traffic investigation within 120 days from the date the investigation is submitted to the department of transportation.

(d) A local authority may request a temporary special reduced or increased speed zone for a route or route segment that is under consideration for a reduced or increased speed limit under subsection (1)(a), (1)(b), or (1)(c). If a local authority makes multiple requests for temporary special reduced or increased speed zones, the local authority shall prioritize the requests. The department of transportation shall conduct a preliminary visual and engineering review of a route or a route segment for which a temporary special speed zone is requested. The reviewing party must include a representative of the local authority. Upon completion of the preliminary review, if the department of transportation concurs with the local authority that a temporary special reduced or increased speed limit is warranted, a temporary special reduced or increased speed zone may be established upon formal approval by the commission. The temporary special reduced or increased speed limit remains in effect until a complete traffic and engineering study has been done on the route or route segment and the commission has made a determination on changing the speed limit.

(2) Pending completion of an engineering and traffic investigation as provided for in subsection (1), the commission may temporarily set a speed limit of not less than 75 miles an hour on a segment of ~~the federal-aid~~ an interstate highway system that it reasonably believes is not suitable for the limit established in 61-8-303(1)(a).

(3) The department of transportation shall erect and maintain appropriate signs giving notice of special limits. If the special limits apply to a school zone, the department shall consider the use of electronic signs in lieu

of or in addition to other appropriate signs. When the signs are erected, the limits are effective for those zones at all times or at other times that the commission sets.

(4) The authority of the commission under this section includes the authority to set reduced nighttime speed limits on curves and other dangerous locations.

(5) This section does not authorize the commission to set a statewide speed limit.

(6) (a) The violation of a speed limit established under this section, except subsection (2), is a misdemeanor offense and is punishable as provided in 61-8-711.

(b) The violation of a speed limit established under subsection (2) is punishable as provided in 61-8-725."

Section 29. Section 61-8-310, MCA, is amended to read:

"61-8-310. When local authorities may and shall alter limits or establish or alter area of school zone. (1) If a local authority in its jurisdiction determines on the basis of an engineering and traffic investigation that the speed permitted under 61-8-303 and 61-8-309 through 61-8-313 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may set a reasonable and safe limit that:

(a) decreases the limit at an intersection;

(b) increases the limit within an urban district, but not to more than 65 miles an hour during the nighttime;

(c) decreases the limit outside an urban district, but not to less than 35 miles an hour on a paved road or less than 25 miles an hour on an unpaved road; or

(d) decreases the limit in a school zone or in an area near a senior citizen center, as defined in 23-5-112, or a designated crosswalk that is close to a school or a senior citizen center to not less than 80%, rounded down to the nearest whole number evenly divisible by 5, of the limit that would be set on the basis of an engineering and traffic investigation, but not less than 15 miles an hour. If warranted by an engineering and traffic investigation, a local authority may adopt variable speed limits to adapt to traffic conditions by time of day, provided that the variable limits comply with the provisions of 61-8-206.

(2) A board of county commissioners may set limits, as provided in subsection (1)(c), without an engineering and traffic investigation on a county road.

(3) A local authority in its jurisdiction may determine the proper speed for all arterial streets and shall set a reasonable and safe limit on arterial streets that may be greater or less than the speed permitted under

61-8-303 for an urban district.

(4) (a) An altered limit established as authorized under this section is effective at all times or at other times determined by the authority when appropriate signs giving notice of the altered limit are erected upon the highway.

(b) If a local authority decreases a speed limit in a school zone, the local authority shall erect signs conforming with the manual adopted by the department of transportation under 61-8-202 giving notice that the school zone has been entered, of the altered speed limit and the penalty provided in 61-8-726, and that the school zone has ended.

(5) Except as provided in subsection (1)(d), the commission has exclusive jurisdiction to set special speed limits on all ~~federal-aid highways or extensions of federal-aid highways~~ state highways or highways located on the commission-designated highway system as defined in 60-1-103 in all municipalities or urban areas. The commission shall set these limits in accordance with 61-8-309.

(6) A local authority establishing or altering the area of a school zone shall consult with the department of transportation and the commission if the school zone includes a state highway or a ~~federal-aid highway or extension of a federal-aid highway~~ highway located on the commission-designated highway system as defined in 60-1-103.

(7) A local authority shall consult with district officials for a school when:

- (a) establishing or altering the area of a school zone near the school; or
- (b) setting a speed limit pursuant to subsection (1)(d) in a school zone near the school.

(8) A speed limit set on an unpaved road under subsection (1)(c) must be the same for all types of motor vehicles that may be operated on the road.

(9) The violation of a speed limit established under subsections (1)(a) through (1)(c) is a misdemeanor offense and is punishable as provided in 61-8-711. The violation of a speed limit established under subsection (1)(d) is a misdemeanor offense and is punishable as provided in 61-8-726."

Section 30. Section 61-8-312, MCA, is amended to read:

"61-8-312. Special speed limitations on trucks, truck tractors, and motor-driven cycles. (1) Except as provided in 61-8-303, 61-8-309, 61-8-310, and subsection (2) of this section, the speed limit for a truck or truck tractor of more than 1 ton "manufacturer's rated capacity" traveling on:

(a) ~~a federal-aid~~ an interstate highway, as defined in 60-1-103, is 65 miles an hour; and

(b) any other public highway is 60 miles an hour during the daytime and 55 miles an hour during the nighttime as those terms are defined in 61-8-303.

(2) Except as provided in 61-8-303, 61-8-309, and 61-8-310, the speed limit for a vehicle subject to a term permit under 61-10-124(2)(d) or a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles subject to special permits under 61-10-124(4) is 65 miles an hour unless otherwise stated in the permit.

(3) A person may not operate a motor-driven cycle at any time mentioned in 61-9-201 at a speed greater than 35 miles an hour unless the motor-driven cycle is equipped with a headlamp or lamps that are adequate to reveal a person or vehicle at a distance of 300 feet ahead."

Section 31. Section 61-8-321, MCA, is amended to read:

"61-8-321. Drive on right side of roadway -- exceptions. (1) Upon all roadways of sufficient width, a vehicle must be operated upon the right half of the roadway, except as follows:

- (a) when overtaking and passing another vehicle proceeding in the same direction under the rules governing the passing movement;
- (b) when the right half of a roadway is closed to traffic while under construction or repair;
- (c) upon a roadway divided into three marked lanes for traffic under the rules applicable on a divided roadway;
- (d) upon a roadway designated by official traffic control devices for one-way traffic;
- (e) when the operator of a vehicle is complying with the provisions of 61-8-346;
- (f) when an obstruction exists that makes it necessary to drive to the left of the center of the roadway;

or

(g) when a police vehicle or authorized emergency vehicle is performing a job-related duty as provided in 61-8-107.

(2) A person operating a vehicle to the left of the center of the roadway for any of the reasons provided in subsection (1) shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway that are within a distance that constitutes an immediate hazard.

(3) (a) Except as provided in subsection (3)(b) and subject to subsection (4), upon all roadways having

two or more lanes for traffic moving in the same direction, a vehicle must be driven in the right-hand lane.

(b) A vehicle being operated upon a roadway having two or more lanes for traffic moving in the same direction is not required to be driven in the right-hand lane when:

(i) overtaking and passing another vehicle proceeding in the same direction;

(ii) traveling at a speed greater than the traffic flow;

(iii) moving left to allow traffic to merge;

(iv) traveling on a roadway within the official boundaries of a city or town, except as provided in subsection (4);

(v) preparing for a left turn at an intersection or into a private road or driveway when a left turn is legally permitted;

(vi) exiting onto a left-hand exit from a controlled-access highway;

(vii) an obstruction or hazardous conditions make it necessary to drive in a lane other than the right-hand lane;

(viii) road or vehicle conditions make it safer to drive in a lane other than the right-hand lane; or

(ix) authorized snow-removal equipment is operating on the roadway.

(4) When traveling upon an interstate highway, as defined in ~~60-5-102~~ 60-1-103, within the official boundaries of a city or town, a vehicle must be driven in the right-hand lane unless otherwise directed or permitted by an official traffic control device."

Section 32. Section 61-8-355, MCA, is amended to read:

"61-8-355. Additional parking regulations. (1) Except as otherwise provided in this section, a vehicle that is stopped or parked ~~upon~~ on a two-way roadway must be stopped or parked with the right-hand wheels of the vehicle parallel to and within 18 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by the authority having jurisdiction, a vehicle that is stopped or parked ~~upon~~ on a one-way roadway must be stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within 18 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within 18 inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) A local authority may by ordinance permit angle parking on a roadway, except that angle parking may not be permitted on any ~~federal-aid~~ commission-designated highway system or state highway, as defined in 60-1-103, unless the department of transportation determines that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The authority having jurisdiction may place official traffic control devices prohibiting or restricting the stopping, standing, or parking of vehicles on a highway where in its judgment this stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic."

Section 33. Section 61-9-101, MCA, is amended to read:

"61-9-101. Application -- exceptions. (1) The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except as provided in subsection (4) or where a different place is specifically referred to in a given section.

(2) The operation of motor vehicles directly across the public roads and highways of this state, especially as required in the transportation of natural resource products, including agricultural products and livestock, may not be considered to be the operation of the vehicles on the public roads and highways of this state. The crossings must be adequately marked with warning signs or devices relating to stopping before entry and to restoration of any damage, as may reasonably be prescribed by the state or local agency in control of safety of operation of the public highway involved.

(3) If a provision of this chapter conflicts with federal laws or regulations governing motor vehicle equipment standards, the applicable federal law or regulation supersedes.

(4) (a) Except as provided in subsection (4)(b) and subject to subsection (4)(c), the provisions of this chapter apply to the operation and equipping of a motorcycle or quadricycle only when the motorcycle or quadricycle is being operated on a paved highway. A person operating a motorcycle or quadricycle on an unpaved highway shall operate the motorcycle or quadricycle in a reasonable and prudent manner.

(b) Except as provided in subsection (4)(c), the requirements of 61-9-417 and 61-9-418(2)(c) apply to the operation of a motorcycle or quadricycle at all times specified in those sections.

(c) The provisions of this chapter do not apply to the operation and equipping of a quadricycle that is being operated for agricultural purposes on an unpaved highway or on a paved highway that is not ~~part of the~~

~~federal-aid~~ an interstate system highway as defined in 60-1-103."

Section 34. Section 61-9-109, MCA, is amended to read:

"61-9-109. Driving vehicle in unsafe condition prohibited -- applicability of chapter. (1) It is a misdemeanor for a person to drive or permit to be driven on a highway a vehicle or combination of vehicles that:

- (a) is in such unsafe condition as to endanger a person;
- (b) is not equipped with lamps and other equipment as required in this chapter; or
- (c) is equipped in a manner in violation of this chapter.

(2) It is a misdemeanor for a person to perform an act forbidden or fail to perform an act required under this chapter.

(3) The use of additional parts and accessories on a vehicle not inconsistent with the provisions of this chapter is not prohibited.

(4) The provisions of this chapter do not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as made applicable in this chapter.

(5) All lamps and equipment required by this chapter must be maintained in proper working order and adjustment at all times.

(6) (a) Except as provided in subsection (6)(b) and subject to subsection (6)(c), the provisions of this chapter apply to the operation of a motorcycle or quadricycle only when the motorcycle or quadricycle is being operated on a paved highway. A person operating a motorcycle or quadricycle on an unpaved highway shall operate the motorcycle or quadricycle in a reasonable and prudent manner.

(b) Except as provided in subsection (6)(c), the requirements of 61-9-417 and 61-9-418(2)(c) apply to the operation of a motorcycle or quadricycle at all times specified in those sections.

(c) The provisions of this chapter do not apply to the operation and equipping of a quadricycle that is being operated for agricultural purposes on an unpaved highway or on a paved highway that is not ~~part of the~~ federal-aid an interstate system highway as defined in 60-1-103."

Section 35. Section 61-10-124, MCA, is amended to read:

"61-10-124. (Temporary) Special permits -- fees. (1) Except as provided in subsections (2)(d) and (4), in addition to the regular registration and gross vehicle weight fees, a fee of \$10 for each trip permit and a fee

of \$75 for each term permit issued for size in excess of that specified in 61-10-101 through 61-10-104 must be paid for all movements under special permits on the public highways under the jurisdiction of the department of transportation.

(2) (a) Except as provided in subsections (2)(b), (2)(d), (2)(f), (2)(h), (4), and (5), term or blanket permits may not be issued for an overwidth vehicle, combination of vehicles, load, or other thing in excess of 15 feet; an overlength vehicle, combination of vehicles, load, object, or other thing in excess of 95 feet; or an overheight vehicle, combination of vehicles, load, or other thing in excess of 14 feet or of a limit determined by the department. A vehicle, combination of vehicles, load, or other thing in excess of these dimensions is limited to trip permits. Except as provided in subsection (2)(g), a Rocky Mountain double may not exceed 81 feet in combined trailer length. A Rocky Mountain double is not subject to a combination length limit. Special permits for vehicle combinations of more than two trailers or more than two units designed for or used to carry a load are not permitted except as provided in subsections (4) and (5). Special permits for vehicle combinations may specify and special permits under subsections (4) and (5) must specify highway routing and otherwise limit or prescribe conditions of operation of the vehicle or combination, including but not limited to required equipment, speed, stability, operational procedures, and insurance.

(b) A term permit may be issued to a dealer in implements of husbandry and self-propelled machinery for an overwidth or overlength vehicle referred to in subsection (2)(a). This permit expires on December 31 of each year, with no grace period.

(c) With payment of the appropriate gross weight fees required by 61-10-201 and with payment of the fee prescribed in subsection (1), allowable gross weight of a five-axle combination logging vehicle is 80,000 pounds.

(d) A term permit may be issued for any combination of vehicles that exceeds 95 feet in length but does not exceed 100 feet in combination length, except a truck-trailer-trailer or a truck tractor-semitrailer-trailer-trailer combination, for travel only on ~~highways that are part of the federal-aid interstate system~~ highways, as defined in 60-1-103, or on other highways within a 2-mile radius of an interstate highway interchange ~~on the interstate system~~ in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and the interchange. The fee for this permit is \$125.

(e) A term permit may be issued for a truck tractor-semitrailer combination when the semitrailer exceeds

53 feet in length but does not exceed 57 feet in length.

(f) (i) An annual permit may be issued for nondivisible loads up to 120 feet in length. The fee for this permit is \$125.

(ii) Portions of a nondivisible load hauled on a public road off of the interstate highway may be detached and reloaded on the same hauling unit if the separate pieces are necessary to the operation of the machine or equipment that is being hauled and if the arrangement does not exceed limits for which a permit may be issued.

(iii) An applicant for a nondivisible load permit for use as provided in subsection (6)(b) is responsible for providing information regarding the number of work hours required to dismantle the load.

(iv) For use as provided in subsection (6)(b) and for the purposes of this section, emergency response vehicles and casks designed and used for the transport of spent nuclear materials are considered nondivisible loads.

(g) A Rocky Mountain double carrying baled hay may not exceed 88 feet of combined trailer length.

(h) A term permit may be issued for an overlength vehicle moving a mobile home or a manufactured home, as defined in 15-24-201, when the vehicle does not exceed 110 feet in length or 16 feet in width.

(3) Except as provided in subsection (2)(b), a permit may not be issued for a period of time greater than the period for which the GVW license is valid as provided in this title, including grace periods allowed by this title. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department of transportation, purchase permits to expire with their registration. A license required by the state governs the issuance of a special permit.

(4) The department may issue special permits to the operating company for a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles under the following conditions:

(a) the combination may be operated only on ~~highways that are part of the federal-aid interstate system~~ highways, as defined in 60-1-103, and on other highways within a 2-mile radius of an interstate highway interchange ~~on the interstate system on other highways~~ only in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and the interchange.

(b) a combination of vehicles powered by a cab-over or tilt-cab truck tractor or a truck may not exceed an overall length of 105 feet, inclusive of front and rear bumpers and overhang;

(c) a combination of vehicles powered by a conventional truck tractor may not exceed an overall length

of 110 feet, inclusive of the front and rear bumpers and overhang;

(d) an individual cargo unit of the combination may not exceed 28 1/2 feet in length and 102 inches in width;

(e) gross weight fees under 61-10-201 must be paid on the truck or truck tractor for the declared registered gross weight of the special vehicle combination, but not to exceed the formula in 61-10-107;

(f) the combination must have a special overlength permit issued at a fee of \$200 for a term permit or \$20 for each trip permit;

(g) travel of the combination may be restricted to specific routes, hours of operation, specific days, or seasonal periods; and

(h) the department may enforce any other restrictions determined by the department to be necessary.

The permit is not transferable, and the fee for the permit is \$200.

(5) The department of transportation may issue special permits under subsection (4) for vehicle combinations that consist of a truck-trailer-trailer if:

(a) the vehicle combination's overall length, inclusive of front and rear bumpers, is not more than 95 feet; and

(b) the person, firm, or corporation applying for the permit:

(i) restricts truck-trailer-trailer operations authorized by the permit to the hauling of talc ore, chlorite, dolomite, limestone, and custom combine equipment;

(ii) operated the truck-trailer-trailer combination before July 1, 1987;

(iii) restricts the truck-trailer-trailer operations authorized by the permit to the specified routes that those vehicles used before July 1, 1987; and

(iv) provides the department of transportation with an affidavit confirming the routes used before July 1, 1987, for truck-trailer-trailer operations.

(6) For the purposes of this section, a "nondivisible load" is:

(a) on public roads off of interstate highways, a load that cannot be readily or reasonably dismantled and that is reduced to a minimum practical size and weight;

(b) on interstate highways, a load or vehicle exceeding applicable length or weight limits that, if separated into smaller loads or vehicles, would:

(i) compromise the intended use of the vehicle;

(ii) destroy the value of the load or vehicle; or

(iii) require more than 8 work hours to dismantle using appropriate equipment. (Void on occurrence of contingency--sec. 2, Ch. 285, L. 2003.)

61-10-124. (Effective on occurrence of contingency) Special permits -- fees. (1) Except as provided in subsections (2)(d) and (4), in addition to the regular registration and gross vehicle weight fees, a fee of \$10 for each trip permit and a fee of \$75 for each term permit issued for size in excess of that specified in 61-10-101 through 61-10-104 must be paid for all movements under special permits on the public highways under the jurisdiction of the department of transportation.

(2) (a) Except as provided in subsections (2)(b), (2)(d), (2)(f), (2)(g), (4), and (5), term or blanket permits may not be issued for an overwidth vehicle, combination of vehicles, load, or other thing in excess of 15 feet; an overlength vehicle, combination of vehicles, load, object, or other thing in excess of 95 feet; or an overheight vehicle, combination of vehicles, load, or other thing in excess of 14 feet or of a limit determined by the department. A vehicle, combination of vehicles, load, or other thing in excess of these dimensions is limited to trip permits. A Rocky Mountain double may not exceed 81 feet in combined trailer length. A Rocky Mountain double is not subject to a combination length limit. Special permits for vehicle combinations of more than two trailers or more than two units designed for or used to carry a load are not permitted except as provided in subsections (4) and (5). Special permits for vehicle combinations may specify and special permits under subsections (4) and (5) must specify highway routing and otherwise limit or prescribe conditions of operation of the vehicle or combination, including but not limited to required equipment, speed, stability, operational procedures, and insurance.

(b) A term permit may be issued to a dealer in implements of husbandry and self-propelled machinery for an overwidth or overlength vehicle referred to in subsection (2)(a). This permit expires on December 31 of each year, with no grace period.

(c) With payment of the appropriate gross weight fees required by 61-10-201 and with payment of the fee prescribed in subsection (1), allowable gross weight of a five-axle combination logging vehicle is 80,000 pounds.

(d) A term permit may be issued for any combination of vehicles that exceeds 95 feet in length but does not exceed 100 feet in combination length, except a truck-trailer-trailer or a truck tractor-semitrailer-trailer-trailer combination, for travel only on ~~highways that are part of the federal-aid interstate system~~ highways, as defined

in 60-1-103, or on other highways within a 2-mile radius of an interstate highway interchange ~~on the interstate system~~ in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and the interchange. The fee for this permit is \$125.

(e) A term permit may be issued for a truck tractor-semitrailer combination when the semitrailer exceeds 53 feet in length but does not exceed 57 feet in length.

(f) (i) An annual permit may be issued for nondivisible loads up to 120 feet in length. The fee for this permit is \$125.

(ii) Portions of a nondivisible load hauled on a public road off of the interstate highway may be detached and reloaded on the same hauling unit if the separate pieces are necessary to the operation of the machine or equipment that is being hauled and if the arrangement does not exceed limits for which a permit may be issued.

(iii) An applicant for a nondivisible load permit for use as provided in subsection (6)(b) is responsible for providing information regarding the number of work hours required to dismantle the load.

(iv) For use as provided in subsection (6)(b) and for the purposes of this section, emergency response vehicles and casks designed and used for the transport of spent nuclear materials are considered nondivisible loads.

(g) A term permit may be issued for an overlength vehicle moving a mobile home or a manufactured home, as defined in 15-24-201, when the vehicle does not exceed 110 feet in length or 16 feet in width.

(3) Except as provided in subsection (2)(b), a permit may not be issued for a period of time greater than the period for which the GVW license is valid as provided in this title, including grace periods allowed by this title. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department of transportation, purchase permits to expire with their registration. A license required by the state governs the issuance of a special permit.

(4) The department may issue special permits to the operating company for a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles under the following conditions:

(a) the combination may be operated only on ~~highways that are part of the federal-aid interstate system~~ highways, as defined in 60-1-103, and on other highways within a 2-mile radius of an interstate highway interchange ~~on the interstate system on other highways~~ only in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between

the terminal and the interchange.

(b) a combination of vehicles powered by a cab-over or tilt-cab truck tractor or a truck may not exceed an overall length of 105 feet, inclusive of front and rear bumpers and overhang;

(c) a combination of vehicles powered by a conventional truck tractor may not exceed an overall length of 110 feet, inclusive of the front and rear bumpers and overhang;

(d) an individual cargo unit of the combination may not exceed 28 1/2 feet in length and 102 inches in width;

(e) gross weight fees under 61-10-201 must be paid on the truck or truck tractor for the declared registered gross weight of the special vehicle combination, but not to exceed the formula in 61-10-107;

(f) the combination must have a special overlength permit issued at a fee of \$200 for a term permit or \$20 for each trip permit;

(g) travel of the combination may be restricted to specific routes, hours of operation, specific days, or seasonal periods; and

(h) the department may enforce any other restrictions determined by the department to be necessary.

The permit is not transferable, and the fee for the permit is \$200.

(5) The department of transportation may issue special permits under subsection (4) for vehicle combinations that consist of a truck-trailer-trailer if:

(a) the vehicle combination's overall length, inclusive of front and rear bumpers, is not more than 95 feet; and

(b) the person, firm, or corporation applying for the permit:

(i) restricts truck-trailer-trailer operations authorized by the permit to the hauling of talc ore, chlorite, dolomite, limestone, and custom combine equipment;

(ii) operated the truck-trailer-trailer combination before July 1, 1987;

(iii) restricts the truck-trailer-trailer operations authorized by the permit to the specified routes that those vehicles used before July 1, 1987; and

(iv) provides the department of transportation with an affidavit confirming the routes used before July 1, 1987, for truck-trailer-trailer operations.

(6) For the purposes of this section, a "nondivisible load" is:

(a) on public roads off of interstate highways, a load that cannot be readily or reasonably dismantled and

that is reduced to a minimum practical size and weight;

(b) on interstate highways, a load or vehicle exceeding applicable length or weight limits that, if separated into smaller loads or vehicles, would:

- (i) compromise the intended use of the vehicle;
- (ii) destroy the value of the load or vehicle; or
- (iii) require more than 8 work hours to dismantle using appropriate equipment."

Section 36. Section 61-10-130, MCA, is amended to read:

"61-10-130. Custom combiner's special permit -- fee -- collection -- distribution -- not transferable.

(1) In lieu of the taxes required by 15-24-301 and in lieu of motor vehicle license fees, gross vehicle weight fees, and overwidth, overlength, and overheight permits provided for in Title 61, a nonresident engaged in the business of custom combining who brings equipment into the state may pay a special permit fee of \$40 for each unit. A unit includes:

- (a) one truck suitable for hauling grain;
- (b) one header trailer or one combine trailer; and
- (c) pickup trucks and all other equipment, except combines, used by a nonresident and brought into the state as part of the nonresident's business of custom combining.

(2) In lieu of gross vehicle weight fees and overwidth, overlength, and overheight permits, Montana residents engaged in the business of custom combining may pay the annual farm gross vehicle weight fees and a special permit fee of \$20 for each unit. A unit includes:

- (a) one truck suitable for hauling grain;
- (b) one header trailer or one combine trailer; and
- (c) pickup trucks used by the resident in the resident's business of custom combining.

(3) When used to transport agricultural products, a truck authorized to be used under a custom combiner's special permit may be operated only within a 100-mile radius from the harvested field to the point of first unloading. The truck may not haul agricultural products from one commercial elevator to another commercial elevator. The truck may be operated on any highway, except a highway that is part of the federal-aid an interstate system highway, as defined in 60-1-103, without incurring excess weight penalties under 61-10-145 if the total gross weight of the truck does not exceed allowable weight limitations by more than 20% for each axle and the

maximum load for each inch of tire width does not exceed 670 pounds. A trip permit is not required. If the truck exceeds the tolerance provided under this subsection, the fine or penalty imposed applies to all weight over the legal limit allowed by 61-10-107.

(4) A combine trailer authorized to be used under subsection (1)(b) or (2)(b) may be operated under the same limitations, except that the 100-mile limitation does not apply and the combine trailer may be used upon any highway of the state, including ~~a highway that is part of the federal-aid~~ an interstate system highway, as defined in 60-1-103. If the combine trailer exceeds the tolerance provided under subsection (3), the fine or penalty imposed applies to all weight over the legal limit allowed by 61-10-107.

(5) The fee required by this section must be collected by the department of transportation. Upon payment of the fee, the department of transportation shall provide an identifying device to be displayed on each truck, header trailer, or combine trailer and other equipment used by the nonresident or resident in the person's business of custom combining in the state. The device is valid for the calendar year in which the fee is collected.

(6) All fees collected under this section must be distributed not later than January 31 immediately following the period of licensure as follows:

- (a) 62 1/2% to the state general fund; and
- (b) 37 1/2% to the state special revenue fund for the department of transportation.

(7) The identifying devices and fee paid for each unit are not transferable from one vehicle to another or transferable on the sale or change of ownership.

(8) The department of transportation may adopt rules, as provided in Title 2, chapter 4, to implement the provisions of this section."

Section 37. Section 61-10-144, MCA, is amended to read:

"61-10-144. Violation of standards -- tolerance. (1) It is a misdemeanor for a person, firm, or corporation to violate any provision of 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110.

(2) The operator of a vehicle or combination of vehicles may move over the highways to the first open stationary scale or portable scale on an engineered site, as defined in 61-10-141(4), without incurring the excess weight penalties set forth in 61-10-145 if the total gross weight of the vehicle or combination of vehicles does not exceed allowable total gross weight limitations by more than 10% and if the weight carried by any axle or combination of axles does not exceed the allowable axle weight limitations by more than 10%. If the vehicle or

combination of vehicles is not in excess of the allowable total gross or axle weight limitations by more than 10%, the department may issue a single trip permit for the fee of \$10, allowing the vehicle or combination of vehicles to move over the highways to the first facility where its load can be safely adjusted or to its destination. Violations of total gross or axle weight limitations in excess of 10% are subject to the fines provided in 61-10-145, and all loads in excess of 10% of the total gross or axle weight limitations:

(a) may be required to be adjusted or reduced to conform to the size and weight limitations before the vehicle or combination of vehicles is moved from the point of weighing; or

(b) may be issued a permit as authorized by 61-10-141.

(3) Farm vehicles transporting agricultural products from a harvesting combine or other harvesting machinery may be operated on any highway, ~~except a highway that is part of the federal-aid~~ an interstate system highway, as defined in 60-1-103, within a 100-mile radius of the harvested field to the point of first unloading without incurring excess weight penalties under 61-10-145 if the total gross weight of the farm vehicle or combination of vehicles does not exceed allowable weight limitations by more than 20% for each axle and the maximum load for each inch of tire width does not exceed 670 pounds. A single trip permit, as required in subsection (2), is not applicable to the farm vehicle or combination of vehicles. When a farm vehicle or combination of vehicles violates any of the provisions of this subsection, the fine or penalty imposed applies to that portion of the load above the legal limit."

Section 38. Section 90-6-210, MCA, is amended to read:

"90-6-210. Coal area highway reconstruction program. (1) The department of transportation, within the area designated as the eastern Montana coal field economic growth center as certified to the secretary of transportation by the governor under 23 U.S.C. 143, shall prepare a special construction program for the reconstruction of deficient sections of these highways in consultation with the governing bodies of the counties in the area.

(2) The department of transportation shall expedite the planning and reconstruction program for projects on the designated portions within this area by using funds allocated under this section and any federal funds that may be made available to match those funds. Until federal funds are made available to match the funds allocated under this section, the department of transportation may, upon approval of the Montana state transportation commission, expend funds for planning and reconstruction projects with or without assurance from the federal

government that unmatched state expenditures will be retroactively recognized for matching purposes.

(3) Funds allocated under this section may not be used to match apportionments made for primary and secondary ~~highways under the Federal-Aid Highway Acts~~ highway systems, as those terms are defined in 60-1-103; however, this section may not be construed to prohibit the implementation of projects otherwise funded by apportionments made under ~~the Federal-Aid Highway Acts~~ 60-3-205 or 60-3-206. In addition, planning and reconstruction projects may be financed in whole or in part by public and private funds provided that the projects conform to the applicable standards, regulations, and procedures of the department of transportation and the federal highway administration."

Section 39. Repealer. The following sections of the Montana Code Annotated are repealed:

60-2-125. Definitions.

61-10-143. Confiscation -- action by commission.

Section 40. Effective date. [This act] is effective October 1, 2019.

- END -

I hereby certify that the within bill,
SB 0051, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2019.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2019.

SENATE BILL NO. 51
INTRODUCED BY D. BARRETT
BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

AN ACT REVISING HIGHWAY SYSTEM LAWS TO CLARIFY HIGHWAY SYSTEM DEFINITIONS, TERMINOLOGY, AND THE PROCESS FOR ALLOCATING PRIMARY HIGHWAY SYSTEM FUNDS FOR CONSISTENCY WITH CURRENT STATE AND FEDERAL LAWS AND PROCESSES; AMENDING SECTIONS 15-70-102, 17-5-903, 23-2-821, 27-1-724, 60-1-102, 60-1-103, 60-1-201, 60-2-107, 60-2-111, 60-2-126, 60-2-129, 60-2-141, 60-2-201, 60-2-208, 60-2-217, 60-2-218, 60-3-205, 60-3-207, 60-4-110, 60-4-208, 60-4-401, 60-4-403, 60-5-101, 60-5-102, 60-5-103, 60-5-106, 61-8-303, 61-8-309, 61-8-310, 61-8-312, 61-8-321, 61-8-355, 61-9-101, 61-9-109, 61-10-124, 61-10-130, 61-10-144, AND 90-6-210, MCA; REPEALING SECTIONS 60-2-125 AND 61-10-143, MCA; AND PROVIDING AN EFFECTIVE DATE.