

1 HOUSE BILL NO. 77

2 INTRODUCED BY R. FITZGERALD

3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO MOTOR
6 CARRIER SERVICES; CHANGING THE MAXIMUM LENGTH OF A BOAT TRANSPORTER; MODIFYING
7 TRAILER LENGTH MEASUREMENT TO ACCOUNT FOR FRONT AND REAR OVERHANG; ALLOWING
8 TERM PERMITS TO EXTEND BEYOND THE CURRENT GVW LICENSE; EXPANDING THE DEFINITION OF
9 TRUCKS THAT MAY BYPASS SCALES; CLARIFYING THE MARKING OF COMMERCIAL VEHICLES;
10 PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 61-3-710, 61-8-312, 61-10-104, 61-10-121,
11 61-10-124, 61-10-141, 61-10-144, 61-10-146, 61-10-312, 69-12-102, AND 69-12-408, MCA; AND REPEALING
12 SECTION 61-3-709, MCA."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15
16 **Section 1.** Section 61-3-710, MCA, is amended to read:

17 **"61-3-710. Rulemaking authority.** The department of transportation may adopt and enforce rules for
18 the administration of cooperative or reciprocal vehicle registration, including the setting of a fee, and for other
19 matters necessary to carry out the provisions of 61-3-708 and ~~61-3-709.~~"

20
21 **Section 2.** Section 61-8-312, MCA, is amended to read:

22 **"61-8-312. Special speed limitations on trucks, truck tractors, and motor-driven cycles. (1)**
23 Except as provided in 61-8-303, 61-8-309, 61-8-310, and subsection (2) of this section, the speed limit for a
24 truck or truck tractor of more than 1 ton "manufacturer's rated capacity" traveling on:

25 (a) an interstate highway, as defined in 60-1-103, is 70 miles an hour; and

26 (b) any other public highway is 65 miles an hour.

27 (2) Except as provided in 61-8-303, 61-8-309, and 61-8-310, the speed limit for a vehicle subject to a
28 term permit under 61-10-124(2)(d) or a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination

1 of vehicles subject to special permits under ~~61-10-124(4)~~ 61-10-124(3) is 65 miles an hour unless otherwise
2 stated in the permit.

3 (3) A person may not operate a motor-driven cycle at any time mentioned in 61-9-201 at a speed
4 greater than 35 miles an hour unless the motor-driven cycle is equipped with a headlamp or lamps that are
5 adequate to reveal a person or vehicle at a distance of 300 feet ahead."
6

7 **Section 3.** Section 61-10-104, MCA, is amended to read:

8 "**61-10-104. Length -- definitions.** (1) A single truck, bus, or self-propelled vehicle, unladen or with
9 load, may not have an overall length, inclusive of front and rear bumpers, in excess of 55 feet.

10 (2) (a) When used in a truck tractor-semitrailer combination, the semitrailer may not exceed 53 feet in
11 length, excluding those portions not designed to carry a load, except as provided by 61-10-124. When used in a
12 truck tractor-semitrailer-trailer or a truck tractor-semitrailer-semi-trailer combination, the semitrailer and trailer or
13 the two semitrailers may not exceed 28 1/2 feet each in length or 61 feet in combined trailer length, excluding
14 those portions not designed to carry a load, except as provided by 61-10-124. Truck tractor-semitrailer, truck
15 tractor-semitrailer-trailer, and truck tractor-semitrailer-semi-trailer combinations are not subject to a combination
16 length limit.

17 (b) (i) A stinger-steered boat transporter may not exceed ~~75~~ 80 feet in length plus a maximum ~~3~~ 4
18 feet of front overhang and 4 ~~6~~ feet of rear overhang, except as provided by 61-10-124.

19 (ii) A stinger-steered automobile transporter may not exceed 80 feet in length plus a maximum 4 feet of
20 front overhang and 6 feet of rear overhang, except as provided by 61-10-124.

21 (c) All other combinations of vehicles may not have a combination length in excess of 75 feet, except
22 as provided by 61-10-124. If the combination consists of more than two units, the rear units of the combination
23 must be equipped with breakaway brakes.

24 (3) A motor vehicle may not tow more than one motor vehicle, and a motor vehicle may not draw
25 more than three motor vehicles attached to it by the triple saddle-mount method (that is, by mounting the front
26 wheels of one vehicle on the bed of another, leaving only the rear wheels of the vehicle in contact with the
27 roadway), and this combination may not have a combination length in excess of 75 feet.

28 (4) A passenger vehicle or truck of less than 2,000 pounds "manufacturer's rated capacity" may not

1 tow more than one trailer or semitrailer, and this combination may not have a length in excess of 65 feet.

2 (5) (a) The length of a vehicle combination consisting of a truck or truck tractor and one pole trailer or
3 semitrailer hauling raw logs may not exceed 75 feet in overall length. As used in this subsection (5)(a), the term
4 "length" means the total length of the vehicle combination beginning at the front of the front bumper of the truck
5 or truck tractor and extending to the most distant end of the logs being hauled. A term permit for an overlength
6 vehicle combination, as provided in 61-10-124(2), does not apply to the vehicle combination described in this
7 subsection (5)(a). A vehicle combination exceeding 75 feet must have a trip permit.

8 (b) The maximum overhang of any log may not exceed 15 feet, except by special, single-trip permit.
9 Overhang is measured from the center of the rear-most axle to the most distant end of the logs being hauled.

10 (c) The provisions in subsections (5)(a) and (5)(b) do not apply to a vehicle combination hauling utility
11 poles.

12 (6) As used in this chapter, the following definitions apply:

13 (a) "Axle" means a transverse beam that is the common axis of rotation of one or more wheels and
14 that, to receive credit for allowable total gross loading, must be capable of continuously transmitting a
15 proportionate share of the total gross load to the roadway when the axle is in operation.

16 (b) "Combination length" means the total length of a combination of vehicles, such as a truck tractor-
17 semitrailer-trailer combination, measured from the front bumper of the motor vehicle to the back bumper or rear
18 extremity of the last trailer, including the connection tongues.

19 (c) "Combined trailer length" means the total length of a combination of trailers measured from the
20 front of the first trailer, OR THE FRONT BUNK ON A POLE TRAILER, to the back of the last trailer, including the
21 connection tongues and ~~loads~~ rear overhang. ~~Front overhang may not exceed 6 feet.~~

22 (d) "Length", except as provided in subsection (5)(a), means the total longitudinal dimension of a
23 single vehicle, a trailer, or a semitrailer. The length of a trailer or semitrailer is measured from the front of the
24 cargo-carrying unit to its rear, exclusive of safety or energy efficiency devices, air-conditioning units, air
25 compressors, flexible fender extensions, splash and spray suppressant devices, bolsters, mechanical fastening
26 devices, and hydraulic lift gates.

27 (e) "Rocky Mountain double" means a combination of vehicles that includes a truck tractor pulling a
28 long semitrailer and a shorter trailer.

1 (f) "Steering axle" means an axle that pivots at the hub to allow the wheel to follow the travel of the
2 vehicle. A steering axle is capable of being steered but need not always be connected to a steering wheel.

3 (g) "Stinger-steered automobile transporter" means a truck tractor-semitrailer combination that has a
4 fifth wheel on a drop frame located behind and below the rear axle of the truck tractor and that is designed and
5 used for the transportation of vehicles.

6 (h) "Stinger-steered boat transporter" means a truck tractor-semitrailer combination that has a fifth
7 wheel on a drop frame located behind and below the rear axle of the truck tractor and that is designed and used
8 for the transportation of assembled boats or boat hulls."
9

10 **Section 4.** Section 61-10-121, MCA, is amended to read:

11 **"61-10-121. Permits for excess size and weight -- exempt from environmental review -- agents.**

12 (1) (a) Upon application and with good cause shown, the department of transportation, or its agent under
13 subsection (4), and local authorities in their respective jurisdictions may issue ~~telephonically or in writing a~~
14 special permit authorizing the applicant to operate or move a vehicle, combination of vehicles, load, object, or
15 other thing of a size or weight exceeding the maximum specified in 61-10-101 through 61-10-104 and 61-10-
16 106 through 61-10-110 upon a highway under the jurisdiction of and for the maintenance of which the body
17 granting the permit is responsible. However, only the department may issue permits for movement of a vehicle
18 or combination of vehicles carrying built-up or reducible loads in excess of 9 feet in width or exceeding the
19 length, height, or weight specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110. This
20 permit must be issued in the public interest. A carrier receiving this permit must have public liability and
21 property damage insurance for the protection of the traveling public as a whole. ~~A permit may not be issued for~~
22 ~~a period greater than the period for which the GVW license is valid, including grace periods, as provided in this~~
23 ~~title. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, purchase~~
24 ~~permits to expire with their registration. A license required by the state governs the issuance of a special permit.~~

25 (b) The department may issue oversize permits to dealers in implements of husbandry and self-
26 propelled machinery. The permits may be transferred from unit to unit by the dealer for the fee set forth in 61-
27 10-124. These oversize permits may not restrict dealers in implements of husbandry and self-propelled
28 machinery from traveling on a Saturday or Sunday and expire on December 31 of each year, with no grace

1 period. For the purposes of this section, a dealer in implements of husbandry or self-propelled machinery must
2 be a resident of the state. A post-office box number is not a permanent address under this section.

3 (2) The applicant for a special permit shall specifically describe the powered vehicle or towing vehicle
4 and generally describe the type of vehicle, combination of vehicles, load, object, or other thing to be operated or
5 moved and the particular state highways over which the vehicle, combination of vehicles, load, object, or other
6 thing is to be moved and whether the permit is required for a single trip or for continuous operation.

7 (3) Issuance of a permit pursuant to this section is exempt from the provisions of Title 75, chapter 1,
8 parts 1 and 2, when existing roads through existing rights-of-way are used.

9 (4) The department may enter into a contract with a private party to act as an agent of the department
10 for the purpose of issuing, in writing, a special permit allowed under this section.

11 (5) This section does not authorize a local authority to require a fee and a permit for the movement of
12 a vehicle, combination of vehicles, load, object, or other thing of a size exceeding the maximum specified in 61-
13 10-101 through 61-10-104 on a highway that is under the jurisdiction of an entity other than the local authority."
14

15 **Section 5.** Section 61-10-124, MCA, is amended to read:

16 **"61-10-124. (Temporary) Special permits -- fees.** (1) Except as provided in subsections (2)(d) and
17 ~~(4) (3)~~, in addition to the regular registration and gross vehicle weight fees, a fee of \$10 for each trip permit and
18 a fee of \$75 for each term permit issued for size in excess of that specified in 61-10-101 through 61-10-104
19 must be paid for all movements under special permits on the public highways under the jurisdiction of the
20 department of transportation.

21 (2) (a) Except as provided in subsections (2)(b), (2)(d), (2)(f), (2)(h), ~~(4), and (5) (3), and (4)~~, term or
22 blanket permits may not be issued for an overwidth vehicle, combination of vehicles, load, or other thing in
23 excess of 15 feet; an overlength vehicle, combination of vehicles, load, object, or other thing in excess of 95
24 feet; or an overheight vehicle, combination of vehicles, load, or other thing in excess of 14 feet or of a limit
25 determined by the department. A vehicle, combination of vehicles, load, or other thing in excess of these
26 dimensions is limited to trip permits. Except as provided in subsection (2)(g), a Rocky Mountain double may not
27 exceed 81 feet in combined trailer length. A Rocky Mountain double is not subject to a combination length limit.
28 Special permits for vehicle combinations of more than two trailers or more than two units designed for or used

1 to carry a load are not permitted except as provided in subsections ~~(4) and (5)~~ (3) and (4). Special permits for
2 vehicle combinations may specify and special permits under subsections ~~(4) and (5)~~ (3) and (4) must specify
3 highway routing and otherwise limit or prescribe conditions of operation of the vehicle or combination, including
4 but not limited to required equipment, speed, stability, operational procedures, and insurance.

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

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

11 (d) A term permit may be issued for any combination of vehicles that exceeds 95 feet in length but
12 does not exceed 100 feet in combination length, except a truck-trailer-trailer or a truck tractor-semitrailer-trailer-
13 trailer combination, for travel only on interstate highways, as defined in 60-1-103, or on other highways within a
14 2-mile radius of an interstate highway interchange in order to obtain necessary services or to load or unload at
15 a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the
16 terminal and the interchange. The fee for this permit is \$125.

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

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

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

25 (iii) An applicant for a nondivisible load permit for use as provided in subsection ~~(6)(b)~~ (5)(b) is
26 responsible for providing information regarding the number of work hours required to dismantle the load.

27 (iv) For use as provided in subsection ~~(6)(b)~~ (5)(b) and for the purposes of this section, emergency
28 response vehicles and casks designed and used for the transport of spent nuclear materials are considered

1 nondivisible loads.

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

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

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

10 ~~(4)(3)~~ The department may issue special permits to the operating company for a truck-trailer-trailer or
11 truck tractor-semitrailer-trailer-trailer combination of vehicles under the following conditions:

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

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

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

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

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

24 (f) the combination must have a special overlength permit issued at a fee of \$200 for a term permit or
25 \$20 for each trip permit;

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

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

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

2 ~~(5)~~(4) The department of transportation may issue special permits under subsection ~~(4)~~ (3) for vehicle
3 combinations that consist of a truck-trailer-trailer if:

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

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

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

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

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

12 (iv) provides the department of transportation with an affidavit confirming the routes used before July 1,
13 1987, for truck-trailer-trailer operations.

14 ~~(6)~~(5) For the purposes of this section, a "nondivisible load" is:

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

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

19 (i) compromise the intended use of the vehicle;

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

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

23 **61-10-124. (Effective on occurrence of contingency) Special permits -- fees.** (1) Except as
24 provided in subsections (2)(d) and ~~(4)~~ (3), in addition to the regular registration and gross vehicle weight fees, a
25 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
26 61-10-101 through 61-10-104 must be paid for all movements under special permits on the public highways
27 under the jurisdiction of the department of transportation.

28 (2) (a) Except as provided in subsections (2)(b), (2)(d), (2)(f), (2)(g), ~~(4)~~, and ~~(5)~~ (3), and (4), term or

1 blanket permits may not be issued for an overwidth vehicle, combination of vehicles, load, or other thing in
2 excess of 15 feet; an overlength vehicle, combination of vehicles, load, object, or other thing in excess of 95
3 feet; or an overheight vehicle, combination of vehicles, load, or other thing in excess of 14 feet or of a limit
4 determined by the department. A vehicle, combination of vehicles, load, or other thing in excess of these
5 dimensions is limited to trip permits. A Rocky Mountain double may not exceed 81 feet in combined trailer
6 length. A Rocky Mountain double is not subject to a combination length limit. Special permits for vehicle
7 combinations of more than two trailers or more than two units designed for or used to carry a load are not
8 permitted except as provided in subsections ~~(4) and (5)~~ (3) and (4). Special permits for vehicle combinations
9 may specify and special permits under subsections ~~(4) and (5)~~ (3) and (4) must specify highway routing and
10 otherwise limit or prescribe conditions of operation of the vehicle or combination, including but not limited to
11 required equipment, speed, stability, operational procedures, and insurance.

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

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

18 (d) A term permit may be issued for any combination of vehicles that exceeds 95 feet in length but
19 does not exceed 100 feet in combination length, except a truck-trailer-trailer or a truck tractor-semitrailer-trailer-
20 trailer combination, for travel only on interstate highways, as defined in 60-1-103, or on other highways within a
21 2-mile radius of an interstate highway interchange in order to obtain necessary services or to load or unload at
22 a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the
23 terminal and the interchange. The fee for this permit is \$125.

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

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

28 (ii) Portions of a nondivisible load hauled on a public road off of the interstate highway may be

1 detached and reloaded on the same hauling unit if the separate pieces are necessary to the operation of the
2 machine or equipment that is being hauled and if the arrangement does not exceed limits for which a permit
3 may be issued.

4 (iii) An applicant for a nondivisible load permit for use as provided in subsection ~~(6)(b)~~ (5)(b) is
5 responsible for providing information regarding the number of work hours required to dismantle the load.

6 (iv) For use as provided in subsection ~~(6)(b)~~ (5)(b) and for the purposes of this section, emergency
7 response vehicles and casks designed and used for the transport of spent nuclear materials are considered
8 nondivisible loads.

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

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

16 ~~(4)(3)~~ The department may issue special permits to the operating company for a truck-trailer-trailer or
17 truck tractor-semitrailer-trailer-trailer combination of vehicles under the following conditions:

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

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

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

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

28 (e) gross weight fees under 61-10-201 must be paid on the truck or truck tractor for the declared

1 registered gross weight of the special vehicle combination, but not to exceed the formula in 61-10-107;

2 (f) the combination must have a special overlength permit issued at a fee of \$200 for a term permit or
3 \$20 for each trip permit;

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

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

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

8 ~~(5)~~(4) The department of transportation may issue special permits under subsection ~~(4)~~ (3) for vehicle
9 combinations that consist of a truck-trailer-trailer if:

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

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

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

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

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

18 (iv) provides the department of transportation with an affidavit confirming the routes used before July 1,
19 1987, for truck-trailer-trailer operations.

20 ~~(6)~~(5) For the purposes of this section, a "nondivisible load" is:

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

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

25 (i) compromise the intended use of the vehicle;

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

27 (iii) require more than 8 work hours to dismantle using appropriate equipment."
28

1 **Section 6.** Section 61-10-141, MCA, is amended to read:

2 **"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads --**

3 **definition.** (1) (a) A peace officer, officer of the highway patrol, or employee of the department of
4 transportation may weigh any vehicle regulated by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-
5 110, except recreational vehicles, travel trailers, or motor homes, by means of either portable scales used on
6 an engineered site or stationary scales. The peace officer, officer of the highway patrol, or employee of the
7 department of transportation may require that the vehicle be driven to the nearest stationary scales or
8 engineered site for use of portable scales if those stationary scales or an engineered site is within 2 miles.

9 (b) If it is determined in the weighing process that the maximum allowable weights specified in 61-10-
10 101 through 61-10-104 and 61-10-106 through 61-10-110 have been exceeded, the peace officer, officer of the
11 highway patrol, or employee of the department of transportation may then require the driver to unload at a
12 designated facility that portion of the load necessary to decrease the weight of the vehicle to conform to the
13 maximum allowable weights specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110. If the
14 excess weight does not exceed 10,000 pounds, an excess weight permit may be issued in accordance with 61-
15 10-121. The permit authorizes the driver of the excess weight load to proceed to a designated facility where the
16 load can be safely reduced to legal limits.

17 (2) Commodities and material unloaded as required by this section must be cared for by the owner or
18 operator of the vehicle at the risk of that owner or operator. Commodities or material unloaded as required by
19 this section may not be left on the highway right-of-way.

20 (3) The department of transportation may establish, maintain, and operate weigh stations, either
21 intermittently or on a continuous schedule, and may, except for trucks exempted by department administrative
22 rule, require all trucks and commercial motor vehicles of 26,000 pounds GVW or greater to enter for the
23 purpose of weighing and inspection for compliance with all laws pertaining to their operation and safety
24 requirements. The department may require vehicles over 10,000 pounds, except those exempted by
25 department administrative rule, to be inspected and weighed by portable scale crews when the portable scales
26 are used on an engineered site.

27 (4) For the purposes of this section, "engineered site" means:

28 (a) a turnout designed and constructed by the department of transportation that has indents in the

1 pavement to level portable scales; or

2 (b) a site where leveling pads can be used in strict accordance with all of the manufacturer's manuals
3 and specifications."

4

5 **Section 7.** Section 61-10-144, MCA, is amended to read:

6 **"61-10-144. Violation of standards -- tolerance.** (1) It is a misdemeanor for a person, firm, or
7 corporation to violate any provision of 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110.

8 (2) The operator of a vehicle or combination of vehicles may move over the highways to the first open
9 stationary scale or portable scale on an engineered site, as defined in 61-10-141~~(4)~~, without incurring the
10 excess weight penalties set forth in 61-10-145 if the total gross weight of the vehicle or combination of vehicles
11 does not exceed allowable total gross weight limitations by more than 10% and if the weight carried by any axle
12 or combination of axles does not exceed the allowable axle weight limitations by more than 10%. If the vehicle
13 or combination of vehicles is not in excess of the allowable total gross or axle weight limitations by more than
14 10%, the department may issue a single trip permit for the fee of \$10, allowing the vehicle or combination of
15 vehicles to move over the highways to the first facility where its load can be safely adjusted or to its destination.
16 Violations of total gross or axle weight limitations in excess of 10% are subject to the fines provided in 61-10-
17 145, and all loads in excess of 10% of the total gross or axle weight limitations:

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

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

21 (3) Farm vehicles transporting agricultural products from a harvesting combine or other harvesting
22 machinery may be operated on any highway, except an interstate highway, as defined in 60-1-103, within a
23 100-mile radius of the harvested field to the point of first unloading without incurring excess weight penalties
24 under 61-10-145 if the total gross weight of the farm vehicle or combination of vehicles does not exceed
25 allowable weight limitations by more than 20% for each axle and the maximum load for each inch of tire width
26 does not exceed 670 pounds. A single trip permit, as required in subsection (2), is not applicable to the farm
27 vehicle or combination of vehicles. When a farm vehicle or combination of vehicles violates any of the
28 provisions of this subsection, the fine or penalty imposed applies to that portion of the load above the legal

1 limit."

2

3 **Section 8.** Section 61-10-146, MCA, is amended to read:

4 **"61-10-146. Special permits -- misrepresentations and violations as misdemeanor.** (1) A person
5 who knowingly and willfully misrepresents the size or weight of a vehicle, combination of vehicles, load, object,
6 or other thing in obtaining a special permit or who does not follow the requirements and conditions of the
7 special permit or who operates a vehicle, combination of vehicles, load, object, or other thing the size or weight
8 of which requires a special permit without first obtaining a special permit is guilty of a misdemeanor.

9 (2) A person, firm, or corporation convicted of:

10 (a) operating a vehicle or combination of vehicles with weight upon a wheel, axle, or group of axles
11 greater than the maximum authorized by a special permit or of operating without a special permit a vehicle or
12 combination of vehicles the weight of which requires a special permit shall, in addition to the other penalties
13 provided by law for the offense, be punished by a fine in the amount provided in 61-10-145(1); or

14 (b) violating any provision of 61-10-124~~(4)~~(3) or any restriction on the special permits issued by the
15 department under 61-10-124~~(4)~~(3) shall be punished by a fine of not less than \$500 or more than \$1,000, and
16 all special permits issued for the operation of the combination in violation must be confiscated. The combination
17 must be separated into combinations of legal length before the units may proceed."

18

19 **Section 9.** Section 69-12-102, MCA, is amended to read:

20 **"69-12-102. Scope of chapter -- exemptions.** (1) This chapter does not affect:

21 (a) the operation of school buses that are used in conveying pupils or other students enrolled in
22 classes to and from district or other schools or in transportation movements related to school activities that are
23 sponsored or supervised by school authorities;

24 (b) the transportation by means of motor vehicles in the regular course of business of employees by a
25 person or corporation engaged exclusively in the construction or maintenance of highways or engaged
26 exclusively in logging or mining operations, insofar as the use of employees in construction and production is
27 concerned;

28 (c) the transportation of household goods and garbage by motor vehicle in a city, town, or village with

1 a population of less than 500 persons according to the latest United States census or in the commercial areas
2 of a city, town, or village with a population of less than 500 persons, as determined by the commission;

3 (d) the transportation of newspapers, newspaper supplements, periodicals, or magazines;

4 (e) motor vehicles used exclusively in carrying junk vehicles from a collection point to a motor vehicle
5 wrecking facility or a motor vehicle graveyard;

6 (f) ambulances;

7 (g) the transportation by motor vehicle of not more than 15 passengers between their places of
8 residence or termini near their residences and their places of employment in a single daily round trip if the
9 driver is also going to or from the driver's place of employment;

10 (h) the operation of:

11 (i) a transportation system by a municipality or transportation district as provided in Title 7, chapter 14,
12 part 2;

13 (ii) a municipal bus service pursuant to Title 7, chapter 14, part 44; or

14 (iii) any public transportation system recognized by the Montana department of transportation as a
15 federal transit administration provider pursuant to 49 U.S.C. 5311;

16 (i) armored motor vehicles used for the transportation of valuable paintings and other items of unusual
17 value requiring special handling and security;

18 (j) the transportation of household goods or garbage under an agreement between a motor carrier
19 and an office or agency of the United States government;

20 (k) the transportation of persons provided by private, nonprofit organizations, including those
21 recognized by the Montana department of transportation as federal transit administration providers pursuant to
22 49 U.S.C. 5310. As used in this subsection (1)(k), "private, nonprofit organizations" means organizations
23 recognized as nonprofit under section 501(c) of the Internal Revenue Code.

24 (l) the transportation of a group of passengers if:

25 (i) the motor vehicle used for the transportation of the passengers is designed to carry more than 26
26 passengers; and

27 (ii) the motor carrier has obtained a USDOT number from the U.S. department of transportation as
28 provided in 49 CFR 390.19; or

1 (m) the transportation of a group of employees to or from a worksite by a motor carrier under contract
2 with the employer for a period of time of at least 1 year.

3 (2) ~~Except for the identification of ownership requirements provided in 69-12-408, this~~ This chapter
4 does not affect commercial tow trucks designed and exclusively used in towing wrecked, disabled, or
5 abandoned vehicles or while these tow trucks are rendering assistance to wrecked, disabled, or abandoned
6 vehicles.

7 (3) This chapter does not prevent bona fide leases, brokerage agreements, or buy-and-sell
8 agreements."

9

10 **Section 10.** Section 69-12-408, MCA, is amended to read:

11 **"69-12-408. Identification of ownership of certain large motor vehicles.** (1) ~~(a) Except as~~
12 ~~provided in subsection (2), a~~ A person may not operate a motor vehicle OR COMBINATION OF VEHICLES HAVING A
13 GROSS WEIGHT OF MORE THAN 10,000 POUNDS ~~or combination of vehicles having a gross weight of more than~~
14 10,000 pounds on the highways of the state upon a public highway in this state for the transportation of
15 passengers, household goods, or garbage for hire on a commercial basis unless the name or trade name, city,
16 and state or the name or trade name and the public service commission or department of transportation
17 number is displayed on both sides of each vehicle operated under its own power, either alone or in
18 combination. If a number is displayed, it must be the number of the person or corporation under whose
19 jurisdiction the vehicle or vehicles are being operated.

20 ~~(b)(2)~~ The display must be in letters in sharp contrast to the background and in a size, shape, and
21 color readily legible in daylight from a distance of 50 feet while the vehicle is not in motion. The display must be
22 maintained so that it remains legible. The display may be accomplished either by painting the information on
23 the vehicle or through the use of a decal or a removable device prepared so that it meets the identification and
24 legibility requirements of this section.

25 ~~(2) This section does not apply to:~~

26 ~~(a) farm vehicles; or~~

27 ~~(b) motor vehicles being:~~

28 ~~(i) transported to dealers from point of manufacture;~~

