

1 HOUSE BILL NO. 271

2 INTRODUCED BY R. MARSHALL

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO COUNTY ROADS;
5 CLARIFYING THE PROCEDURE FOR ADOPTING A COUNTY ROAD; AMENDING SECTION 7-14-2101,
6 MCA; AND PROVIDING AN APPLICABILITY DATE."

7

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

9

10 **Section 1.** Section 7-14-2101, MCA, is amended to read:

11 **"7-14-2101. General powers of county relating to roads and bridges -- definitions.** (1) The board
12 of county commissioners, under the limitations and restrictions that are prescribed by law, may:

13 (a) (i) lay out, maintain, control, and manage county roads and bridges within the county;

14 (ii) subject to 15-10-420, levy taxes for the laying out, maintenance, control, and management of the
15 county roads and bridges within the county as provided by law;

16 (b) (i) in the exercise of sound discretion, jointly with other counties, lay out, maintain, control,
17 manage, and improve county roads and bridges in adjacent counties, wholly or in part as agreed upon between
18 the boards of the counties concerned;

19 (ii) subject to 15-10-420, levy taxes for the laying out, maintenance, control, management, and
20 improvement of county roads and bridges in adjacent counties or shared jointly with other counties, as agreed
21 upon between the boards of the counties concerned and as provided by law;

22 (c) (i) enter into agreements for adjusted annual contributions over not more than 6 years toward the
23 cost of joint highway or bridge construction projects entered into in cooperation with other counties, the state, or
24 the United States;

25 (ii) subject to 15-10-420, place a joint project in the budget and levy taxes for a joint project as
26 provided by law.

27 (2) (a) Following a public hearing, a board of county commissioners may accept by resolution a road
28 that has not previously been considered a county road but that has been laid out, constructed, and maintained

1 with state department of transportation or county funds.

2 (b) A survey is not required of an existing county road that is accepted by resolution by a board of
3 county commissioners.

4 (c) A road that is abandoned by the state may be designated as a county road upon the acceptance
5 and approval by resolution of a board of county commissioners.

6 (d) A road that is included on a final subdivision plat THAT IS DEDICATED TO PUBLIC USE is not
7 considered a county road until the board of county commissioners approves by resolution the adoption of the
8 road as a county road as provided in subsection (4)(b)(ii).

9 (3) The board of county commissioners may adopt regulations for unincorporated areas within a
10 county governing:

11 (a) the assignment of numerical physical addresses except for roads under the jurisdiction of a
12 federal, state, or tribal entity if that entity objects to the assignment; and

13 (b) the naming of roads except roads under the jurisdiction of a federal, state, or tribal entity unless
14 that entity consents to the naming.

15 (4) Unless the context requires otherwise, for the purposes of this chapter, the following definitions
16 apply:

17 (a) "Bridge" includes rights-of-way or other interest in land, abutments, superstructures, piers, and
18 approaches except dirt fills.

19 (b) "County road" means:

20 (i) a road that is petitioned by freeholders, approved by resolution, and opened by a board of county
21 commissioners in accordance with this title;

22 (ii) a road that is dedicated for public use in the county and approved by resolution by a board of
23 county commissioners;

24 (iii) a road that has been acquired by eminent domain pursuant to Title 70, chapter 30, and accepted
25 by resolution as a county road by a board of county commissioners;

26 (iv) a road that has been gained by the county in an exchange with the state as provided in 60-4-201;

27 or

28 (v) a road that has been the subject of a request under 7-14-2622 and for which a legal route has

1 been recognized by a district court as provided in 7-14-2622."

2

3 NEW SECTION. Section 2. Applicability. [This act] applies to roads DEDICATED TO PUBLIC USE
4 ~~included on subdivision plats approved before [the effective date of this act] and to roads included on~~
5 ~~subdivision plats approved on or after [the effective date of this act].~~

6

- END -