

1 HOUSE BILL NO. 26

2 INTRODUCED BY G. NIKOLAKAKOS

3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING HIGHWAY USE LAWS; REVISING HAY
6 HAULING REQUIREMENTS; ELIMINATING IMPRISONMENT AS A POTENTIAL PENALTY FOR VIOLATING
7 CERTAIN WEIGHT AND SPEED RESTRICTIONS; ELIMINATING CERTAIN PUNITIVE MEASURES FOR
8 FAILING TO PAY A GVW FEE; REVISING POINTS OF CONTACT FOR NONRESIDENTS TO PAY FOR A
9 PERMIT; AMENDING SECTIONS 61-10-102, 61-10-147, 61-10-209, AND 61-10-213, MCA; AND PROVIDING
10 AN EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 **Section 1.** Section 61-10-102, MCA, is amended to read:

15 **"61-10-102. Width -- definitions.** (1) Except as provided in subsections (2) and (3), a vehicle,
16 including a bus, unloaded or with load, may not have a total outside width in excess of 102 inches. This width
17 for buses is allowed only on paved highways 20 feet or more in width.

18 (2) (a) Subsection (1) does not apply to an implement of husbandry or a vehicle used for hauling
19 hay that is moved or propelled upon the highway during daylight hours for a distance of not more than 100
20 miles if the movement is incidental to the farming operations of the owner of the implement of husbandry or the
21 vehicle used for hauling hay. If the implement or vehicle is more than 12 1/2 feet wide, it must be preceded by
22 flag vehicle escorts to warn other highway users. This restriction does not apply to dual-wheel tractors under 15
23 feet overall width that are used in farming operations or to movement on a county road within 100 miles of the
24 farming operation of the owner of an implement of husbandry or a vehicle used for hauling hay. Lights that meet
25 the requirements of 61-9-219(4) must be displayed on the rear of the implement of husbandry or vehicle used
26 for hauling hay. However, if the highway passes through a hazardous area, the implements or vehicles must be
27 preceded and followed by flag vehicle escorts unless the movement of the implements or vehicles is restricted
28 to a county road within 100 miles of the farming operation of the owner.

1 (b) An implement of husbandry or a vehicle used for hauling hay that exceeds 16 1/2 feet in width
2 and that is traveling on an interstate or a four-lane highway must be followed by a flag vehicle escort.

3 (c) A commercial vehicle that is hauling hay but does not qualify under subsection (2)(a) may be
4 granted a permit subject to the provisions of 61-10-121 through 61-10-127 ~~and the following requirements:~~

5 ~~(i) travel during daylight hours only for an oversize shipment of large round bales of hay, whether the~~
6 ~~vehicle is loaded or with an empty hay rack, up to 144 inches; when empty, a square red or orange flag~~
7 ~~measuring 12 inches on each side must be attached to each corner of the hay rack; and~~

8 ~~(ii) travel day or night for any other shipment of baled hay, whether the vehicle is loaded or with an~~
9 ~~empty hay rack, up to 114 inches.~~

10 (d) Subsection (1) does not apply to a commercial hay grinder moved or propelled upon the
11 highway during daylight hours for a distance of not more than 100 miles if the movement is incidental to
12 operations of the commercial hay grinder. A commercial hay grinder exceeding 102 inches in width must have a
13 permit issued under 61-10-124. If the commercial hay grinder is more than 12 1/2 feet wide, it must be
14 preceded by flag vehicle escorts to warn other highway users. Lights that meet the requirements of 61-9-219(4)
15 must be displayed on the rear of the commercial hay grinder. Movement of a commercial hay grinder that does
16 not exceed 138 inches in width may occur on any day of the week, including holidays, and is restricted to
17 movement during daylight hours. Movement of a commercial hay grinder may not exceed the posted speed
18 limit, including the speed limit on an interstate highway.

19 (3) (a) The width of a recreational vehicle, as defined in 61-1-101, and a camper, as defined in 61-
20 1-101, that is being operated for noncommercial purposes may exceed 102 inches if:

21 (i) the excess width is attributable to recreational vehicle or camper appurtenances that do not
22 extend beyond the exterior rearview mirrors of the recreational vehicle, the camper, a vehicle being towed by
23 the recreational vehicle, or the motor vehicle providing motive power; and

24 (ii) the rearview mirrors extend only the distance necessary to provide the appropriate field of view
25 for the vehicle before the recreational vehicle or camper appurtenances are attached.

26 (b) For the purposes of this section, "recreational vehicle or camper appurtenances" means an
27 awning and its support hardware or any appendage that is intended to be an integral part of the recreational
28 vehicle or camper and that is installed by the manufacturer or dealer.

1 (4) A safety device that the department determines by rule adopted pursuant to 61-9-504 to be
 2 necessary for safe and efficient operation of motor vehicles is not included in the calculation of width provided
 3 in subsection (1).

4 (5) Except as provided in subsections (2)(a) and (2)(b), a rear flag vehicle escort is not required for
 5 a vehicle that exceeds 12 1/2 feet in width, that is hauling or towing an implement of husbandry, construction
 6 equipment, or forestry equipment, and that is operating under this section or as authorized by special permit
 7 issued under 61-10-121 through 61-10-125 if the vehicle is operating at highway speed or with the flow of
 8 traffic.

9 (6) For the purposes of this section, the following definitions apply:

10 (a) "Construction equipment" means any vehicle, machine, or attachment designed or adapted for
 11 and used in construction, heavy construction, highway construction, and remodeling work.

12 (b) "Flag vehicle" means a vehicle equipped as required by law or by department of transportation
 13 rule to warn or guide vehicular traffic. When not being operated as a flag vehicle, signs must be removed."
 14

15 **Section 2.** Section 61-10-147, MCA, is amended to read:

16 **"61-10-147. Penalties for using highway when use is restricted.** (1) It is a misdemeanor for a
 17 person, firm, or corporation to violate any of the provisions of 61-10-128(2).

18 (2) A person, firm, or corporation first convicted of a misdemeanor for a violation of any of the
 19 provisions of 61-10-128(2) shall be punished by a fine of not less than \$10 or more than \$50 ~~or by~~
 20 ~~imprisonment in the county or municipal jail for not less than 5 days or more than 25 days.~~ For a second
 21 conviction within 1 year the person, firm, or corporation shall be punished by a fine of not less than \$50 or more
 22 than \$200 ~~or by imprisonment in the county or municipal jail for not less than 25 days or more than 100 days or~~
 23 ~~by both this fine and imprisonment. Upon~~ On a third or subsequent conviction within 1 year after the first
 24 conviction the person, firm, or corporation shall be punished by a fine of not less than \$200 or more than \$500
 25 ~~or by imprisonment in the county or municipal jail for not less than 100 days or more than 6 months or by both~~
 26 ~~this fine and imprisonment."~~

27

28 **Section 3.** Section 61-10-209, MCA, is amended to read:

1 **"61-10-209. Monthly payment -- quarterly payment -- penalty for failure to pay fee.** (1) When the
 2 gross weight of a vehicle exceeds 24,000 pounds, the gross weight or special fees for trucks, tractors, or buses
 3 may be paid for a 1-month period for one-twelfth the regular fee or for a 3-month period for one-fourth the
 4 regular fee at the beginning of any quarter of the calendar year. For each fee paid other than at the time of
 5 payment of the annual vehicle registration fee, an additional fee of \$5 must be charged. The department may
 6 adopt rules relative to the issuance and display of certificates or insignia, which must state the months for which
 7 the vehicle is licensed.

8 (2) A vehicle licensed under this section may not be operated over the public highways after the
 9 expiration of:

10 (a) the 1-month period until the owner pays the required fee for a license for an additional 1-month
 11 or 3-month period or for the remainder of the year; or

12 (b) the 3-month period unless the owner or operator of the vehicle, within 10 calendar days or 7
 13 business days as provided by law, whichever is greater, pays the required fee for a license for an additional 1-
 14 month or 3-month period or for the remainder of the year.

15 (3) A person who operates a vehicle upon the public highways in violation of subsection (2) is
 16 guilty of a misdemeanor. ~~In addition the person is required to purchase a gross weight license for the vehicle
 17 involved at the fee covering an entire year's license for operation of the vehicle less the fees for the period of
 18 the year already paid.~~

19 ~~(4) If, within 5 days after a requirement under subsection (3) is applicable, a license for a full year has
 20 not been purchased as required, the Montana highway patrol, county sheriff, or city police may impound the
 21 vehicle in the manner that is directed for these cases by the department until the requirement is met."~~

22

23 **Section 4.** Section 61-10-213, MCA, is amended to read:

24 **"61-10-213. Time for payment of fees by nonresidents -- disposition.** (1) A nonresident owner or
 25 operator of a motortruck, truck tractor, trailer, or semitrailer shall pay the fee and secure the permit prescribed
 26 either:

27 (a) electronically, prior to entering the state; or

28 (b) immediately upon arrival in the state, contact the nearest highway patrol office, any

1 department office, the county sheriff, or the county treasurer's office to pay the fee and secure the permit
2 ~~prescribed~~ by contacting the department's Helena office or the nearest open weigh station location, whether
3 permanent or temporary.

4 (2) All fees collected shall ~~immediately~~ must be remitted to the county treasurer in accordance with
5 61-10-226."

6

7 NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2023.

8

- END -