

Summary of Transportation Legislation 2023 Legislative Session

The 2023 Legislature passed several bills involving transportation and related issues. This summary provides an overview of legislation, excluding the budget provisions of House Bill 2, in the following areas:

TIC Bills	Memorial Highways
MDT Bills	Grants and Funding
Licensing, Insurance and Registration	Miscellaneous
Traffic Control and Safety	

The summary focuses only on legislation approved by the Legislature that has become law.

* denotes bills that require reports to the TIC.

Requested by the 2021-2022 Transportation Interim Committee

The Transportation Interim Committee requested and introduced two bill drafts, [HB 60](#), which establishes an annual fee for electric vehicles registered in the state, and [HB 55](#), which establishes a tax on electric vehicle charging stations and reduces the registration fee for Montana residents once the charging tax goes into effect.

Requested by Montana Department of Transportation (MDT)

During the 2021-2022 interim, the MDT requested seven bill drafts. Of the seven requested, six were drafted, introduced, and approved:

- ✓ [HB 26](#) Removes certain requirements for vehicles hauling hay, removes the minimum penalty of imprisonment for violating certain weight and speed restrictions, and removes some penalties for failure to pay a GVW (gross vehicle weight) fee.
- ✓ [HB 75](#) Revises requirements to obtain a motor fuel tax refund and allows the use of electronic transaction reports for refund claims.
- ✓ [HB 76](#) Establishes a local government road construction and maintenance restricted account. Replaces the statutory allocation to cities, towns, and counties, the BaRSAA allocation to cities, towns, and counties, and the Local Technical Assistance Transportation (LTAP) program allocation with a single allocation of fuel taxes.
- ✓ [HB 105](#) Removes the prohibition on the use of the highway restricted account for railroad protective crossings on the secondary system, allowing MDT to use the account.
- ✓ [SB 57](#) Allows MDT to utilize alternative project delivery methods for letting contracts
- ✓ [SB 47](#) Revises commercial driver's license laws to comply with federal requirements, requires MDT to administer an entry-level driver training program, requires DOJ MVD to check the ELDT provider registry and the commercial Drug and Alcohol Clearinghouse under certain circumstances and take certain actions as a result of those queries. *This bill was coordinated with HB 904.*

Licensing, Insurance, and Registration

- ✓ [HB 129](#) Revises fees for special mobile equipment, establishing that property taxes would be paid at the same time as other personal property taxes.
- ✓ [HB 224](#) Revises registration laws for military service members who are Montana residents stationed outside Montana, removing the requirement that they entered active military duty from Montana.
- ✓ [HB 365](#) Allows a person whose driver's license is suspended to be issued a provisional, restricted, or probationary license if the person completes a court-ordered program.
- ✓ [HB 439](#) Establishes a GVW permanent registration fee for electric and hybrid vehicles.
- ✓ [HB 622](#) Authorizes the Motor Vehicle Division to issue vehicle titles to non-resident businesses.
- ✓ [HB 664](#) Directs the Motor Vehicle Division to study driver's license renewal kiosks and report to the Transportation Interim Committee. *
- ✓ [HB 750](#) Authorizes the Motor Vehicle Division to issue replacement certificates of title to owners of vehicles that were removed from the department records because of the department's data retention procedures and allowing owners to request the return of original titles.
- ✓ [HB 764](#) Increases certain license plate fees.
- ✓ [HB 902](#) Clarifies that a court of competent jurisdiction may suspend or revoke a driver's license, revises areas in which careless driving can be committed, and decreases the minimum term of imprisonment for reckless driving.
- ✓ [HB 904](#) Revises commercial driver's license laws to comply with federal requirements, requires MDT to administer an entry-level driver training program, requires DOJ MVD to check the ELDT provider registry and the commercial Drug and Alcohol Clearinghouse under certain circumstances and take certain actions as a result of those queries. This bill contains an appropriation to implement rulemaking and record checks. *This bill was coordinated with SB 47.*
- ✓ [SB 33](#) Eliminates Class C motor carrier classifications and the regulation of Class C motor carriers by the Public Service Commission (PSC).
- ✓ [SB 103](#) Continues the requirement for courtesy car grant recipients to obtain liability insurance but removes the required minimum amount.
- ✓ [SB 106](#) Allows for non-probate transfers of title for manufactured homes and mobile homes upon death of owner.

- ✓ [SB 221](#) Allows active and former USS Montana crew members to apply for Montana license plates.
- ✓ [SB 396](#) Establishes that displaying an electronic driver's license to a peace officer does not constitute consent to search and seizure of the electronic device.
- ✓ [SB 487](#) Provides that a person may have no more than one non-voided driver's license at a time.

Traffic control and safety

- ✓ [HB 27](#) Provides notice of nonstandard penalties for certain traffic violations by adding internal references to those penalties in MCA.
- ✓ [HB 320](#) Requires drivers to slow down and move over when approaching or passing highway maintenance vehicles and utility service vehicles.
- ✓ [HB 366](#) Increase penalties for passing a school bus, creating three-tiered offenses and fines.
- ✓ [HB 374](#) Creates an offense for failing to yield to emergency vehicles and establishes three-tiered penalties. *Coordinated with HB 470.*
- ✓ [HB 401](#) Revises securing of load laws, requiring that a person who creates an obstruction dangerous to the public traveling on the roadway must remove or cause it to be removed. Makes failure to secure the load a misdemeanor offense.
- ✓ [HB 470](#) Revises laws relating to yielding to emergency vehicles, slowing down and moving over for stationary emergency vehicles and highway worker vehicles, reckless endangerment of emergency personnel, and reckless endangerment of highway workers. Creates separate sections for each of these topics. *Coordinated with HB 374.*
- ✓ [HB 679](#) Requires trucks with 26,001 GVW or greater towing trailers to carry traction control devices on certain stretches of highway where they may be required.
- ✓ [HB 761](#) Prohibits airbag fraud and establishes a penalty.
- ✓ [HB 809](#) Removes the 500 ft. limit on work zone boundaries and provides for increased penalties for traffic violations when a highway worker is within 1,000 feet of the violation.
- ✓ [SB 144](#) Establishes that helmets are not required for operators and passengers of completely enclosed autocycles.
- ✓ [SB 452](#) Gives the transportation commission authority to reassess and reset speed limits, expanding the commission's authority which was previously limited to lowering speed limits.

Memorial Highways

- ✓ [SB 111](#) Establishes the Jacob Allmendinger memorial highway. Directs MDT to install signs.
- ✓ [SB 120](#) Establishes the Chief Earl Old Person memorial highway. Directs MDT to install signs.
- ✓ [SB 309](#) Establishes the Ensign James A. Shelton memorial highway. Directs MDT to install signs.

Transportation Grants & Funding

- ✓ [HB 267](#) Creates the Securing Access to Federal Expenditures to Repair Montana Roads and Bridges (SAFER) Account, which allows MDT to access funds for match on funding received from Federal Highway Administration redistribution and discretionary grant awards.
- ✓ [HB 327](#) Revises allowed uses of the Senior Citizen and Persons with Disabilities Transportation Services Account, allowing funds from the account to be used as matching funds for capital grants.
- ✓ [HB 823](#) Establishes a tax on hydrogen fuel and other alternative fuels equal to gasoline gallon equivalency.
- ✓ [SB 536](#) Provides funding for local governments for the maintenance of city roads, and the reconstruction and repair of local roads and bridges.

Miscellaneous

- ✓ [HB 52](#) Repeals Chapter 11 of Title 69, revises common carrier laws, eliminating the regulation of common carriers of passengers, messages, and property.
- ✓ [HB 176](#) Revises county utility permitting authority and the payment of damages to allow construction of broadband infrastructure.
- ✓ [HB 198](#) Allows incorporated municipalities to enact ordinances to place impermanent encroachments on sidewalks without obtaining a permit.
- ✓ [HB 486](#) Allows an individual to petition the board of county commissioners to have a highway encroachment removed and increases fines for failure to remove an encroachment.
- ✓ [HB 489](#) Changes the name of the Montana-Wyoming Rocky Mountain Tribal Leaders Council of the transportation commission to the Rocky Mountain Tribal Leaders Council.
- ✓ [HB 938](#) Allows a board of county commissioners to issue encroachment permits, which must be issued following a public meeting and can be revoked if the encroachment interferes with public use or maintenance of the road.

- ✓ [SB 173](#) Revises laws related to county road abandonment laws. Clarifies the petition process by which a county may abandon or vacate a county road. Updates prior references to “freeholder” to “real property owner”.
- ✓ [SB 234](#) Allows MDT to issue invitations for bids to install vending machines on state rights-of-way, with preference given to blind vendors pursuant to 18-5-502, MCA.
- ✓ [SB 263](#) Changes the number of years during which airport authorities may enter certain contracts from 40 to 50 years.
- ✓ [SB 288](#) Eliminates a sunset on county motor vehicle recycling and disposal programs.
- ✓ [SB 293](#) Authorizes MDT to place signs designed by the invasive species council at public rest areas related to preventing the spread of invasive species.
- ✓ [SB 344](#) Allows for the vertical placement of a license plate provided it is attached by two separate fasteners and can be from read left to right.
- ✓ [SB 521](#) Revises right-of-way laws and laws related to broadband deployment, allowing MDT to charge a fair market value fee for right-of-way use agreements.
- ✓ [SR 74](#) Confirms governor’s appointees for board of aeronautics.