

HOUSE BILL NO. 37

INTRODUCED BY DAVIS, PINSONEAULT, REA, BRUSKI, MERCER,  
LARSON, YELLOWTAIL, KOEHNKE, HARDING, L. NELSON

IN THE HOUSE

DECEMBER 27, 1990                   INTRODUCED AND REFERRED TO COMMITTEE  
  ON HIGHWAYS & TRANSPORTATION.

JANUARY 7, 1991                    FIRST READING.

JANUARY 22, 1991                   ON MOTION, ADDITIONAL SPONSORS ADDED.

FEBRUARY 20, 1991                   COMMITTEE RECOMMEND BILL  
  DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 21, 1991                   PRINTING REPORT.

FEBRUARY 26, 1991                   SECOND READING, DO PASS.

FEBRUARY 27, 1991                   ENGROSSING REPORT.

  THIRD READING, PASSED.  
  AYES, 80; NOES, 20.

  TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 4, 1991                    INTRODUCED AND REFERRED TO COMMITTEE  
  ON HIGHWAYS & TRANSPORTATION.

  FIRST READING.

MARCH 27, 1991                    COMMITTEE RECOMMEND BILL BE  
  CONCURRED IN AS AMENDED. REPORT  
  ADOPTED.

APRIL 1, 1991                    ON MOTION, CONSIDERATION PASSED  
  UNTIL THE 69TH LEGISLATIVE DAY.

APRIL 3, 1991                    SECOND READING, CONCURRED IN.

APRIL 4, 1991                    THIRD READING, CONCURRED IN.  
  AYES, 40; NOES, 10.

  RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1991

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 9, 1991

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1                   HOUSE BILL NO. 37  
2                   INTRODUCED BY DAVIS

3  
4   A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE PERMANENT THE  
5   PROVISION THAT PREVENTS THE DEPARTMENT OF HIGHWAYS AND LOCAL  
6   AUTHORITIES FROM RESTRICTING THE OPERATION OF VEHICLES  
7   CARRYING PERISHABLE AGRICULTURAL SEEDS ON A PUBLIC HIGHWAY  
8   IF CERTAIN CONDITIONS ARE MET; REPEALING SECTION 4, CHAPTER  
9   468, LAWS OF 1987; AND PROVIDING AN IMMEDIATE EFFECTIVE  
10   DATE."

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

13       NEW SECTION.   **Section 1.** Repealer. Section 4, Chapter  
14   468, Laws of 1987, as amended by Chapter 237, Laws of 1989,  
15   is repealed.

16       NEW SECTION.   **Section 2.** Effective date. [This act] is  
17   effective on passage and approval.

-End-

INTRODUCED BILL  
HB 37



APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

1 HOUSE BILL NO. 37

2 INTRODUCED BY DAVIS, PINSONEAULT, REA, BRUSKI, MERCER,

3 LARSON, YELLOWTAIL, KOEHNKE, HARDING, L. NELSON

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE PERMANENT THE  
6 PROVISION THAT PREVENTS THE DEPARTMENT OF HIGHWAYS AND LOCAL  
7 AUTHORITIES FROM RESTRICTING THE OPERATION OF VEHICLES  
8 CARRYING PERISHABLE AGRICULTURAL--SEEDS SEED POTATOES ON A  
9 PUBLIC HIGHWAY IF CERTAIN CONDITIONS ARE MET; TO REQUIRE  
10 THAT A PERMIT BE OBTAINED; AMENDING SECTION 61-10-128, MCA;  
11 REPEALING SECTION 4, CHAPTER 468, LAWS OF 1987; AND  
12 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

13  
14 STATEMENT OF INTENT

15 IT IS THE INTENT OF THE LEGISLATURE TO ALLOW THE  
16 DEPARTMENT OF HIGHWAYS TO REQUIRE VEHICLES TRANSPORTING  
17 PERISHABLE SEED POTATOES ON RESTRICTED ROADS TO BE ROUTED TO  
18 THE NEAREST ROAD THAT IS NOT RESTRICTED, EVEN IF THE ROUTING  
19 IS NOT THE SHORTEST ROUTE TO THE DESTINATION.

20  
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22 SECTION 1. SECTION 61-10-128, MCA, IS AMENDED TO READ:

23 "61-10-128. (Temporary) When authorities may restrict  
24 right to use roadway. (1) Neither the department nor a local  
25 authority may alter the limitations provided in 61-10-101

1 through 61-10-110 or substitute other limitations or  
2 requirements, except as provided in this section.

3 (2) The department of highways by order, or a local  
4 road authority by ordinance or resolution, may prohibit the  
5 operation of or impose restrictions on the weight and speed  
6 of a vehicle traveling on a public highway under its  
7 respective jurisdiction and for which it is responsible for  
8 maintenance whenever the highway will be seriously damaged  
9 or destroyed by deterioration, rain, snow, or other climatic  
10 conditions, unless the use of vehicles on the highway is  
11 prohibited or the permissible vehicle weights and speed are  
12 reduced. The department of highways or the authority which  
13 enacts the ordinance or resolution shall erect signs  
14 designating the department's order or the authority's  
15 ordinance or resolution at each end of that portion of the  
16 highway affected, and the order or ordinance or resolution  
17 is not effective until the signs are erected. The  
18 department, or the authority by ordinance or resolution, may  
19 prohibit the operation of trucks or other commercial  
20 vehicles, or impose limitations on their weight on  
21 designated highways, subject to the provisions of subsection  
22 (3). These prohibitions and limitations shall be designated  
23 by appropriate signs placed on the highways.

24 (3) Neither the department nor a local authority may  
25 prohibit the operation of or impose a restriction on the

**SECOND READING**

1 weight of a vehicle loaded with perishable agricultural  
2 seeds seed potatoes that is traveling on a public highway  
3 if:

4 (a) the vehicle is being operated within its legal  
5 licensed gross vehicle weight; and

6 (b) a permit has been issued under 61-10-107(3),  
7 regardless of the vehicle's gross weight, specifying the  
8 route from point of loading to the nearest nonrestricted  
9 road; and

10 (b)(c) the driver has in his possession a federal-state  
11 inspection certificate issued for the load.

12 (4) A permit issued under subsection (3) may be revoked  
13 for violating any condition of the permit.

14 **61-10-128. (Effective July 1, 1991) When authorities**  
15 **may restrict right to use roadway. (1) A local authority may**  
16 **not alter the limitations provided in 61-10-101 through**  
17 **61-10-110 or substitute other limitations or requirements,**  
18 **except as provided in this section.**

19 (2) The department of highways by order, or a local  
20 road authority by ordinance or resolution, may prohibit the  
21 operation of or impose restrictions on the weight and speed  
22 of a vehicle traveling on a public highway under its  
23 respective jurisdiction and for which it is responsible for  
24 maintenance whenever the highway will be seriously damaged  
25 or destroyed by deterioration, rain, snow, or other climatic

1 conditions, unless the use of vehicles on the highway is  
2 prohibited or the permissible vehicle weights and speed are  
3 reduced. The department of highways or the authority which  
4 enacts the ordinance or resolution shall erect signs  
5 designating the department's order or the authority's  
6 ordinance or resolution at each end of that portion of the  
7 highway affected, and the order or ordinance or resolution  
8 is not effective until the signs are erected. The  
9 department, or the authority by ordinance or resolution, may  
10 prohibit the operation of trucks or other commercial  
11 vehicles, or impose limitations on their weight on  
12 designated highways. These prohibitions and limitations  
13 shall be designated by appropriate signs placed on the  
14 highways."

15 **NEW SECTION. Section 2. Repealer. Section 4, Chapter**  
16 **468, Laws of 1987, as amended by Chapter 237, Laws of 1989,**  
17 **is repealed.**

18 **NEW SECTION. Section 3. Effective date. [This act] is**  
19 **effective on passage and approval.**

-End-

HOUSE BILL NO. 37

INTRODUCED BY DAVIS, PINSONEAULT, REA, BRUSKI, MERCER,

LARSON, YELLOWTAIL, KOEHNKE, HARDING, L. NELSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE PERMANENT THE PROVISION THAT PREVENTS THE DEPARTMENT OF HIGHWAYS AND LOCAL AUTHORITIES FROM RESTRICTING THE OPERATION OF VEHICLES CARRYING PERISHABLE AGRICULTURAL--SEEDS SEED POTATOES ON A PUBLIC HIGHWAY IF CERTAIN CONDITIONS ARE MET; TO REQUIRE THAT A PERMIT BE OBTAINED; AMENDING SECTION 61-10-128, MCA; REPEALING SECTION 4, CHAPTER 468, LAWS OF 1987; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

IT IS THE INTENT OF THE LEGISLATURE TO ALLOW THE DEPARTMENT OF HIGHWAYS TO REQUIRE VEHICLES TRANSPORTING PERISHABLE SEED POTATOES ON RESTRICTED ROADS TO BE ROUTED TO THE NEAREST ROAD THAT IS NOT RESTRICTED, EVEN IF THE ROUTING IS NOT THE SHORTEST ROUTE TO THE DESTINATION.

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

SECTION 1. SECTION 61-10-128, MCA, IS AMENDED TO READ:

"61-10-128. (Temporary) When authorities may restrict right to use roadway. (1) Neither the department nor a local authority may alter the limitations provided in 61-10-101

through 61-10-110 or substitute other limitations or requirements, except as provided in this section.

(2) The department of highways by order, or a local road authority by ordinance or resolution, may prohibit the operation of or impose restrictions on the weight and speed of a vehicle traveling on a public highway under its respective jurisdiction and for which it is responsible for maintenance whenever the highway will be seriously damaged or destroyed by deterioration, rain, snow, or other climatic conditions, unless the use of vehicles on the highway is prohibited or the permissible vehicle weights and speed are reduced. The department of highways or the authority which enacts the ordinance or resolution shall erect signs designating the department's order or the authority's ordinance or resolution at each end of that portion of the highway affected, and the order or ordinance or resolution is not effective until the signs are erected. The department, or the authority by ordinance or resolution, may prohibit the operation of trucks or other commercial vehicles, or impose limitations on their weight on designated highways, subject to the provisions of subsection (3). These prohibitions and limitations shall be designated by appropriate signs placed on the highways.

(3) Neither the department nor a local authority may prohibit the operation of or impose a restriction on the

THIRD READING



1 weight of a vehicle loaded with perishable agricultural  
 2 seeds seed potatoes that is traveling on a public highway  
 3 if:

4 (a) the vehicle is being operated within its legal  
 5 licensed gross vehicle weight; and

6 (b) a permit has been issued under 61-10-107(3),  
 7 regardless of the vehicle's gross weight, specifying the  
 8 route from point of loading to the nearest nonrestricted  
 9 road; and

10 (b)(c) the driver has in his possession a federal-state  
 11 inspection certificate issued for the load.

12 (4) A permit issued under subsection (3) may be revoked  
 13 for violating any condition of the permit.

14 61-10-128. (Effective July 1, 1991) When authorities  
 15 may restrict right to use roadway. (1) A local authority may  
 16 not alter the limitations provided in 61-10-101 through  
 17 61-10-110 or substitute other limitations or requirements,  
 18 except as provided in this section.

19 (2) The department of highways by order, or a local  
 20 road authority by ordinance or resolution, may prohibit the  
 21 operation of or impose restrictions on the weight and speed  
 22 of a vehicle traveling on a public highway under its  
 23 respective jurisdiction and for which it is responsible for  
 24 maintenance whenever the highway will be seriously damaged  
 25 or destroyed by deterioration, rain, snow, or other climatic

1 conditions, unless the use of vehicles on the highway is  
 2 prohibited or the permissible vehicle weights and speed are  
 3 reduced. The department of highways or the authority which  
 4 enacts the ordinance or resolution shall erect signs  
 5 designating the department's order or the authority's  
 6 ordinance or resolution at each end of that portion of the  
 7 highway affected, and the order or ordinance or resolution  
 8 is not effective until the signs are erected. The  
 9 department, or the authority by ordinance or resolution, may  
 10 prohibit the operation of trucks or other commercial  
 11 vehicles, or impose limitations on their weight on  
 12 designated highways. These prohibitions and limitations  
 13 shall be designated by appropriate signs placed on the  
 14 highways."

15 NEW SECTION. Section 2. Repealer. Section 4, Chapter  
 16 468, Laws of 1987, as amended by Chapter 237, Laws of 1989,  
 17 is repealed.

18 NEW SECTION. Section 3. Effective date. [This act] is  
 19 effective on passage and approval.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 27, 1991

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 37 (third reading copy -- blue), respectfully report that House Bill No. 37 be amended and as so amended be concurred in:

1. Title, line 5.

Strike: "MAKE PERMANENT"

Insert: "EXTEND FOR 2 YEARS"

2. Title, lines 10 and 11.

Following: "MCA" on line 10

Strike: "1" on line 10 through "1987" on line 11

Insert: ", AND SECTION 1, CHAPTER 237, LAWS OF 1989"

3. Page 4, lines 15 through 17.

Strike: section 2 in its entirety

Insert: "Section 2. Section 1, Chapter 237, Laws of 1989, is amended to read:

"Section 1. Section 4, Chapter 468, Laws of 1987, is amended to read:

"Section 4. Termination. This act terminates June 30, ~~1991~~ 1993.""

Signed:

  
Cecil Weeding, Chairman

JA 3-27-91  
Amd. Coord.

SB 3-27  
Sec. of Senate

2:05

SENATE  
HB 37



## 1 HOUSE BILL NO. 37

2 INTRODUCED BY DAVIS, PINSONEAULT, REA, BRUSKI, MERCER,  
3 LARSON, YELLOWTAIL, KOEHNKE, HARDING, L. NELSON

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE--PERMANENT  
6 EXTEND FOR 2 YEARS THE PROVISION THAT PREVENTS THE  
7 DEPARTMENT OF HIGHWAYS AND LOCAL AUTHORITIES FROM  
8 RESTRICTING THE OPERATION OF VEHICLES CARRYING PERISHABLE  
9 AGRICULTURAL-SEEDS SEED POTATOES ON A PUBLIC HIGHWAY IF  
10 CERTAIN CONDITIONS ARE MET; TO REQUIRE THAT A PERMIT BE  
11 OBTAINED; AMENDING SECTION 61-10-128, MCA; REPEALING-SECTION  
12 47-CHAPTER-468, LAWS-OF-1987, AND SECTION 1, CHAPTER 237,  
13 LAWS OF 1989; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

14  
15 STATEMENT OF INTENT

16 IT IS THE INTENT OF THE LEGISLATURE TO ALLOW THE  
17 DEPARTMENT OF HIGHWAYS TO REQUIRE VEHICLES TRANSPORTING  
18 PERISHABLE SEED POTATOES ON RESTRICTED ROADS TO BE ROUTED TO  
19 THE NEAREST ROAD THAT IS NOT RESTRICTED, EVEN IF THE ROUTING  
20 IS NOT THE SHORTEST ROUTE TO THE DESTINATION.

21  
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23 **SECTION 1.** SECTION 61-10-128, MCA, IS AMENDED TO READ:

24 "61-10-128. (Temporary) When authorities may restrict  
25 right to use roadway. (1) Neither the department nor a local

1 authority may alter the limitations provided in 61-10-101  
2 through 61-10-110 or substitute other limitations or  
3 requirements, except as provided in this section.

4 (2) The department of highways by order, or a local  
5 road authority by ordinance or resolution, may prohibit the  
6 operation of or impose restrictions on the weight and speed  
7 of a vehicle traveling on a public highway under its  
8 respective jurisdiction and for which it is responsible for  
9 maintenance whenever the highway will be seriously damaged  
10 or destroyed by deterioration, rain, snow, or other climatic  
11 conditions, unless the use of vehicles on the highway is  
12 prohibited or the permissible vehicle weights and speed are  
13 reduced. The department of highways or the authority which  
14 enacts the ordinance or resolution shall erect signs  
15 designating the department's order or the authority's  
16 ordinance or resolution at each end of that portion of the  
17 highway affected, and the order or ordinance or resolution  
18 is not effective until the signs are erected. The  
19 department, or the authority by ordinance or resolution, may  
20 prohibit the operation of trucks or other commercial  
21 vehicles, or impose limitations on their weight on  
22 designated highways, subject to the provisions of subsection  
23 (3). These prohibitions and limitations shall be designated  
24 by appropriate signs placed on the highways.

25 (3) Neither the department nor a local authority may

1 prohibit the operation of or impose a restriction on the  
 2 weight of a vehicle loaded with perishable agricultural  
 3 seeds seed potatoes that is traveling on a public highway  
 4 if:

5 (a) the vehicle is being operated within its legal  
 6 licensed gross vehicle weight; and

7 (b) a permit has been issued under 61-10-107(3),  
 8 regardless of the vehicle's gross weight, specifying the  
 9 route from point of loading to the nearest nonrestricted  
 10 road; and

11 ~~(b)(c)~~ the driver has in his possession a federal-state  
 12 inspection certificate issued for the load.

13 (4) A permit issued under subsection (3) may be revoked  
 14 for violating any condition of the permit.

15 61-10-128. (Effective July 1, 1991) When authorities  
 16 may restrict right to use roadway. (1) A local authority may  
 17 not alter the limitations provided in 61-10-101 through  
 18 61-10-110 or substitute other limitations or requirements,  
 19 except as provided in this section.

20 (2) The department of highways by order, or a local  
 21 road authority by ordinance or resolution, may prohibit the  
 22 operation of or impose restrictions on the weight and speed  
 23 of a vehicle traveling on a public highway under its  
 24 respective jurisdiction and for which it is responsible for  
 25 maintenance whenever the highway will be seriously damaged

1 or destroyed by deterioration, rain, snow, or other climatic  
 2 conditions, unless the use of vehicles on the highway is  
 3 prohibited or the permissible vehicle weights and speed are  
 4 reduced. The department of highways or the authority which  
 5 enacts the ordinance or resolution shall erect signs  
 6 designating the department's order or the authority's  
 7 ordinance or resolution at each end of that portion of the  
 8 highway affected, and the order or ordinance or resolution  
 9 is not effective until the signs are erected. The  
 10 department, or the authority by ordinance or resolution, may  
 11 prohibit the operation of trucks or other commercial  
 12 vehicles, or impose limitations on their weight on  
 13 designated highways. These prohibitions and limitations  
 14 shall be designated by appropriate signs placed on the  
 15 highways."

16 ~~NEW SECTION--Section 2--Repealer--Section--47--Chapter~~  
 17 ~~4687--Laws-of-1987--as-amended-by-Chapter-2377--Laws-of--19897~~  
 18 ~~is-repeated-~~

19 SECTION 2. SECTION 1, CHAPTER 237, LAWS OF 1989, IS  
 20 AMENDED TO READ:

21 "Section 1. Section 4, Chapter 468, Laws of 1987, is  
 22 amended to read:

23 "Section 4. Termination. This act terminates June 30,  
 24 ~~1991~~ 1993."

25 NEW SECTION. Section 3. Effective date. [This act] is

HB 0037/03

1 effective on passage and approval.

-End-



AN ACT TO EXTEND FOR 2 YEARS THE PROVISION THAT PREVENTS THE DEPARTMENT OF HIGHWAYS AND LOCAL AUTHORITIES FROM RESTRICTING THE OPERATION OF VEHICLES CARRYING PERISHABLE SEED POTATOES ON A PUBLIC HIGHWAY IF CERTAIN CONDITIONS ARE MET; TO REQUIRE THAT A PERMIT BE OBTAINED; AMENDING SECTION 61-10-128, MCA, AND SECTION 1, CHAPTER 237, LAWS OF 1989; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

#### STATEMENT OF INTENT

It is the intent of the legislature to allow the department of highways to require vehicles transporting perishable seed potatoes on restricted roads to be routed to the nearest road that is not restricted, even if the routing is not the shortest route to the destination.

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

Section 1. Section 61-10-128, MCA, is amended to read:

"61-10-128. (Temporary) When authorities may restrict right to use roadway. (1) Neither the department nor a local authority may alter the limitations provided in 61-10-101 through 61-10-110 or substitute other limitations or requirements, except as provided in this section.

(2) The department of highways by order, or a local road authority by ordinance or resolution, may prohibit the operation of or impose restrictions on the weight and speed of a vehicle

traveling on a public highway under its respective jurisdiction and for which it is responsible for maintenance whenever the highway will be seriously damaged or destroyed by deterioration, rain, snow, or other climatic conditions, unless the use of vehicles on the highway is prohibited or the permissible vehicle weights and speed are reduced. The department of highways or the authority which enacts the ordinance or resolution shall erect signs designating the department's order or the authority's ordinance or resolution at each end of that portion of the highway affected, and the order or ordinance or resolution is not effective until the signs are erected. The department, or the authority by ordinance or resolution, may prohibit the operation of trucks or other commercial vehicles, or impose limitations on their weight on designated highways, subject to the provisions of subsection (3). These prohibitions and limitations shall be designated by appropriate signs placed on the highways.

(3) Neither the department nor a local authority may prohibit the operation of or impose a restriction on the weight of a vehicle loaded with perishable ~~agricultural~~ seeds seed potatoes that is traveling on a public highway if:

(a) the vehicle is being operated within its legal licensed gross vehicle weight; and

(b) a permit has been issued under 61-10-107(3), regardless of the vehicle's gross weight, specifying the route from point of loading to the nearest nonrestricted road; and

†b7(c) the driver has in his possession a federal-state inspection certificate issued for the load.

(4) A permit issued under subsection (3) may be revoked for violating any condition of the permit.

61-10-128. (Effective July 1, 1991) When authorities may restrict right to use roadway. (1) A local authority may not alter the limitations provided in 61-10-101 through 61-10-110 or substitute other limitations or requirements, except as provided in this section.

(2) The department of highways by order, or a local road authority by ordinance or resolution, may prohibit the operation of or impose restrictions on the weight and speed of a vehicle traveling on a public highway under its respective jurisdiction and for which it is responsible for maintenance whenever the highway will be seriously damaged or destroyed by deterioration, rain, snow, or other climatic conditions, unless the use of vehicles on the highway is prohibited or the permissible vehicle weights and speed are reduced. The department of highways or the authority which enacts the ordinance or resolution shall erect signs designating the department's order or the authority's ordinance or resolution at each end of that portion of the highway affected, and the order or ordinance or resolution is not effective until the signs are erected. The department, or the authority by ordinance or resolution, may prohibit the operation of trucks or other commercial vehicles, or impose limitations on

their weight on designated highways. These prohibitions and limitations shall be designated by appropriate signs placed on the highways."

Section 2. Section 1, Chapter 237, Laws of 1989, is amended to read:

"Section 1. Section 4, Chapter 468, Laws of 1987, is amended to read:

"Section 4. Termination. This act terminates June 30, ~~1991~~ 1993."

Section 3. **Effective date.** [This act] is effective on passage and approval.