

HOUSE BILL NO. 62  
INTRODUCED BY STANG

IN THE HOUSE

DECEMBER 31, 1990                   INTRODUCED AND REFERRED TO COMMITTEE  
  ON HIGHWAYS & TRANSPORTATION.

JANUARY 7, 1991                    FIRST READING.

JANUARY 25, 1991                   COMMITTEE RECOMMEND BILL  
  DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 26, 1991                   PRINTING REPORT.

JANUARY 28, 1991                   SECOND READING, DO PASS.

JANUARY 29, 1991                   ENGROSSING REPORT.

JANUARY 30, 1991                   THIRD READING, PASSED.  
  AYES, 93; NOES, 5.

  TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 31, 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                      SECOND READING, CONCURRED IN.

APRIL 2, 1991                      THIRD READING, CONCURRED IN.  
  AYES, 49; NOES, 0.

  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. 62

2 INTRODUCED BY STANG

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
5 REQUIREMENT OF PARTICULAR TIRES, CHAINS, OR TRACTION  
6 EQUIPMENT ON A DESIGNATED DANGEROUS OR UNSAFE HIGHWAY; AND  
7 AMENDING SECTION 61-9-406, MCA."

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

10 Section 1. Section 61-9-406, MCA, is amended to read:

11 "61-9-406. Restrictions as to tire equipment --  
12 particular tires, chains, or traction equipment. (1) A solid  
13 rubber tire on a vehicle ~~shall~~ must have rubber on its  
14 entire traction surface at least 1 inch thick above the edge  
15 of the flange of the entire periphery.

16 (2) A person may not operate or move on a highway a  
17 motor vehicle, trailer, or semitrailer having a metal tire  
18 in contact with the roadway.

19 (3) A tire on a vehicle moved on a highway may not have  
20 on its periphery a block, stud, flange, cleat, or spike, or  
21 other protuberance of a material other than rubber which  
22 that projects beyond the tread of the traction surface of  
23 the tire, except that it is permissible to use farm  
24 machinery with tires having protuberances which that will  
25 not injure the highway. It is also permissible to use tire

1 chains of reasonable proportions or pneumatic tires, the  
2 traction surfaces of which have been embedded with material,  
3 such as wood, wire, plastic or metal, which that may not  
4 protrude more than one-sixteenth of an inch beyond the tire  
5 tread, upon a vehicle when required for safety because of  
6 snow, ice, or other conditions tending to cause a vehicle to  
7 skid. The use of pneumatic tires embedded as provided in  
8 this section is permitted only between October 1 and May 31  
9 of each year, except that one of those tires may be used for  
10 a spare in case of tire failure. School buses equipped with  
11 such embedded pneumatic tires may operate from August 15  
12 through the following June 15.

13 (4) The department of highways and local authorities in  
14 their respective jurisdictions may in their discretion issue  
15 special permits authorizing the operation upon a highway of  
16 farm tractors or other farm machinery, or of traction  
17 engines or tractors having movable tracks with transverse  
18 corrugations upon the periphery of the movable tracks, the  
19 operation of which upon the highway would otherwise be  
20 prohibited under this section.

21 (5) If the department of highways determines at any  
22 time that dangerous or unsafe conditions on a highway  
23 require particular tires, tire chains, or traction equipment  
24 in addition to or beyond the ordinary pneumatic rubber  
25 tires, the department may establish the following

1 recommendations or requirements with respect to the use of  
2 the equipment for all persons using the highway:

3 (a) chains or other approved traction devices  
4 recommended;

5 (b) chains or other approved traction devices required;

6 or

7 (c) chains required.

8 (6) Equipment required by subsection (5)(b) or (5)(c)  
9 must conform to rules established by the department of  
10 justice.

11 (7) The department of highways shall place and maintain  
12 signs and other traffic-control devices on a highway  
13 designated under subsection (5) that indicate the tire, tire  
14 chain, or traction equipment recommendation or requirement  
15 determined. The signs or traffic-control devices may not  
16 prohibit the use of pneumatic tires embedded as provided in  
17 subsection (3) between October 1 and May 31 of each year,  
18 but when the department of highways determines that chains  
19 are required and that no other traction equipment will  
20 suffice, the requirement is applicable to all tires,  
21 including embedded tires. The signs or traffic-control  
22 devices may differentiate in recommendations or requirements  
23 for four-wheel-drive vehicles in gear."

-End-

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

1 HOUSE BILL NO. 62  
 2 INTRODUCED BY STANG  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
 5 REQUIREMENT OF PARTICULAR TIRES, CHAINS, OR TRACTION  
 6 EQUIPMENT FOR TRUCKS AND TRUCK TRAILER COMBINATIONS ON A  
 7 DESIGNATED DANGEROUS OR UNSAFE HIGHWAY; AND AMENDING SECTION  
 8 61-9-406, MCA."

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

11 Section 1. Section 61-9-406, MCA, is amended to read:

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 13 particular tires, chains, or traction equipment. (1) A solid  
 14 rubber tire on a vehicle ~~shall~~ must have rubber on its  
 15 entire traction surface at least 1 inch thick above the edge  
 16 of the flange of the entire periphery.

17 (2) A person may not operate or move on a highway a  
 18 motor vehicle, trailer, or semitrailer having a metal tire  
 19 in contact with the roadway.

20 (3) A tire on a vehicle moved on a highway may not have  
 21 on its periphery a block, stud, flange, cleat, or spike, or  
 22 other protuberance of a material other than rubber which  
 23 that projects beyond the tread of the traction surface of  
 24 the tire, except that it is permissible to use farm  
 25 machinery with tires having protuberances which that will

1 not injure the highway. It is also permissible to use tire  
 2 chains of reasonable proportions or pneumatic tires, the  
 3 traction surfaces of which have been embedded with material,  
 4 such as wood, wire, plastic or metal, which that may not  
 5 protrude more than one-sixteenth of an inch beyond the tire  
 6 tread, upon a vehicle when required for safety because of  
 7 snow, ice, or other conditions tending to cause a vehicle to  
 8 skid. The use of pneumatic tires embedded as provided in  
 9 this section is permitted only between October 1 and May 31  
 10 of each year, except that one of those tires may be used for  
 11 a spare in case of tire failure. School buses equipped with  
 12 such embedded pneumatic tires may operate from August 15  
 13 through the following June 15.

14 (4) The department of highways and local authorities in  
 15 their respective jurisdictions may in their discretion issue  
 16 special permits authorizing the operation upon a highway of  
 17 farm tractors or other farm machinery, or of traction  
 18 engines or tractors having movable tracks with transverse  
 19 corrugations upon the periphery of the movable tracks, the  
 20 operation of which upon the highway would otherwise be  
 21 prohibited under this section.

22 (5) If the department of highways determines at any  
 23 time that dangerous or unsafe conditions on a highway  
 24 require particular tires, tire chains, or traction equipment  
 25 FOR TRUCKS AND TRUCK TRAILER COMBINATIONS in addition to or

**SECOND READING**



1 beyond the ordinary pneumatic rubber tires, the department  
 2 may establish the following recommendations or requirements  
 3 with respect to the use of the equipment for all persons  
 4 TRUCKS AND TRUCK TRAILER COMBINATIONS using the highway:  
 5 (a) chains or other approved traction devices  
 6 recommended FOR DRIVER WHEELS;  
 7 (b) chains or other approved traction devices required  
 8 FOR DRIVER WHEELS; or  
 9 (c) chains required FOR DRIVER WHEELS.  
 10 (6) Equipment required by subsection (5)(b) or (5)(c)  
 11 must conform to rules established by the department of  
 12 justice.  
 13 (7) The department of highways shall place and maintain  
 14 signs and other traffic-control devices on a highway  
 15 designated under subsection (5) that indicate the tire, tire  
 16 chain, or traction equipment recommendation or requirement  
 17 determined FOR TRUCKS AND TRUCK TRAILER COMBINATIONS. The  
 18 signs or traffic-control devices may not prohibit the use of  
 19 pneumatic tires embedded as provided in subsection (3)  
 20 between October 1 and May 31 of each year, but when the  
 21 department of highways determines that chains are required  
 22 and that no other traction equipment will suffice, the  
 23 requirement is applicable to all tires ON TRUCK AND TRUCK  
 24 TRAILER COMBINATION DRIVER WHEELS, including embedded tires.  
 25 ~~The signs or traffic-control devices may differentiate in~~

1 recommendations---or---requirements---for---four-wheel-drive  
 2 vehicles-in-gear."

-End-

HOUSE BILL NO. 62  
INTRODUCED BY STANG

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE REQUIREMENT OF PARTICULAR TIRES, CHAINS, OR TRACTION EQUIPMENT FOR TRUCKS AND TRUCK TRAILER COMBINATIONS ON A DESIGNATED DANGEROUS OR UNSAFE HIGHWAY; AND AMENDING SECTION 61-9-406, MCA."

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

Section 1. Section 61-9-406, MCA, is amended to read:

"61-9-406. Restrictions as to tire equipment -- particular tires, chains, or traction equipment. (1) A solid rubber tire on a vehicle shall ~~shall~~ must have rubber on its entire traction surface at least 1 inch thick above the edge of the flange of the entire periphery.

(2) A person may not operate or move on a highway a motor vehicle, trailer, or semitrailer having a metal tire in contact with the roadway.

(3) A tire on a vehicle moved on a highway may not have on its periphery a block, stud, flange, cleat, or spike, or other protuberance of a material other than rubber which that projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery with tires having protuberances which that will

not injure the highway. It is also permissible to use tire chains of reasonable proportions or pneumatic tires, the traction surfaces of which have been embedded with material, such as wood, wire, plastic or metal, which that may not protrude more than one-sixteenth of an inch beyond the tire tread, upon a vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. The use of pneumatic tires embedded as provided in this section is permitted only between October 1 and May 31 of each year, except that one of those tires may be used for a spare in case of tire failure. School buses equipped with such embedded pneumatic tires may operate from August 15 through the following June 15.

(4) The department of highways and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of farm tractors or other farm machinery, or of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks, the operation of which upon the highway would otherwise be prohibited under this section.

(5) If the department of highways determines at any time that dangerous or unsafe conditions on a highway require particular tires, tire chains, or traction equipment FOR TRUCKS AND TRUCK TRAILER COMBINATIONS in addition to or

THIRD READING



1 beyond the ordinary pneumatic rubber tires, the department  
 2 may establish the following recommendations or requirements  
 3 with respect to the use of the equipment for all persons  
 4 TRUCKS AND TRUCK TRAILER COMBINATIONS using the highway:

5 (a) chains or other approved traction devices  
 6 recommended FOR DRIVER WHEELS;

7 (b) chains or other approved traction devices required  
 8 FOR DRIVER WHEELS; or

9 (c) chains required FOR DRIVER WHEELS.

10 (6) Equipment required by subsection (5)(b) or (5)(c)  
 11 must conform to rules established by the department of  
 12 justice.

13 (7) The department of highways shall place and maintain  
 14 signs and other traffic-control devices on a highway  
 15 designated under subsection (5) that indicate the tire, tire  
 16 chain, or traction equipment recommendation or requirement  
 17 determined FOR TRUCKS AND TRUCK TRAILER COMBINATIONS. The  
 18 signs or traffic-control devices may not prohibit the use of  
 19 pneumatic tires embedded as provided in subsection (3)  
 20 between October 1 and May 31 of each year, but when the  
 21 department of highways determines that chains are required  
 22 and that no other traction equipment will suffice, the  
 23 requirement is applicable to all tires ON TRUCK AND TRUCK  
 24 TRAILER COMBINATION DRIVER WHEELS, including embedded tires.  
 25 ~~The signs or traffic-control devices may differentiate in~~

1 recommendations---or---requirements---for---four-wheel-drive  
 2 vehicles-in-gear."

-End-



SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
March 27, 1991

Page 2 of 2  
March 27, 1991

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 62 (third reading copy -- blue), respectfully report that House Bill No. 62 be amended and as so amended be concurred in:

1. Title, line 6.

Strike: "TRUCKS AND TRUCK TRAILER COMBINATIONS"

Insert: "VEHICLES"

2. Title, line 7.

Following: "HIGHWAY;"

Insert: "PROVIDING A PENALTY;"

3. Page 1, line 10.

Following: line 9

Insert: "

STATEMENT OF INTENT

A statement of intent is necessary for this bill because it amends 61-9-406 by adding subsection (5) that allows the department of highways to recommend or require the use of chains or other approved traction devices under certain conditions in conformance with rules authorized in subsection (6) to be established by the department of justice. It is the intent of the legislature that the recommendations or requirements of the department of highways or the rules established by the department of justice not require the installation of chains or approved traction devices on the driver wheels of more than one axle of a vehicle."

4. Page 2, line 6.

Following: "tread"

Insert: "or that are clearly marked by the manufacturer on the sidewall "all season m&s" (or "all season mud and snow")"

5. Page 2, line 25.

Page 3, line 4.

Page 3, line 17.

Strike: "TRUCKS AND TRUCK TRAILER COMBINATIONS"

Insert: "vehicles"

6. Page 3, line 23.

Strike: "all"

7. Page 3, lines 23 and 24.

Strike: "TRUCK AND TRUCK TRAILER COMBINATION"

8. Page 3, line 24.

Following: "WHEELS"

Insert: "of one axle of a vehicle"

9. Page 4, line 2.

Following: "gear"

Insert: "The signs or traffic-control devices may differentiate in recommendations or requirements for four-wheel-drive vehicles in gear."

10. Page 4, line 3.

Following: line 2

Insert: "NEW SECTION. Section 2. Penalty. (1) A person violating the provisions of 61-9-406(5) through (7) is guilty of the nonmoving offense of failure to use chains or approved traction devices when required and upon conviction shall be punished by a fine of \$25, and no jail sentence may be imposed. Bond for this offense shall be \$25.

(2) A violation of 61-9-406(5) through (7) is not a misdemeanor subject to 45-2-101, 61-9-511, 61-9-512, or 61-9-519.

NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 61, chapter 9, part 5, and the provisions of Title 61, chapter 9, part 5, apply to [section 2]."

Signed: Cecil Weeding  
Cecil Weeding, Chairman

3-27-91  
Asst. Coord.

8P 3-27  
Sec. of Senate

10:15

1 HOUSE BILL NO. 62  
2 INTRODUCED BY STANG

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
5 REQUIREMENT OF PARTICULAR TIRES, CHAINS, OR TRACTION  
6 EQUIPMENT FOR ~~TRUCKS-AND-TRUCK-TRAILER-COMBINATIONS~~ VEHICLES  
7 ON A DESIGNATED DANGEROUS OR UNSAFE HIGHWAY; PROVIDING A  
8 PENALTY; AND AMENDING SECTION 61-9-406, MCA."

9  
10 STATEMENT OF INTENT

11 A STATEMENT OF INTENT IS NECESSARY FOR THIS BILL BECAUSE  
12 IT AMENDS 61-9-406 BY ADDING SUBSECTION (5) THAT ALLOWS THE  
13 DEPARTMENT OF HIGHWAYS TO RECOMMEND OR REQUIRE THE USE OF  
14 CHAINS OR OTHER APPROVED TRACTION DEVICES UNDER CERTAIN  
15 CONDITIONS IN CONFORMANCE WITH RULES AUTHORIZED IN  
16 SUBSECTION (6) TO BE ESTABLISHED BY THE DEPARTMENT OF  
17 JUSTICE. IT IS THE INTENT OF THE LEGISLATURE THAT THE  
18 RECOMMENDATIONS OR REQUIREMENTS OF THE DEPARTMENT OF  
19 HIGHWAYS OR THE RULES ESTABLISHED BY THE DEPARTMENT OF  
20 JUSTICE NOT REQUIRE THE INSTALLATION OF CHAINS OR APPROVED  
21 TRACTION DEVICES ON THE DRIVER WHEELS OF MORE THAN ONE AXLE  
22 OF A VEHICLE.

23  
24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

25 **Section 1.** Section 61-9-406, MCA, is amended to read:

1 **"61-9-406. Restrictions as to tire equipment --**  
2 **particular tires, chains, or traction equipment.** (1) A solid  
3 rubber tire on a vehicle ~~shall~~ must have rubber on its  
4 entire traction surface at least 1 inch thick above the edge  
5 of the flange of the entire periphery.

6 (2) A person may not operate or move on a highway a  
7 motor vehicle, trailer, or semitrailer having a metal tire  
8 in contact with the roadway.

9 (3) A tire on a vehicle moved on a highway may not have  
10 on its periphery a block, stud, flange, cleat, or spike, or  
11 other protuberance of a material other than rubber ~~which~~  
12 that projects beyond the tread of the traction surface of  
13 the tire, except that it is permissible to use farm  
14 machinery with tires having protuberances ~~which~~ that will  
15 not injure the highway. It is also permissible to use tire  
16 chains of reasonable proportions or pneumatic tires, the  
17 traction surfaces of which have been embedded with material,  
18 such as wood, wire, plastic or metal, ~~which~~ that may not  
19 protrude more than one-sixteenth of an inch beyond the tire  
20 tread OR THAT ARE CLEARLY MARKED BY THE MANUFACTURER ON THE  
21 SIDEWALL "ALL SEASON M&S" (OR "ALL SEASON MUD AND SNOW"),  
22 upon a vehicle when required for safety because of snow,  
23 ice, or other conditions tending to cause a vehicle to skid.  
24 The use of pneumatic tires embedded as provided in this  
25 section is permitted only between October 1 and May 31 of

1 each year, except that one of those tires may be used for a  
 2 spare in case of tire failure. School buses equipped with  
 3 such embedded pneumatic tires may operate from August 15  
 4 through the following June 15.

5 (4) The department of highways and local authorities in  
 6 their respective jurisdictions may in their discretion issue  
 7 special permits authorizing the operation upon a highway of  
 8 farm tractors or other farm machinery, or of traction  
 9 engines or tractors having movable tracks with transverse  
 10 corrugations upon the periphery of the movable tracks, the  
 11 operation of which upon the highway would otherwise be  
 12 prohibited under this section.

13 (5) If the department of highways determines at any  
 14 time that dangerous or unsafe conditions on a highway  
 15 require particular tires, tire chains, or traction equipment  
 16 FOR TRUCKS--AND--TRUCK--TRAILER--COMBINATIONS VEHICLES in  
 17 addition to or beyond the ordinary pneumatic rubber tires,  
 18 the department may establish the following recommendations  
 19 or requirements with respect to the use of the equipment for  
 20 all persons TRUCKS-AND-TRUCK-TRAILER--COMBINATIONS VEHICLES  
 21 using the highway:

22 (a) chains or other approved traction devices  
 23 recommended FOR DRIVER WHEELS;

24 (b) chains or other approved traction devices required  
 25 FOR DRIVER WHEELS; or

1 (c) chains required FOR DRIVER WHEELS.

2 (6) Equipment required by subsection (5)(b) or (5)(c)  
 3 must conform to rules established by the department of  
 4 justice.

5 (7) The department of highways shall place and maintain  
 6 signs and other traffic-control devices on a highway  
 7 designated under subsection (5) that indicate the tire, tire  
 8 chain, or traction equipment recommendation or requirement  
 9 determined FOR TRUCKS--AND--TRUCK--TRAILER--COMBINATIONS  
 10 VEHICLES. The signs or traffic-control devices may not  
 11 prohibit the use of pneumatic tires embedded as provided in  
 12 subsection (3) between October 1 and May 31 of each year,  
 13 but when the department of highways determines that chains  
 14 are required and that no other traction equipment will  
 15 suffice, the requirement is applicable to all tires ON TRUCK  
 16 AND-TRUCK-TRAILER-COMBINATION DRIVER WHEELS OF ONE AXLE OF A  
 17 VEHICLE, including embedded tires. The---signs---or  
 18 traffic-control-devices-may-differentiate-in-recommendations  
 19 or-requirements--for-four-wheel-drive-vehicles-in-gear. THE  
 20 SIGNS OR TRAFFIC-CONTROL DEVICES MAY DIFFERENTIATE IN  
 21 RECOMMENDATIONS OR REQUIREMENTS FOR FOUR-WHEEL-DRIVE  
 22 VEHICLES IN GEAR."

23 NEW SECTION. SECTION 2. PENALTY. (1) A PERSON  
 24 VIOLATING THE PROVISIONS OF 61-9-406(5) THROUGH (7) IS  
 25 GUILTY OF THE NONMOVING OFFENSE OF FAILURE TO USE CHAINS OR

1 APPROVED TRACTION DEVICES WHEN REQUIRED AND UPON CONVICTION  
2 SHALL BE PUNISHED BY A FINE OF \$25, AND NO JAIL SENTENCE MAY  
3 BE IMPOSED. BOND FOR THIS OFFENSE SHALL BE \$25.  
4 (2) A VIOLATION OF 61-9-406(5) THROUGH (7) IS NOT A  
5 MISDEMEANOR SUBJECT TO 45-2-101, 61-9-511, 61-9-512, OR  
6 61-9-519.  
7 NEW SECTION. SECTION 3. CODIFICATION INSTRUCTION.  
8 [SECTION 2] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART  
9 OF TITLE 61, CHAPTER 9, PART 5, AND THE PROVISIONS OF TITLE  
10 61, CHAPTER 9, PART 5, APPLY TO [SECTION 2].

-End-