

HOUSE BILL NO. 83

INTRODUCED BY STANG  
BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

IN THE HOUSE

JANUARY 3, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON HIGHWAYS & TRANSPORTATION.

JANUARY 7, 1991                   FIRST READING.

FEBRUARY 6, 1991                  COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 7, 1991                  PRINTING REPORT.

FEBRUARY 8, 1991                  SECOND READING, DO PASS.

FEBRUARY 9, 1991                  ENGROSSING REPORT.

FEBRUARY 11, 1991                 THIRD READING, PASSED.  
AYES, 95; NOES, 5.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 12, 1991                 INTRODUCED AND REFERRED TO COMMITTEE  
ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

MARCH 13, 1991                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 15, 1991                    SECOND READING, CONCURRED IN.

MARCH 16, 1991                    THIRD READING, CONCURRED IN.  
AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 18, 1991                    RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 83  
 2 INTRODUCED BY STANG  
 3 BY REQUEST OF THE DEPARTMENT OF HIGHWAYS  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
 6 TELEPHONIC ISSUANCE OF PERMITS FOR EXCESS SIZE AND WEIGHT;  
 7 AND AMENDING SECTION 61-10-121, MCA."  
 8

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

10 Section 1. Section 61-10-121, MCA, is amended to read:

11 \*61-10-121. Permits for excess size and weight. (1) The  
 12 Upon application and with good cause shown, the department  
 13 of highways and local authorities in their respective  
 14 jurisdictions may ~~in their discretion, upon application in~~  
 15 ~~writing and with good cause shown,~~ issue telephonically or  
 16 in writing a special permit ~~in writing~~ authorizing the  
 17 applicant to operate or move a vehicle, combination of  
 18 vehicles, load, object, or other thing of a size or weight  
 19 exceeding the maximum specified in 61-10-101 through  
 20 61-10-110 upon a highway under the jurisdiction of and for  
 21 the maintenance of which the body granting the permit is  
 22 responsible. However, only the department ~~has the discretion~~  
 23 ~~to~~ may issue permits for movement of a vehicle or  
 24 combination of vehicles carrying built-up or reducible loads  
 25 in excess of 9 feet in width or exceeding the length,

1 height, or weight specified in 61-10-101 through 61-10-110.  
 2 This permit ~~shall~~ must be issued in the public interest. A  
 3 carrier receiving this permit must have public liability and  
 4 property damage insurance for the protection of the  
 5 traveling public as a whole. A permit may not be issued for  
 6 a period ~~of time~~ greater than the period for which the GVW  
 7 license is valid ~~as provided in this title,~~ including grace  
 8 periods, ~~attowed--by~~ as provided in this title. Owners of  
 9 vehicles licensed in other jurisdictions may, at the  
 10 discretion of the department, purchase permits to expire  
 11 with their registration. A license required by the state  
 12 governs the issuance of a special permit. The department may  
 13 issue ~~oversize permits~~ to dealers in implements of husbandry  
 14 and self-propelled machinery oversize permits, which may be  
 15 transferred from unit to unit by the dealer, for the fee set  
 16 forth in 61-10-124. These oversize permits may not restrict  
 17 dealers in implements of husbandry and self-propelled  
 18 machinery from traveling on a Saturday or Sunday--~~These~~  
 19 ~~oversize--permits~~ and expire on December 31 of each year,  
 20 with no grace period. For the purposes of this section, a  
 21 dealer in implements of husbandry or self-propelled  
 22 machinery must be a resident of the state. A post-office box  
 23 number is not a permanent address under this section.

24 (2) The applicant for a special permit shall  
 25 specifically describe the powered vehicle or towing vehicle



HB 0083/04

1 and generally describe the type of vehicle, combination of  
2 vehicles, load, object, or other thing to be operated or  
3 moved and the particular state highways over which the  
4 vehicle, combination of vehicles, load, object, or other  
5 thing is to be moved and whether the permit is required for  
6 a single trip or for continuous operation."

-End-

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

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 7 AND AMENDING SECTION 61-10-121, MCA."

STATEMENT OF INTENT

10 THE HOUSE COMMITTEE ON HIGHWAYS AND TRANSPORTATION HAS  
 11 DETERMINED THAT A STATEMENT OF INTENT IS NECESSARY FOR THIS  
 12 BILL. IT IS THE INTENT OF THE LEGISLATURE TO PROVIDE THE  
 13 DEPARTMENT OF HIGHWAYS THE MEANS TO FACILITATE THE SECURING  
 14 OF OVERSIZE PERMITS BY THE MOTOR CARRIER INDUSTRY. TO THAT  
 15 END, THE DEPARTMENT SHOULD ISSUE PERMITS TELEPHONICALLY  
 16 REGARDLESS OF WHETHER THE WEIGH STATIONS ARE EQUIPPED WITH  
 17 COMPUTERS.

18  
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20 **Section 1.** Section 61-10-121, MCA, is amended to read:

21 "61-10-121. **Permits for excess size and weight.** (1) The  
 22 Upon application and with good cause shown, the department  
 23 of highways and local authorities in their respective  
 24 jurisdictions may in-their-discretion, upon--application--in  
 25 writing--and--with-good-cause-shown, issue telephonically or

1 in writing a special permit in--writing authorizing the  
 2 applicant to operate or move a vehicle, combination of  
 3 vehicles, load, object, or other thing of a size or weight  
 4 exceeding the maximum specified in 61-10-101 through  
 5 61-10-110 upon a highway under the jurisdiction of and for  
 6 the maintenance of which the body granting the permit is  
 7 responsible. However, only the department ~~has-the-discretion~~  
 8 to may issue permits for movement of a vehicle or  
 9 combination of vehicles carrying built-up or reducible loads  
 10 in excess of 9 feet in width or exceeding the length,  
 11 height, or weight specified in 61-10-101 through 61-10-110.  
 12 This permit ~~shall~~ must be issued in the public interest. A  
 13 carrier receiving this permit must have public liability and  
 14 property damage insurance for the protection of the  
 15 traveling public as a whole. A permit may not be issued for  
 16 a period ~~of-time~~ greater than the period for which the GVW  
 17 license is valid ~~as-provided-in-this-title~~, including grace  
 18 periods, ~~attowed-by~~ as provided in this title. Owners of  
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 20 discretion of the department, purchase permits to expire  
 21 with their registration. A license required by the state  
 22 governs the issuance of a special permit. The department may  
 23 issue ~~oversize-permits~~ to dealers in implements of husbandry  
 24 and self-propelled machinery oversize permits, which may be  
 25 transferred from unit to unit by the dealer, for the fee set



HB 0083/02

1 forth in 61-10-124. These oversize permits may not restrict  
2 dealers in implements of husbandry and self-propelled  
3 machinery from traveling on a Saturday or Sunday. ~~These~~  
4 ~~oversize-permits~~ and expire on December 31 of each year,  
5 with no grace period. For the purposes of this section, a  
6 dealer in implements of husbandry or self-propelled  
7 machinery must be a resident of the state. A post-office box  
8 number is not a permanent address under this section.

9 (2) The applicant for a special permit shall  
10 specifically describe the powered vehicle or towing vehicle  
11 and generally describe the type of vehicle, combination of  
12 vehicles, load, object, or other thing to be operated or  
13 moved and the particular state highways over which the  
14 vehicle, combination of vehicles, load, object, or other  
15 thing is to be moved and whether the permit is required for  
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