

HOUSE BILL NO. 597

INTRODUCED BY GALVIN, HARPER, KENNEDY, WYATT, KILPATRICK,
DAVIS, SCHYE, R. JOHNSON, RUSSELL, DOWELL, SOUTHWORTH,
PAVLOVICH, QUILICI, DRISCOLL, LARSON, BACHINI, PECK,
PIPINICH, T. NELSON, THOMAS

IN THE HOUSE

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

FEBRUARY 5, 1991 FIRST READING.

FEBRUARY 22, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 23, 1991 PRINTING REPORT.

 SECOND READING, DO PASS.

FEBRUARY 25, 1991 ENGROSSING REPORT.

FEBRUARY 26, 1991 THIRD READING, PASSED.
AYES, 80; NOES, 16.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 27, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HIGHWAYS & TRANSPORTATION.

 FIRST READING.

APRIL 23, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

APRIL 24, 1991 SECOND READING, CONCURRED IN.

APRIL 25, 1991 THIRD READING, CONCURRED IN.
AYES, 43; NOES, 6.

 RETURNED TO HOUSE.

IN THE HOUSE

APRIL 25, 1991 RECEIVED FROM SENATE.

 SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 597
 2 INTRODUCED BY Salvo Hayes Kennedy
 3 Wright
 4 Adriano Davis DeLoach Johnson Russell Swartz
 5 A BILL FOR AN ACT ENTITLED, "AN ACT REQUIRING RECREATIONAL
 6 VEHICLES AND VANS TO BE EQUIPPED WITH MUD FLAPS; AND
 7 AMENDING SECTION 61-9-407, MCA." Carlson Johnson Swartz Thoms Wright Hayes Kennedy Johnson Russell Swartz Thoms

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

9 Section 1. Section 61-9-407, MCA, is amended to read:

10 "61-9-407. Fenders, splash aprons, or flaps required on
 11 certain vehicles -- dimension and location. (1) ~~It shall be~~
 12 ~~unlawful for any~~ A person to may not move, or permit to be
 13 moved, any recreational vehicle, van, truck, bus, truck
 14 tractor, trailer, pole trailer, or semitrailer, as defined
 15 in this title, upon the public highways without having first
 16 equipped the rearmost wheels or set of wheels of such the
 17 vehicle with fenders, splash aprons, or flaps. Such The
 18 fenders, splash aprons, or flaps shall must be designed,
 19 constructed, and attached to the vehicle in such a manner so
 20 ~~as to arrest~~ that arrests and deflect deflects dirt, mud,
 21 water, rocks, and other substances which that may be picked
 22 up by the rear wheels of such the vehicle and thrown into
 23 the air, as follows:

24 (a) If the vehicle is equipped with fenders, the ~~same~~
25 ~~shall~~ fenders must extend in full width from a point above

1 and forward of the center of the tire or tires over and to
2 the rear thereof of the tires.

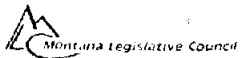
3 (b) If the vehicle is equipped with splash aprons or
 4 flaps, ~~the same shall~~ the splash aprons or flaps must extend
 5 downward in full width from a point not lower than halfway
 6 between the center of the tire or tires and the top of said
 7 the tire or tires and to the rear thereof of the tires.

8 (c) If the vehicle is in excess of 8,000 pounds gross
 9 vehicle weight, such the fenders, splash aprons, or flaps
 10 ~~shall must~~ extend downward to a point that is not more than
 11 10 inches above the surface of the highway when the vehicle
 12 is empty.

13 (d) If the vehicle is 8,000 pounds or less gross
 14 vehicle weight, such the fenders, splash aprons, or flaps
 15 ~~shall must~~ extend downward to a point that is not more than
 16 20 inches above the surface of the highway when the vehicle
 17 is empty.

18 (2) Fenders, splash aprons, or flaps, as used in
 19 subsection (1) ~~of this section,~~ shall be deemed are
 20 considered to be of sufficient size and construction as to
 21 comply with the requirements thereof of this section, if
 22 constructed as follows:

23 (a) when measured on the cross-sections of the tread of
 24 the wheel or on the combined cross-sections of the treads of
 25 multiple wheels, such the fender, splash apron, or flap



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HB 597

1 extends at least to each side of the width of the tire or of
2 the combined width of the multiple tires, as the case may
3 be; and

4 (b) ~~such~~ the fender, splash apron, or flap is so
5 constructed ~~as-to-be~~ that it is capable at all times of
6 arresting and deflecting ~~such~~ dirt, mud, water, or other
7 substance ~~as~~ that may be picked up and carried by ~~such~~ the
8 wheel or wheels."

9 NEW SECTION. Section 2. Van. "Van" means a motor
10 vehicle designed for the transportation of at least six
11 persons and not more than nine persons and intended for bus
12 not limited to family or personal transportation without
13 compensation.

14 NEW SECTION. Section 3. Codification instruction.
15 [Section 2] is intended to be codified as an integral part
16 of Title 61, chapter 1, part 1, and the provisions of Title
17 61, chapter 1, part 1, apply to [section 2].

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

1 HOUSE BILL NO. 597
 2 INTRODUCED BY Salvin Hayes Kennedy
 3 Weyell
 4 Robert D. Brown John R. Russell David
 5 to the bill Carlton John James
 6 Barkins Paul Bob James
 7 Thomas
 A BILL FOR AN ACT ENTITLED "AN ACT REQUIRING RECREATIONAL
 VEHICLES AND VANS TO BE EQUIPPED WITH MUD FLAPS; AND
 AMENDING SECTION 61-9-407, MCA." Bob James

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 11 certain vehicles -- dimension and location. (1) It shall be
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 13 moved, any recreational vehicle, van, truck, bus, truck
 14 tractor, trailer, pole trailer, or semitrailer, as defined
 15 in this title, upon the public highways without having first
 16 equipped the rearmost wheels or set of wheels of such the
 17 vehicle with fenders, splash aprons, or flaps. Such The
 18 fenders, splash aprons, or flaps shall must be designed,
 19 constructed, and attached to the vehicle in such a manner so
 20 as to arrest that arrests and deflect deflects dirt, mud,
 21 water, rocks, and other substances which that may be picked
 22 up by the rear wheels of such the vehicle and thrown into
 23 the air, as follows:

24 (a) If the vehicle is equipped with fenders, the same
25 shall fenders must extend in full width from a point above

1 and forward of the center of the tire or tires over and to
2 the rear thereof of the tires.

3 (b) If the vehicle is equipped with splash aprons or
4 flaps, the same shall the splash aprons or flaps must extend
5 downward in full width from a point not lower than halfway
6 between the center of the tire or tires and the top of said
7 the tire or tires and to the rear thereof of the tires.

8 (c) If the vehicle is in excess of 8,000 pounds gross
9 vehicle weight, such the fenders, splash aprons, or flaps
10 shall must extend downward to a point that is not more than
11 10 inches above the surface of the highway when the vehicle
12 is empty.

13 (d) If the vehicle is 8,000 pounds or less gross
14 vehicle weight, such the fenders, splash aprons, or flaps
15 shall must extend downward to a point that is not more than
16 20 inches above the surface of the highway when the vehicle
17 is empty.

18 (2) Fenders, splash aprons, or flaps, as used in
19 subsection (1) of this section, shall be deemed are
20 considered to be of sufficient size and construction as to
21 comply with the requirements thereof of this section, if
22 constructed as follows:

23 (a) when measured on the cross-sections of the tread of
24 the wheel or on the combined cross-sections of the treads of
25 multiple wheels, such the fender, splash apron, or flap



1 extends at least to each side of the width of the tire or of
2 the combined width of the multiple tires, as the case may
3 be; and

4 (b) ~~such~~ the fender, splash apron, or flap is so
5 constructed ~~as-to-be~~ that it is capable at all times of
6 arresting and deflecting ~~such~~ dirt, mud, water, or other
7 substance ~~as~~ that may be picked up and carried by ~~such~~ the
8 wheel or wheels."

9 NEW SECTION. Section 2. Van. "Van" means a motor
10 vehicle designed for the transportation of at least six
11 persons and not more than nine persons and intended for but
12 not limited to family or personal transportation without
13 compensation.

14 NEW SECTION. Section 3. Codification instruction.
15 [Section 2] is intended to be codified as an integral part
16 of Title 61, chapter 1, part 1, and the provisions of Title
17 61, chapter 1, part 1, apply to [section 2].

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HOUSE BILL NO. 597

INTRODUCED BY Galvin, Hagan, Kennedy

Wright
Appointed *Drone* *Lehman* *Russell* *Daniel*
A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING RECREATIONAL
with all
VEHICLES AND VANS TO BE EQUIPPED WITH MUD FLAPS; AND *James*
Bob Spence
AMENDING SECTION 61-9-407, MCA." *Bob Spence* *Tom Nelson*
Thom

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Section 1. Section 61-9-407, MCA, is amended to read:

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(a) If the vehicle is equipped with fenders, the ~~same~~ shall fenders must extend in full width from a point above

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and forward of the center of the tire or tires over and to the rear thereof of the tires.

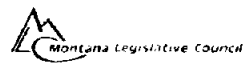
(b) If the vehicle is equipped with splash aprons or flaps, ~~the same shall~~ the splash aprons or flaps must extend downward in full width from a point not lower than halfway between the center of the tire or tires and the top of ~~said~~ the tire or tires and to the rear thereof of the tires.

(c) If the vehicle is in excess of 8,000 pounds gross vehicle weight, such the fenders, splash aprons, or flaps shall must extend downward to a point that is not more than 10 inches above the surface of the highway when the vehicle is empty.

(d) If the vehicle is 8,000 pounds or less gross vehicle weight, such the fenders, splash aprons, or flaps shall must extend downward to a point that is not more than 20 inches above the surface of the highway when the vehicle is empty.

(2) Fenders, splash aprons, or flaps, as used in subsection (1) ~~of this section~~, ~~shall be deemed~~ are considered to be of sufficient size and construction as to comply with the requirements thereof of this section, if constructed as follows:

(a) when measured on the cross-sections of the tread of the wheel or on the combined cross-sections of the treads of multiple wheels, such the fender, splash apron, or flap



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THIRD READING
HB 597

LC 1394/01

1 extends at least to each side of the width of the tire or of
2 the combined width of the multiple tires, as the case may
3 be; and

4 (b) ~~such~~ the fender, splash apron, or flap is so
5 constructed ~~as-to-be~~ that it is capable at all times of
6 arresting and deflecting ~~such~~ dirt, mud, water, or other
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 19 **equipped the rearmost wheels or set of wheels of such the**
 20 **vehicle with fenders, splash aprons, or flaps. Such The**
 21 **fenders, splash aprons, or flaps shall must be designed,**
 22 **constructed, and attached to the vehicle in such a manner so**
 23 **as to arrest that arrests and deflect deflects dirt, mud,**
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 7 flaps, ~~the same shall~~ the splash aprons or flaps must extend
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 12 vehicle weight, ~~such the~~ fenders, splash aprons, or flaps
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 14 10 inches above the surface of the highway when the vehicle
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16 (d) If the vehicle is 8,000 pounds or less gross
 17 vehicle weight, ~~such the~~ fenders, splash aprons, or flaps
 18 ~~shall must~~ extend downward to a point that is not more than
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 22 subsection (1) ~~of this section, shall be deemed are~~
 23 considered to be of sufficient size and construction as to
 24 comply with the requirements ~~thereof~~ of this section, if
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2 the wheel or on the combined cross-sections of the treads of
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