

HOUSE BILL NO. 732  
INTRODUCED BY COHEN

IN THE HOUSE

FEBRUARY 9, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
  ON NATURAL RESOURCES.

FEBRUARY 11, 1991                   FIRST READING.

FEBRUARY 21, 1991                   COMMITTEE RECOMMEND BILL  
  DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 22, 1991                   PRINTING REPORT.

MARCH 7, 1991                        SECOND READING, DO PASS.

  SECOND READING, SEGREGATED FROM  
  COMMITTEE OF THE WHOLE REPORT AND  
  RETURNED TO SECOND READING.

MARCH 9, 1991                        SECOND READING, DO PASS AS AMENDED.

MARCH 11, 1991                        ENGROSSING REPORT.

MARCH 12, 1991                        THIRD READING, PASSED.  
  AYES, 72; NOES, 27.

  TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 13, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
  ON HIGHWAYS & TRANSPORTATION.

  FIRST READING.

MARCH 20, 1991                   COMMITTEE RECOMMEND BILL BE  
  CONCURRED IN. REPORT ADOPTED.

MARCH 23, 1991                   SECOND READING, CONCURRED IN.

MARCH 25, 1991                   THIRD READING, CONCURRED IN.  
  AYES, 44; NOES, 4.

  RETURNED TO HOUSE.

IN THE HOUSE

MARCH 25, 1991                   RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 732  
2 INTRODUCED BY \_\_\_\_\_  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SECURED LOADS  
5 ON VEHICLES; INCREASING THE PENALTY FOR ILLEGAL DUMPING;  
6 DEDICATING FINES COLLECTED TO A COUNTY ACCOUNT TO FUND  
7 PROSECUTIONS OF VIOLATIONS; AND AMENDING SECTION 75-10-233,  
8 MCA."  
9

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

11 NEW SECTION. Section 1. Securing of load --  
12 requirement. A person operating a loaded vehicle on a public  
13 highway shall attach, cover, or otherwise secure the load  
14 sufficiently to prevent any material from littering or  
15 creating an obstruction dangerous to the public traveling on  
16 the highway.

17 **Section 2.** Section 75-10-233, MCA, is amended to read:

18 "75-10-233. Dumping penalty -- enforcement. (1) Any A  
19 person found-guilty convicted of a violation of 75-10-212(2)  
20 shall be fined not less than \$50 or more than in-the-sum-not  
21 exceeding--\$100 \$500. For a second conviction within 1 year,  
22 the person shall be fined not less than \$100 or more than  
23 \$500. For a third conviction within 1 year, the person shall  
24 be fined \$500 or imprisoned in the county jail for a period  
25 not exceeding 30 days or be punished by both such fine and

1 imprisonment, in the discretion of the court.

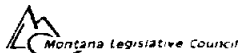
2 (2) The provisions of 75-10-212(2) shall be enforced by  
3 all highway patrol officers, sheriffs, policemen, and all  
4 other enforcement agencies and officers of the state of  
5 Montana. In addition, game wardens shall have the right to  
6 enforce the provisions of 75-10-212(2) on public  
7 recreational property and on private property where public  
8 recreation is permitted.

9 (3) Violations of this section must be prosecuted by  
10 the county attorney.

11 (4) Money collected under this section, to a maximum of  
12 \$5,000 per year, must be deposited in a county account for  
13 funding prosecutions by the county attorney under this  
14 section. Whenever the amount of money in a county account  
15 exceeds \$5,000, all fines must be deposited in the state  
16 general fund."

17 NEW SECTION. Section 3. Codification instruction.  
18 [Section 1] is intended to be codified as an integral part  
19 of Title 61, chapter 8, part 3, and the provisions of Title  
20 61, chapter 8, part 3, apply to [section 1].

-End-



STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0732, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill to require secured loads on vehicles; increasing the penalty for illegal dumping; and dedicating fines collected to a county account to fund prosecutions of violations.

ASSUMPTIONS:


1. In FY90, 33 summons were issued by the Highway Patrol. The number of summons that will be issued in FY92 and FY93 is subject to considerable variation. The amount of collections is variable due to judicial discretion to suspend or reduce fines.
2. A minor increase in collections is likely but is inestimable. Deposits to the general fund in the event that collections in a county account exceed \$5,000 are unlikely.
3. Increases in workload associated with prosecutions for county attorneys is expected to be negligible.

FISCAL IMPACT:

None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Fines collected would be deposited to a county account to defray costs of prosecutions by the county attorney.

  
\_\_\_\_\_  
ROD SUNDSTED, BUDGET DIRECTOR  
Office of Budget and Program Planning

2-14-91  
DATE

  
\_\_\_\_\_  
BEN COHEN, PRIMARY SPONSOR

DATE

Fiscal Note for HB0732, as introduced.

HB 732

APPROVED BY COMM. ON NATURAL RESOURCES

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SECURED LOADS  
5 ON VEHICLES; ~~INCREASING THE PENALTY FOR ILLEGAL DUMPING;~~  
6 ~~DEFINING FINES COLLECTED TO A COUNTY ACCOUNT TO FUND~~  
7 ~~PROSECUTIONS OF VIOLATIONS; AND AMENDING SECTION 75-10-233,~~  
8 ~~MEA.~~"  
9

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

11 NEW SECTION. Section 1. Securing of load --  
12 requirement. A person operating a loaded vehicle, EXCEPT A  
13 COMMERCIAL MOTOR VEHICLE OR A VEHICLE TRANSPORTING  
14 UNPROCESSED AGRICULTURAL PRODUCTS, on a public highway shall  
15 attach, cover, or otherwise secure the load sufficiently to  
16 prevent any material from littering or creating an  
17 obstruction dangerous to the public traveling on the  
18 highway.

19 ~~Section 2. Section 75-10-233, MEA, is amended to read:~~  
20 ~~"75-10-233. Dumping--penalty----enforcement: (1) Any A~~  
21 ~~person found guilty convicted of a violation of 75-10-212(2)~~  
22 ~~shall be fined not less than \$50 or more than in the sum not~~  
23 ~~exceeding \$100 \$500. For a second conviction within 1 year~~  
24 ~~the person shall be fined not less than \$100 or more than~~  
25 ~~\$500. For a third conviction within 1 year, the person shall~~

1 ~~be fined \$500 or imprisoned in the county jail for a period~~  
2 ~~not exceeding 30 days or be punished by both such fine and~~  
3 ~~imprisonment, in the discretion of the court.~~

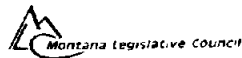
4 ~~(2) The provisions of 75-10-212(2) shall be enforced by~~  
5 ~~all highway patrol officers, sheriffs, policemen, and all~~  
6 ~~other enforcement agencies and officers of the state of~~  
7 ~~Montana; in addition, game wardens shall have the right to~~  
8 ~~enforce the provisions of 75-10-212(2) on public~~  
9 ~~recreational property and on private property where public~~  
10 ~~recreation is permitted.~~

11 ~~(3) Violations of this section must be prosecuted by~~  
12 ~~the county attorney.~~

13 ~~(4) Money collected under this section, to a maximum of~~  
14 ~~\$5,000 per year, must be deposited in a county account for~~  
15 ~~funding prosecutions by the county attorney under this~~  
16 ~~section. Whenever the amount of money in a county account~~  
17 ~~exceeds \$5,000, all fines must be deposited in the state~~  
18 ~~general fund."~~

19 NEW SECTION. Section 2. Codification instruction.  
20 [Section 1] is intended to be codified as an integral part  
21 of Title 61, chapter 8, part 3, and the provisions of Title  
22 61, chapter 8, part 3, apply to [section 1].

-End-



HOUSE BILL NO. 732  
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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SECURED LOADS ON VEHICLES; INCREASING THE PENALTY FOR ILLEGAL DUMPING; DEDICATING FINES COLLECTED TO A COUNTY ACCOUNT TO FUND PROSECUTIONS OF VIOLATIONS; AND AMENDING SECTION 75-10-233, MCA."

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

NEW SECTION. Section 1. Securing of load -- requirement. A person operating a loaded vehicle ON A PUBLIC HIGHWAY FOR THE PURPOSE OF TRANSPORTING SOLID WASTE AS DEFINED IN 75-10-203, EXCEPT A COMMERCIAL MOTOR VEHICLE OR A VEHICLE TRANSPORTING UNPROCESSED AGRICULTURAL PRODUCTS, on a public highway shall attach, cover, or otherwise secure the load sufficiently to prevent any material from littering or creating an obstruction dangerous to the public traveling on the highway.

Section 2. Section 75-10-233, MCA is amended to read:

"75-10-233. Dumping--penalty----enforcement: (1) Any A person found guilty convicted of a violation of 75-10-212(2) shall be fined not less than \$50 or more than in the sum not exceeding \$100 \$500. For a second conviction within a year, the person shall be fined not less than \$100 or more than

\$500. For a third conviction within a year, the person shall be fined \$500 or imprisoned in the county jail for a period not exceeding 30 days or be punished by both such fine and imprisonment in the discretion of the court.

(2) The provisions of 75-10-212(2) shall be enforced by all highway patrol officers, sheriffs, policemen, and all other enforcement agencies and officers of the state of Montana, in addition, game wardens shall have the right to enforce the provisions of 75-10-212(2) on public recreational property and on private property where public recreation is permitted.

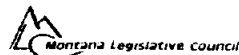
(3) Violations of this section must be prosecuted by the county attorney.

(4) Money collected under this section, to a maximum of \$5,000 per year, must be deposited in a county account for funding prosecutions by the county attorney under this section. Whenever the amount of money in a county account exceeds \$5,000, all fines must be deposited in the state general fund."

NEW SECTION. Section 2. Codification instruction.

[Section 1] is intended to be codified as an integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to [section 1].

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